



Llywodraeth Cymru
Welsh Government

Mobile Homes – Know Your Rights

Keep this leaflet safe. It contains important information about changes to your legal rights

October 2016



Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Introduction

The Mobile Homes (Wales) Act 2013

If you own a mobile home in Wales, this leaflet gives you important information about the changes to the law following the introduction of the Mobile Homes (Wales) Act 2013.

The new law is designed to give more rights and increased protections for mobile home owners who live permanently on a residential site. One of the most important changes makes it easier for you to sell your home on the open market, without involvement from the site owner.

The changes in the law come into effect on the 1 October 2014. This leaflet summarises the main changes that may affect you.



How the law has changed

Pitch fees

There are new rules about how site owners carry out a pitch fee review and what can be included in the review. Site owners will have to use a special form to tell home owners about any proposed changes to the fee and how this has been worked out. Before pitch fees can be raised, the site owner has to get home owners agreement to the proposed change or go to a tribunal. Another important change in Wales is that pitch fees can now only be raised in line with the Consumer Price Index (previously the Retail Price Index applied).

For more information see page 4.

Selling or gifting your home

In the past, site owners have had a say in who home owners could sell or give their home to and some have made it difficult for residents to sell their home for its real value.

The new law means that home owners do not need the site owner to approve their buyer – but if a home owner bought or was gifted their home before 1 October 2014, the home owner will need to tell the site owner who their buyer is. The site owner cannot object to the proposed buyer without going to a tribunal.

For more information see page 4.



The rules for your site

Changes have been made to what can and cannot be included in site rules. Many rules previously used to restrict home owners' activities or give an unfair economic advantage to the site owner are no longer permitted. For a site owner to add or remove any site rules, they must first consult with home owners about the changes. Site owners must carry out a review of all site rules by 1 October 2015.

For more information see page 6.

Local authority licensing

From 1 October 2014, local authorities will have more power to make sure that site owners are complying with the terms of their site licence (which must be displayed by the site owner). Local authorities will be renewing all site licences from 1 October 2014. They are able to charge for licensing, request site owners carry out necessary works and prosecute and fine those who fail to comply with site licence conditions.

The courts will be able to impose unlimited fines on those found guilty of non-compliance or harassment and site managers must pass a 'fit and proper person' test to manage a site. Anyone with a history of criminal offences or breaches of licence agreements will be refused a site licence.



Pitch fees

Mobile home owners have to pay a pitch fee to the site owner to rent the land their mobile home sits on.

The site owner can propose changing the pitch fee once a year. The pitch fee can only be increased or decreased based on the Consumer Price Index (CPI). Previously, the Retail Price Index (RPI) was used. CPI is a fairer indicator to use as it is linked to pensions and fixed incomes. The site owner must give home owners 28 days notice in writing and use the standard form called the **Pitch Fee Review Form**. The form explains the process and your rights.

If the mobile home owner and site owner cannot agree on a new fee, the site owner or a home owner can apply to a tribunal. Until the tribunal reaches a decision, the mobile home owner should continue to pay their current fee.

Selling and Gifting your home

As a mobile home owner, you have a right in law to sell your home on the open market. You can also give it (gift it) to a member of your family.

The site owner no longer has the right to approve the buyer or family member but the buyer or family member will have to meet any site rules if they want to live on the park.

It was already illegal for site owners to:

- evict you without a court order
- harass you into giving up your home
- prevent you from exercising your right, for example your right to sell your home.

From the 1 October 2014 it is illegal for site owners to:





- Give false or misleading information that would interfere with your sale

Also, site owners can't:

- insist you tell them that you want to sell your home
- insist that they agree to the sale
- interfere with your right to sell
- insist on approving the buyer. You don't have to give contact details or references and your buyer does not need to have any contact or interview with the site owner
- stop you from using a solicitor or estate agent to sell your home
- make you or your buyer carry out a survey.

