

Park homes: know your rights

Keep this booklet safe. It is about
changes to your legal rights.

June 2013



Department for
Communities and
Local Government



The Mobile Homes Act 2013

This new law gives more rights to people who live in their own home on a protected site. The most important changes make it easier for you to sell your home on the open market, without interference from the owner of the park where you live.

The changes came into effect on 26 May 2013.
This leaflet summarises the main ones.

If you have questions, or want more information, you can call the Leasehold Advisory Service – LEASE. They provide free and unbiased advice.

020 7832 2525

LEASE also have information on their website:
www.lease-advice.org

Please remember that LEASE can only give you initial advice. They cannot act as your representative or deal with your paperwork. If you want to sell or gift your home, we strongly recommend that you get help from an independent professional adviser, such as a solicitor. You can ask for help from LEASE or go to www.lawsociety.org.uk/findasolicitor



How the law has changed

Pitch fees

There are new rules about how site owners review pitch fees and what can be included in the review. Site owners will have to use a special form to tell you about this. Before they can raise pitch fees, they have to get your agreement or go to a tribunal.

See page 4 for more on pitch fees.

Selling or gifting your home

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

The new law means you do not need to seek the site owner's approval of the buyer – but if you bought or were gifted your home before 26 May 2013, you will need to tell them who your buyer is.

See page 5 for more on selling or gifting your home.

The rules for your site

From 26 May 2013, any site rules that interfere with the sale or gift of a home are banned. Other changes about site rules will be announced later in the year.

Local authority licensing

From 1 April 2014, local authorities will be better able 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 able to charge for licensing, require site owners to carry out necessary works and prosecute those who fail to comply. The courts will be able to impose unlimited fines on those found guilty of non-compliance.

Pitch fees

You have to pay a pitch fee to the site owner to rent the land your park home sits on.

The site owner can propose changing the pitch fee once a year. They must give you 28 days' notice in writing, and use a standard form called the Pitch Fee Review Form. This form explains the process and your rights.

If you and the site owner can't agree on a new fee, the site owner can apply to a tribunal. Until the tribunal reaches a decision, you should continue to pay your current fee.



Selling or gifting your home

As a park 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 does not have 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.

The diagram on the **next page** explains the process for selling or gifting your home.

There is also a fact sheet available – **see page 8**.

Your rights improved on 26 May 2013

✗ 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 rights – for example, your right to sell your home.

If you believe that an illegal activity has taken place, contact your local council.

It can prosecute people for offences under the Caravan Sites Act 1968, which may result in large fines or even prison.

✗ Now it is also illegal for the site owner to:

- give false or misleading information that would interfere with your sale.

✗ As well as this, **site owners cannot now impose rules that:**

- make you tell them that you want to sell your home or insist that they have to agree to the sale
- interfere with your right to sell
- insist on approving your buyer. You do not have to give contact details or references, and your buyer does not need to have any contact or an 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

This is the process if you owned your home **before 26 May 2013** and now want to sell or gift it on.

1

Buyer's Information Form

Find a buyer

Once you have found a buyer, you should fill in the **Buyer's Information Form**.

This gives the buyer important information about the site, its rules and your agreement with the site owner.

We recommend that you speak to a professional adviser, such as a solicitor.

People who did not own their home before 26 May 2013 will have a simpler process

People who bought or were gifted their home after 26 May 2013 will not have to tell the site owner until they have completed the sale.

They can go from **Step 1** straight to filling in the Assignment Form at **Step 3**.

2

Notice of Proposed Sale Form

Tell the site owner

You and the buyer fill in the **Notice of Proposed Sale Form** and give it to the site owner.

On the form, your buyer needs to confirm that they comply with the site rules, and in particular any rules about pets, parking and the age of residents.

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.

The site owner has 21 days to apply and tell you they have done so. If they don't, you can go ahead with the sale.

If there is a tribunal, it may ask for more information from you and the buyer.

If the tribunal grants the refusal order, your sale cannot go ahead to this buyer, and you must start again.

If the tribunal decides in your favour, you can go ahead with the sale.

3

Assignment Form

Complete the sale and move out

You can complete the sale if

- the site owner does not tell you that they object within 21 days
- or**
- if a tribunal decides in your favour.

Fill in the **Assignment Form**, which transfers the pitch agreement to your buyer.

The buyer pays you 90% of the sale price.

That's it – don't forget to give them a forwarding address.

90% payment to you

4

Notice of Assignment Form

The buyer takes over your agreement

The buyer now owns your home.

They have 7 days to tell the site owner, using the **Notice of Assignment Form**, and showing evidence of payment.

The site owner gives their bank details to the buyer, who has 7 days to pay 10% of the sale price as commission.

10% commission to site owner

Gifting your home to a relative

The process is similar, except:

- you have to provide your relative with all the financial information and rules about the site at Step 1. You do not need to fill in the Buyer's Information Form
- you use the **Notice of Proposed Gift Form** at Step 2
- no payments are made at Steps 3 and 4.

Notice of Proposed Gift Form

Further information

Fact sheets

This leaflet is just a summary of the new rules about how your site is managed, and the process for selling or gifting your home. There is more information in these fact sheets:

- Park homes: residents' rights and responsibilities
- Selling a park home
- Pitch fees and other payments to site owners
- Qualifying residents' associations
- Going to a tribunal.

Forms

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 do not use them, you may be breaking the law.

- Buyer's Information Form
- Notice of Proposed Sale Form
- Assignment Form
- Notice of Assignment Form
- Notice of Proposed Gift Form.

The diagram on **pages 6 and 7** explains what these forms are for.

We strongly recommend that you get help from an independent professional adviser, such as a solicitor. They should be independent of the site owner. You can ask for help from LEASE or go to www.lawsociety.org.uk/findasolicitor

These fact sheets and forms are available at:
www.gov.uk/park-mobile-homes

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

