



---

**An Bille um Láithreáin Thréigthe agus Láithreáin Fholmha, 2017**  
**Derelict and Vacant Sites Bill 2017**

---

*Mar a tionscnaíodh*

*As initiated*

---





---

**AN BILLE UM LÁITHREÁIN THRÉIGTHE AGUS LÁITHREÁIN FHOLMHA, 2017  
DERELICT AND VACANT SITES BILL 2017**

---

*Mar a tionscnaíodh*

*As initiated*

---

**CONTENTS**

Section

1. Expenses
2. Interpretation
3. Amendment of Act of 1990 – to increase the derelict site levy, make a publicly available register
4. Amendment of Act of 2004 – Restriction on termination of tenancies of buy-to-let dwellings
5. Amendment of Act of 2015 – to increase and bring into operation the vacant site levy by 2017
6. Short title, citation and commencement

ACTS REFERRED TO

Derelict Sites Act 1990 (No. 14)

Health Act 2007 (No. 23)

Housing Act 1988 (No. 28)

Planning and Development (Amendment) Act 2010 (No. 30)

Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)

Planning and Development Act 2000 (No. 30)

Residential Tenancies Act 2004 (No. 27)

Urban Regeneration and Housing Act 2015 (No. 33)



---

**AN BILLE UM LÁITHREÁIN THRÉIGTHE AGUS LÁITHREÁIN FHOLMHA, 2017**  
**DERELICT AND VACANT SITES BILL 2017**

---

# **Bill**

*entitled*

An Act to amend the Derelict Sites Act 1990 to increase the levy placed on derelict sites; 5  
to ensure the register of derelict sites compiled by a local authority is made publicly  
available on the local authority’s website; to ensure protection for the rights of older  
homeowners who have moved into residential care and own a derelict site; to amend the  
Urban Regeneration and Housing Act 2015 to extend the definition of a “vacant site” to  
include sites below 0.05 hectares; to bring into operation the entering of vacant sites on 10  
local authority registers starting June 2017; to ensure the notification of owners of  
vacant sites of their entry on the register by 2017; to secure payment of the vacant levy  
by those on the register from 2017 and payment of arrears no later than 2018; to increase  
the vacant site levy; to amend the Residential Tenancies Act 2004 to secure the rights of  
tenants in buy-to-let properties; and to provide for related matters. 15

**Be it enacted by the Oireachtas as follows:**

## **Expenses**

1. The expense of the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas. 20

## **Interpretation**

2. In this Act—  
“Act of 1990” means the Derelict Sites Act 1990;  
“Act of 2000” means the Planning and Development Act 2000;  
“Act of 2004” means the Residential Tenancies Act 2004; 25  
“Act of 2010” means the Planning and Development (Amendment) Act 2010;  
“Act of 2015” means the Urban Regeneration and Housing Act 2015.

**Amendment of Act of 1990 – to increase the derelict site levy, make a publicly available register**

3. The Act of 1990 is amended—

(a) in section 2 by the insertion of the following:

“ ‘designated centre’ has the meaning assigned to it by the Health Act 2007;

‘homeless’ has the meaning assigned to it by the Housing Act 1988.”,

(b) in section 8 by the insertion of the following:

“(10) The register, and the process by which sites are entered onto the register, shall be made publicly available online on the local authority’s website within 4 weeks of the commencement of the Planning and Development (Housing) and Residential Tenancies Act 2016.”,

(c) by the substitution of the following for section 14:

“14. (1) A local authority may acquire by agreement or compulsorily any derelict site situated within their functional area.

(2) Where the owner of a property has been admitted to a designated centre, the provisions of this section are subject to further regulations by the Minister under section 4.”,

and 20

(d) in section 23—

(i) in subsection (3) by substituting “five per cent” for “three per cent”, and

(ii) by the insertion the following new subsection after subsection (10):

“(11) Where the owner of a property has been admitted to a designated centre, the provisions of this section are subject to further regulations by the Minister under section (4).”.

**Amendment of Act of 2004 – Restriction on termination of tenancies of buy-to-let dwellings**

4. The Act of 2004 is amended—

(a) in section 4 by the insertion of the following: 30

“ ‘investment mortgage’ means a mortgage which has been taken out as security in respect of a residential property that was not at the time of its purchase intended to serve as the principal private residence of the mortgagee, and is subsequently the subject of a tenancy agreement;”,

35

and

(b) by inserting the following section after section 34:

#### **“Part 4 tenancy may not be terminated**

- 34A.** (1) A Part 4 tenancy may not be terminated by the landlord on the ground specified in paragraph 3 of the Table to section 34 where the property to which the tenancy agreement relates is the subject of an existing investment mortgage. 5
- (2) Subsection (1) applies to all tenancies, including a tenancy created before the coming into operation of this section.
- (3) Where, immediately before the coming into operation of this section, a notice of termination has been served on a tenant in reliance upon a ground provided for in paragraph 3 of the Table to section 34, section 34 shall continue to apply to that notice as if this section had not been enacted.”. 10