Selling or gifting your home

If you originally bought or were given your home before 1 October 2014 (ie before the new law came into force)

|  Step 1 Find a buyer |  Step 2 Tell the site owner |  Step 3 Complete the sale and move out |  Step 4 The buyer takes over the agreement |
|---|--|--|--|
| <p>Once you have found a buyer, you should fill out the Buyer's Information Form.</p> <p>This gives the buyer important information about the sale and the site, its rules, the utilities and your pitch agreement with the site owner.</p> <p>We recommend that you speak to a professional adviser, such as a solicitor.</p> | <p>You and the buyer fill in the Notice of Proposed Sale Form and give it to the site owner.</p> <p>On the form, your buyer needs to confirm that they comply with site rules eg regarding pets, parking and age restrictions.</p> <p>If the site owner objects If the site owner has evidence that the buyer does not meet the site rules, they can apply to a tribunal for a refusal order.</p> <p>The site owner has 21 days to apply and tell you they have done so. If they do not contact you and apply to a tribunal, you can go ahead with the sale.</p> <p>If there is a tribunal, they may ask for more information from you and the buyer.</p> <p>If the tribunal grants the refusal order, your sale cannot go ahead to that particular buyer and the process must start again.</p> <p>If the tribunal decided in your favour, you can go ahead with the sale.</p> | <p>You can complete the sale if:</p> <ul style="list-style-type: none"> The site owner does not tell you that they object within 21 days <p>or</p> <ul style="list-style-type: none"> If a tribunal decides in your favour. <p>or</p> <ul style="list-style-type: none"> If you bought or were gifted your home after 1 October 2014 you will not have to tell the site owner until you have completed the sale, the site owner cannot apply for a refusal order. <p>Fill in the Assignment Form which transfers the pitch agreement to your buyer.</p> <p>The buyer pays you 90% of the sale price.</p> | <p>The buyer now owns your home.</p> <p>They have seven days to tell the site owner, using the Notice of Assignment Form and showing evidence of payment.</p> <p>The site owner gives their bank details to the buyer, who has seven days to pay 10% of the sale price as commission to the site owner.</p> |
| <p>Homes bought or gifted after 1 October 2014</p> <p>If you bought or were gifted your home after 1 October 2014 you will not have to tell the site owner until you have completed the sale and the site owner cannot apply for a refusal order.</p> <p>You can go from step 1 straight to step 3</p> | | | |

Gifting your home to a relative

- You need to provide all the financial information and rules about the site to your relative outlined in step 1. You do not need to fill in the Buyer's Information Form.
- You need to complete the **Notice of Proposed Gift Form** which is similar to the **Notice of Proposed Sale Form** outlined in step 2.
- If a site owner objects, they must apply to a tribunal for a refusal order.
- No payments are made at step 3 and step 4 when a home is gifted.

Site Rules

Site rules help mobile home communities run smoothly. They allow site owners to manage the site according to the rules and help residents to know their rights and responsibilities in living on the site. However, at present, site rules can be used by site owners to get around resident's rights or to give site owners an unfair economic advantage.

From 1 October 2014, site rules must relate to the management and conduct of the site. Any rule that seeks to bypass the new law will not be allowed.

From 1 October 2014, all site owners will have until 1 October 2015 (one year) to:

- review existing rules
- consult with residents on new rules
- publish proposed rules
- deal with any appeals
- deposit the new rules with the local authority.



The site owner must consult with the site residents on the proposed new site rules using a **Form of Proposal Notice**. The consultation should be for a minimum of 28 days and include:

- the proposed rules
- why it is proposed each of the rules are adopted
- the effect of adopting each rule
- include a list of banned rules.

The site owner must publish the outcome of the consultation using a **Form of Consultation Response document**, setting out the new rules, the number of responses received and the appeal procedure. The site owner must then lodge the new rules with the local authority.

When the local authority is satisfied that the new rules meet the new procedures, the new rules are adopted and will form part of your written agreement.



Frequently Asked Questions

By removing the owner's role in approving sales, does that mean that anybody can move onto a site?

No. Anybody who moves onto the site will need to abide by the site rules (eg an age rule where only people over 50 years old can become residents). Removing the site owner's role in sales ensures that they can no longer block sales and allows mobile home owners to sell their home on the open market. The seller is responsible for ensuring that the buyer has all the relevant information, and can abide by the site rules, before the purchase is finalised. If you do not provide all the necessary information your purchaser could take legal action against you in the future.

