

Rights and responsibilities of home owners

As a home owner in a residential land lease community, or a prospective home owner, you have certain rights and responsibilities under the laws and the terms of your agreement.

Your rights as a home owner

Before you move in, you have a right to:

- a disclosure statement from the operator and a copy of the NSW Fair Trading publication *Moving into a Land Lease Community?*
- a written site agreement free of charge
- a site condition report on which you can add your comments
- a 14 day cooling-off period
- be told the dimensions of your site
- not be restricted in seeking advice
- not pay any fees or charges until you sign an agreement.

While you live in the community, you have a right to:

- privacy and quiet enjoyment of your home
- reasonable access to all common areas
- be given receipts for any money you pay
- proper written notice of site fee increases
- seek to be a member of the residents committee (if any)
- be a member of any external resident organisation
- decide whether or not to insure your home and contents
- be given 30 days' notice of a change to community rules
- security of tenure (your agreement can only be ended based on limited grounds set out by law)
- be protected from retaliatory conduct
- live in a community that is clean, well maintained, reasonably safe and secure
- reduced site fees if services and facilities are reduced, withdrawn or not delivered
- make alterations or improvements inside your home, and outside (with the operator's permission)

- a discounted electricity availability charge if your home is getting less than 60 amps
- have the operator or an employee contactable at reasonable times
- appoint an agent to receive notices
- reasonably accessible and secure mail facilities
- have additional occupants stay with you, which cannot be unreasonably refused
- be notified of a change of operator
- access dispute resolution services through NSW Fair Trading and the NSW Civil and Administrative Tribunal.

When you move out, you have a right to:

- sell your home onsite, without interference from the operator
- appoint a selling agent (including the operator) if you wish
- put a 'for sale' sign in or on your home
- remove any fixtures you have added to the site if you don't want them to be part of the sale
- receive compensation if your agreement is terminated in certain circumstances.

Your responsibilities as a home owner

Before you move in, you have a responsibility to:

- contact the operator to enable them to comply with their disclosure obligations
- ensure you have a written site agreement before moving in.

While you live in the community, you have a responsibility to:

- comply with your site agreement and the community rules
- only use your home as a place of residence unless the operator approves another use
- obtain the consent of the operator before allowing anyone else to move into your home

- obtain the consent of the operator before subletting your home
- obtain the consent of the operator before adding a fixture to the site or making an external alteration to your home (other than painting)
- only use the community's common areas only for their intended purposes
- ensure that you or your guests do not interfere with the peace, privacy and quiet enjoyment of the community by other residents
- ensure your home is not used for illegal purposes
- pay site fees and other charges required under the site agreement on time
- take care of community property and ensure your guests do not damage or destroy the community's common areas
- maintain your home in a reasonable state of cleanliness and repair and to keep your site tidy and rubbish-free
- not plant a tree without the consent of the operator
- notify the operator of any damage to the residential site or the community common areas caused by you or your guest
- not harass or intimidate the operator or employees and agents of the operator
- ensure that you do not adversely affect the work health and safety of any person working in the community
- notify the operator if you intend to leave your home unoccupied for more than 30 days
- give the operator (including his or her employees and agents) reasonable access to your site as permitted under the site agreement or under the relevant laws
- respect any notice to comply with the community rules.
- refer any respective purchasers of your home to the operator so that they can comply with their disclosure obligations
- pay all agreed fees and charges under the site agreement or selling agency agreement
- not leave rubbish or goods behind which are not part of the sale.

When you move out, you have a responsibility to:

- not use the operator or an agent to sell your home without a written selling agency agreement
- not place a 'for sale' sign on any property belonging to the operator without consent