



Department for
Communities and
Local Government

Department for Communities and Local Government - Fact sheet

Understanding the Mobile Homes Act 1983 - Qualifying Residents' Associations

This fact sheet gives some basic guidance about qualifying residents' associations under the Mobile Homes Act 1983. It applies to you if you live in a mobile home as your permanent home on a park home site, local-authority traveller site or on a private traveller site, where pitches are rented. The fact sheet applies to sites in England.

When we refer to a home in this fact sheet, we mean a mobile home (including a park home) or caravan.

This fact sheet is not a full statement of the law and does not cover all cases. Only tribunals or the courts can give an interpretation of the law that applies. If you need more advice or information about your legal rights or responsibilities, you should contact a citizens advice bureau or a solicitor.

Introduction

Since 2006, the law on mobile homes has included a specific role for qualifying residents' associations on sites. An association that meets relevant conditions will be a 'qualifying residents' association' and must be recognised by the site owner. The owner must consult the association on proposed changes to operating and managing the site and improvements to it that they plan to make.

The site owner must also consult individual residents about improvements to the site and especially about any spending on improvements that the site owner wants to take into account at the next pitch review.

Forming a qualifying residents' association

What conditions does the association need to meet to become a qualifying residents' association?

- 1.1 The conditions for becoming a qualifying residents' association are laid down in law and are as follows.
- The association must represent the owners of the homes on the particular site.
 - At least 50% of the people living in the homes on the site must be members of the association. In working out the percentage of residents, each home is considered as having one person living there. If there is more than one person living in the home, the person whose name appears first on the written agreement is the one who would count in working out the 50%.
 - The association must have no links to the site owner and they, or any of their agents or employees, cannot be members.
 - Membership must be open to all residents who live in homes on the site, for example both a husband or wife or two partners can be members of the association as long as both jointly own and live in the home.
 - The association must keep an up-to-date list of members which is open for the public to inspect, together with the rules and constitution of the association.
 - The association must have a chair, secretary and treasurer who are elected by and from among the members.
 - Apart from administrative decisions taken by the chair, secretary and treasurer, decisions are taken by voting. In any ballot, only one vote can be allowed for each home. (So, if there are two or more members living in the same home, they must decide between themselves how to use that vote.)
 - The site owner must acknowledge, in writing, to the secretary that the association is a qualifying residents' association.
 - If the association has not been recognised by the site owner, a residential property tribunal may make an order that the association is a qualifying residents' association.
- 1.2 A suitable template for a constitution has been drawn up jointly by the Independent Park Home Advisory Service, the National Association of Park Home Residents, the British Holiday & Home Parks Association, and the National Park Homes Council. Please contact them for a copy of the template; for contact details please see below. By using this template the site owner is less likely to object.

Independent Park Home Advisory Service
Tel: 0800 612 8938
E mail: info@iphas.co.uk
Website: www.iphas.co.uk

National Association of Park Home Residents
Tel: 01492 535677
Email: jim@naphr.org
Website: www.naphr.org

National Park Homes Council
Tel: 01252 336092
Email: info@nationalcaravan.co.uk
Website: www.nationalcaravan.co.uk

British Holiday & Home Parks Association
Tel: 01452 526911
E-mail: enquiries@bhpha.org.uk
Website: www.bhpha.org.uk

What if I have several mobile homes on a pitch?

- 1.3 Under section 1(1)(b) of the Mobile Homes Act 1983 a person may only live in one home at a time (as their only or main home). If you have two homes on the pitch, then for the purpose of working out the 50% qualifying condition, only one home would count. You (together with any person who jointly owns the home) would also be entitled to be a member of the qualifying residents' association for that one home. In other words, only one home can be counted for meeting the qualifying association test and being a member of the association.
- 1.4 However, if there are two or more homes on a pitch and each home is owned by different people, only the first-named person on the agreement (if there are two or more owners who live there) for each home should be counted when working out the 50% qualifying condition. However, each of the owners who live there can be members of the qualifying residents' association.

How does the qualifying residents' association get the site owner's acknowledgment?

- 1.5 The association should write to the site owner setting out how they meet the above conditions and ask the owner to write to the secretary of the association to acknowledge that it is a qualifying residents' association.

What happens if the site owner does not respond to or fails to acknowledge the association?

- 1.6 The association may apply to a residential property tribunal for an order to say that it is a qualifying residents' association. The association should be prepared to provide enough evidence to show that it meets the necessary conditions.
- 1.7 You can find more details on the residential property tribunal in our fact sheet Mobile Homes 1983 - disputes and proceedings.
- 1.8 You can get application forms and other information on the residential property tribunal from the website www.justice.gov.uk.

What happens if a qualifying residents' association that the site owner has acknowledged no longer meets the conditions to qualify?

- 1.9 If an association no longer meets the conditions listed above, it cannot be considered to qualify. As such, the consultation rights set out below will not apply. A site owner may, if they want, discuss operating and managing the site with the association, but does not have to by law.

What happens if the owner of the site changes?

- 1.10 If the owner of a site changes, the qualifying residents' association does not need to ask the new owner for acknowledgement as there is no change in its status.

What happens if a site owner demands minutes of meetings, a photocopy of the membership list and so on?

- 1.11 The site owner may reasonably ask to see the constitution and the association's rules and the membership list so they can check that the association meets the conditions for qualifying. However, they are not entitled, for example, to minutes of meetings or to interfere in any way with how the association is run.

Rights of the qualifying residents' association

What rights does a qualifying residents' association have?

- 2.1 A site owner must consult the association about all matters which relate to operating or managing the site or about improvements to it if it affects the occupiers either directly or indirectly.
- 2.2 The rules say that the site owner must:
- give the association at least 28 days' notice in writing of the matters they need to consult about;
 - describe the proposed changes and how they may affect occupiers, either directly or indirectly, in the long and short term;
 - explain when and where the association can make comments and
 - take into account any comments made by the association before going ahead with the proposed changes.

Residents' associations that do not qualify

Are residents' associations that do not meet the conditions for a qualifying residents' association allowed to continue or to be set up?

- 3.1 Yes, an existing residents' association can continue or a new one can be set up even if you do not meet the conditions above. Residents' associations on sites are frequently informal and many fulfil a number of roles - for example, they act as a social club.
- 3.2 However, the consultation rights set out above will not apply. Although a site owner can, if they want, discuss operating and managing the site with any residents' association, they do not have to by law. The site owner must also consult residents about improvements which may result in a change to the pitch fee.