

# What is a Manufactured Home?

## Fact Sheet

**The *Manufactured Homes (Residential Parks) Act 2003* (the Act) is the law that covers residents, owners and park managers in Queensland.**

The *Manufactured Homes (Residential Parks) Act 2003* (**MHRP Act**) states explicitly what constitutes a manufactured home. Only a dwelling which falls under this definition can be covered by the MHRP Act.

## Statutory definition of 'manufactured home'

### 10 What is a manufactured home

(1) A manufactured home is a structure, other than a caravan or tent, that—

- (a) has the character of a dwelling house; and
- (b) is designed to be able to be moved from one position to another; and
- (c) is not permanently attached to land.

(2) A manufactured home does not include a converted caravan.

(3) However, if a park owner and the owner of a converted caravan enter into an agreement, that would be a site agreement if it related to a manufactured home, for a site on which the converted caravan is positioned or intended to be positioned—

- (a) the converted caravan is taken to be a manufactured home; and
- (b) the agreement is taken to be a site agreement.

(4) To remove any doubt, it is declared that an agreement entered into under another Act or a former Act, other than the repealed Mobile Homes Act 1989, is not a site agreement under subsection (3).

Example—

A residential tenancy agreement entered into under the Residential Tenancies and Rooming Accommodation Act 2008 is not a site agreement under subsection (3).

## Exclusion of 'converted caravans' from the Act

In 2010, the Queensland Government amended the definition of a manufactured home to exclude converted caravans. Previously, converted caravan owners could apply to the Queensland Civil and Administrative Tribunal (**QCAT**) to obtain a site agreement if their dwelling fit the old definition of a 'manufactured home'. Site agreements obtained prior to the amendments are still legally valid and enforceable. A park owner and a converted caravan owner may still decide to 'opt in' to a manufactured home site agreement since the amendments came into force.

However there is now no automatic right to coverage for converted caravans under the MHRP Act, and QCAT can no longer order park owners to offer site agreements to converted caravan owners.

## Manufactured Homes (Residential Parks) Act 2003 or Residential Tenancies and Rooming Accommodation Act 2008 – which applies?

Sometimes manufactured home owners are incorrectly issued with a tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008* (**RTRA Act**).



The MHRP Act is meant to provide protection for all manufactured home owners whose dwelling is validly classified as a manufactured home, and who are subject to a 'site agreement'. The RTRA Act does not apply to these home owners. Section 37 of the RTRA Act states:

### **37 Agreements under Manufactured Homes (Residential Parks) Act 2003**

- (1) This Act does not apply to a residential tenancy agreement if the agreement is a site agreement.
- (2) However, subsection (1) does not prevent this Act from applying to a subsequent agreement.
- (3) In this section— subsequent agreement means an agreement under which home owner becomes a lessor under this Act.

The definition of a 'site agreement' under the MHRP Act is:

### **14 What is a site agreement**

A site agreement is an agreement between a park owner and a home owner that—

- (a) provides for—
  - (i) the rental by the home owner of particular land in a residential park; and
  - (ii) the positioning on the land of a manufactured home; and
  - (iii) the home owner's non-exclusive use of the park's common areas and communal facilities; and
- (b) includes provision about anything else required or permitted by this Act to be in the agreement.

Example for paragraph (b)—provision about how site rent may be increased

The definition of a site agreement is non-exhaustive, and agreements that are not in writing are still considered to be legally enforceable to the

extent that they are consistent with the terms of the MHRP Act.

Attempting to avoid or contract out of the MHRP Act is an offence which carries a penalty of 200 penalty units – currently \$22,000 for individuals and \$110,000 for companies.

### **How do I know if my dwelling is a 'manufactured home'?**

The makers of manufactured homes will often supply a certificate declaring that the home is a manufactured home on purchase. If you are purchasing a manufactured home on an existing site, you should receive this document from the previous owner. If you do not have this document, you may need to provide additional evidence to prove that your home is a manufactured home. This is also the case regarding so-called 'squareline caravans' which may fall under the definition of a manufactured home even though they are called a caravan, as they are not primarily designed to be towed behind a vehicle.

Additional evidence to support your claim can include:

- ❖ a report from a structural engineer,
- ❖ diagrams of floor plans
- ❖ photographs of the dwelling.

### **For free advice on Caravan & Manufactured Homes call:**

**Tenants' Union of Queensland (TUQ)  
07 3852 2064 – Tues & Wed**

### **For free tenancy advice call:**

**1300 744 263 – Statewide advice line**

9am – 12.30pm Mon Wed Thurs &  
3.30pm – 7pm Tues Wed

[www.tuq.org.au](http://www.tuq.org.au)