#### **Amendment of Act of 2015 – to increase and bring into operation the vacant site levy by 2017**

- 5.** The Act of 2015 is amended— 15
- (a) in section 5(2) by the deletion of “exceeding 0.05 hectares”,
- (b) in section 6 by the insertion of the following subsection after subsection (7):
- “(8) A local authority may acquire by agreement or compulsorily any vacant site situated within their functional area for housing purposes.”,
- (c) in section 11— 20
- (i) in subsection (1) by the substitution of “1 October 2017” for “1 June 2018” and “1 June 2017” for “1 January 2018”, and
- (ii) in subsection (1)(c) by the substitution of “2017” for “2018”,
- (d) in section 15—
- (i) in subsection (1) by the substitution of “2017” for “2018”, and 25
- (ii) in subsection (3), by the substitution of “2018” for “2019”,
- and
- (e) in section 16—
- (i) in subsection (1), by the substitution of “5 per cent” for “3 per cent”, and
- (ii) by the insertion of the following subsection after subsection (2): 30
- “(2A) Subsection (2) does not apply to a site that is owned in the course of a business that consists of dealing in or developing land.”.

#### **Short title, citation and commencement**

- 6.** (1) This Act may be cited as the Derelict and Vacant Sites Act 2017.
- (2) This Act shall come into operation within 4 weeks of the commencement of the Planning and Development (Housing) and Residential Tenancies Act 2016 by the Minister for Housing, Planning and Local Government. 35

An Bille um Láithreáin Thréigthe agus  
Láithreáin Fholmha, 2017

# BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Láithreáin Thréigthe, 1990 chun an tobhach a chuirtear ar láithreáin thréigthe a mhéadú; dá áirithiú go ndéanfar clár na láithreán thréigthe arna thiomsú ag údarás áitiúil a chur ar fáil go poiblí ar shuíomh gréasáin an údaráis áitiúil; dá áirithiú go gcosnófar cearta úinéirí teaghaise scothaosta atá tar éis aistriú go dtí cúram cónaithe agus a bhfuil láithreán thréigthe ar úinéireacht acu; do leasú an Achta um Athbheochan Uirbeach agus Tithe, 2015 chun an míniú ar “láithreán thréigthe” a leathnú chun go bhfolófar ann láithreáin faoi bhun 0.05 heicteár; dá thabhairt i ngníomh láithreáin fholmha a iontráil ar chlár údaráis áitiúil, ag tosú i Meitheamh 2017; dá áirithiú go dtabharfar fógra d’úinéirí láithreán folamh á rá go n-iontrálfar iad ar an gclár faoi 2017; dá áirithiú go n-íocfaidh na húinéirí sin atá ar an gclár an tobhach folamh ó 2017 agus go n-íocfar riaráistí tráth nach déanaí ná 2018; do mhéadú an tobhaigh láithreáin fholaimh; do leasú an Achta um Thionóntachtaí Cónaithe, 2004 chun cearta tionóntaí atá i maoine ceannach lena ligean a áirithiú; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Seanadóirí Grace O’Sullivan, Colette Kelleher,  
Lynn Ruane, Alice-Mary Higgins, Prionsios Ní  
Dhuibhe agus John Dolan a thug isteach,*

*2 Feabhra, 2017*

Derelict and Vacant Sites Bill 2017

# BILL

(as initiated)

entitled

An Act to amend the Derelict Sites Act 1990 to increase the levy placed on derelict sites; to ensure the register of derelict sites compiled by a local authority is made publicly available on the local authority’s website; to ensure protection for the rights of older homeowners who have moved into residential care and own a derelict site; to amend the Urban Regeneration and Housing Act 2015 to extend the definition of a “vacant site” to include sites below 0.05 hectares; to bring into operation the entering of vacant sites on local authority registers starting June 2017; to ensure the notification of owners of vacant sites of their entry on the register by 2017; to secure payment of the vacant levy by those on the register from 2017 and payment of arrears no later than 2018; to increase the vacant site levy; to amend the Residential Tenancies Act 2004 to secure the rights of tenants in buy-to-let properties; and to provide for related matters.

*Introduced by Senators Grace O’Sullivan, Colette  
Kelleher, Lynn Ruane, Alice-Mary Higgins, Frances  
Black and John Dolan,*

*2nd February, 2017*

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,

52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.

(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)

nó trí aon díoltóir leabhar.

DUBLIN

PUBLISHED BY THE STATIONERY OFFICE

To be purchased from

GOVERNMENT PUBLICATIONS,

52 ST. STEPHEN’S GREEN, DUBLIN 2.

(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)

or through any bookseller.

€1.27

ISBN 978-1-4064-6133-6



9 781406 461336