Will these changes affect my plans for leaving my home in my will when I die? Do I need to tell my family anything?

No. You can still leave your home to anyone you choose. The person who is left your home after you die would, however, only be able to live there if they comply with the site rules. We always recommend that you discuss your wishes with your family so that they are prepared.

Why are you requiring site owners to review their site rules over the next year?

Currently, site rules can be used which may prevent mobile home owners from carrying out certain activities or which give the site owner an unfair advantage or economic benefit. The changes to the law ban any such rules and make sure that rules are only made which ensure good site management and community well-being. By making sure that residents are consulted about any changes, residents are given the opportunity to help make new rules that best suit their community.

What happens if my site owner does not review the site rules by 1 October 2015?

Any rules made before 1 October 2014 will continue to have effect for twelve months or until any new rules are made. If a site owner hasn't completed the consultation process before the end of 1 October 2015, the existing rules will cease to have effect.

What do I do if I have a disagreement with the site owner/manager about the pitch my mobile home is sited on?

Disagreements are best resolved through direct communication between the site owner/manager and the resident/residents. If communication has broken down, you should speak to your local authority to seek their advice. Local authorities have an enhanced role in licensing sites and in making sure that conditions on sites are as described in the site licence. They will be best placed to advise on the most suitable way forward if you aren't able to resolve the issue yourself.

Further Information

Information sheets

This leaflet is just a summary of the new rules about how sites will be managed and the process for selling or gifting your mobile home.

More information on each area will be made available in the following information sheets from 1 October 2014:

1. Selling and Gifting a Mobile Home.
2. Pitch fees.
3. Site Rules.
4. Qualifying Residents' Associations.
5. Going to a Tribunal.
6. Written Statements.

You will need the following forms if you want to sell or gift your home. They make sure that you and your buyer have all the information and documents you need. If you don't use them, you may be breaking the law.

1. Buyer's Information Form.
2. Notice of Proposed Sale Form.
3. Assignment Form.
4. Notice of Assignment Form.
5. Notice of Proposed Gift Form.

The information sheets and forms will be made available from 1 October at www.wales.gov.uk/topics/housing-and-regeneration/legislation/mobile-homes-act/?lang=en

If you do not have access to a computer, you can ask your local library, Citizens Advice Bureau or your local authority to help you get copies.

We recommend that you get help from an independent professional adviser, such as a solicitor when carrying out a sale. They should be independent of the site owner.

The Law Society will be able to help you find a solicitor. You can find out more by visiting their website www.lawsociety.org.uk/findasolicitor or phoning 020 7320 5650

For information about the Residential Property Tribunal, you can find out more by visiting www.rpt.wales.gov.uk/?skip=1&lang=en or phoning 029 2092 2777

Local Authority Contacts

Your local authority is responsible for managing the licence of your site owner. If you have concerns about conditions on your site we recommend that you discuss these with your site owner/manager. It is always better to try and resolve any site issues between you first. However, if you can't do this, you can contact your local authority for more information and advice.

Local authority contacts for each area:

| | |
|---------------------------------|----------------------------------|
| Blaenau Gwent – 01495 354600 | Merthyr Tydfil – 01685 725000 |
| Bridgend – 01656 643643 | Monmouthshire – 01291 635711 |
| Caerphilly – 01495 235213 | Neath Port Talbot – 01639 685678 |
| Cardiff – 029 2087 2087 | Newport – 01633 656656 |
| Carmarthenshire – 01554 899244 | Pembrokeshire – 01437 775482 |
| Ceredigion – 01545 572179 | Powys – 0845 6027037 |
| Conwy – 01492 575279 | Rhondda Cynon Taf – 01443 425001 |
| Denbighshire – 01824 706449 | Swansea – 01792 635600 |
| Flintshire – 01352 703404 | Torfaen – 01633 647287 |
| Gwynedd – 01766 771000 | Vale of Glamorgan – 01443 700111 |
| Isle of Anglesey – 01248 752820 | Wrexham – 01978 315579 |