



COMMUNITY RULES



fact sheet

Home owners in New South Wales have rights under the *Residential (Land Lease) Communities Act 2013* and the *Residential (Land Lease) Communities Regulation 2015*. This fact sheet sets out the law in NSW regarding Community Rules—what they are, how they are made and changed, and what they can be about.

Community Rules

A community owner may make written community rules relating to the use, enjoyment, control and management of the community. Section 86 of the *Residential (Land Lease) Communities Act 2013* lists the topics that community rules can be made about. Community Rules can be made about any or all of the following:

- a) the making of noise;
- b) motor vehicle speed limits;
- c) the parking of motor vehicles;
- d) the disposal of refuse;
- e) the keeping of pets;
- f) the playing of games and other sports activities;
- g) the use and operation of communal facilities;
- h) maintenance standards for moveable dwellings, as they affect the general amenity of the community;
- i) the imposition of reasonable requirements regarding the landscaping and maintenance of any residential site on which any moveable dwelling is located; and
- j) any other matter prescribed by the regulation.

The Commissioner may publish model community rules that may be adopted by a community. A community rule cannot require the home owner to replace or remove an older home or to make upgrades or improvements to a home for any reason other than health and safety.

Home owners, community owners and operators all must comply with the community rules. This means, for example, that if home owners are to drive at a certain speed in the

community, so must the community operator and owner.

The community rules are the same for every home owner. There is only one set in force at any time, and the rules that apply are the last ones that were validly made or amended, and served to each home owner. A community owner cannot make different community rules for different home owners.

Each home owner must receive 30 days' written notice of any amendment to the community rules, including the insertion of a new rule or the removal of an old one.

Community rules should be made in consultation with the residents committee if the community has one. Community rules equally apply to the community operator's employees and the home owner's visitors and occupants. It is the home owner's responsibility to make sure visitors abide by the community rules.

If a dispute arises in relation to a new, amended, or existing community rule, a home owner may apply to the Tribunal for a determination on the matter.

For further advice and information on community rules, please contact your local affiliate or contact ARPRA on **1300 798 399**. More advice is also available from NSW Fair Trading on **133 220**.

www.arpra.org.au
www.fairtrading.nsw.gov.au

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