

# OVERSEAS INVESTMENT ACT

## What you need to know



# Can you buy a home in New Zealand to live in?

Most overseas people are not able to buy homes in New Zealand to live in, but some can apply to the Overseas Investment Office for consent.

**You don't need consent if...**



- You are a New Zealand, Australian or Singaporean citizen.
- You have a New Zealand, Australian or Singaporean Permanent Resident visa and live in New Zealand.\*
- You have a New Zealand Resident visa and live in New Zealand.\*

\*You have lived in New Zealand for at least 183 days in the past 12 months.

**You must apply for consent to buy one home to live in if...**



- You have a New Zealand Permanent Resident or Resident visa and do not live in New Zealand.\*
- You have an Australian or Singaporean Permanent Resident visa and do not live in New Zealand.\*

\*To get consent you'll need to live in New Zealand, and if you stop living here, you'll have to sell.

**You can't buy one home to live in if...**



- You have a Temporary visa, such as a visitor, student, working holiday, or work visa (you don't have a Permanent Resident or Resident visa).

There are other ways you may be able to invest in property.

## Check if you can buy

Visit the Ministry of Business, Innovation & Employment website at <https://www.newzealandnow.govt.nz/overseas>

## What types of homes are affected?

These laws apply to homes that are classed as 'residential' or 'lifestyle' on the District Valuation Roll. You can check properties on websites, such as [www.qv.co.nz](http://www.qv.co.nz), or ask the local council.



## Everyone must make a 'Statement'

All buyers must complete a Residential Land Statement to say whether they are eligible to buy. Your conveyancer can help you do this.

If you must apply or cannot buy, it is especially important that you first talk to your conveyancer before you sign the sale and purchase agreement. If you need to sign it urgently, you can make the agreement conditional on the consent of the Overseas Investment Office.

If you need consent, but sign an unconditional agreement without it, you may face significant penalties. If you make a false statement, you could be fined up to \$300,000.

## Apply for consent

To apply to the Overseas Investment Office for consent to buy one home to live in visit [www.linz.govt.nz/oio/live](http://www.linz.govt.nz/oio/live).

## Learn more

This leaflet gives general guidance for people who want to buy a home to live in. There are special rules for overseas people who want to invest in New Zealand property, but not live in it, including buying rental property or land that is rural or next to a lake, river, reserve or the sea.

These rules are complex, and you will need the help of a New Zealand property lawyer. Visit the Overseas Investment Office at [www.linz.govt.nz/oio](http://www.linz.govt.nz/oio) to learn more.



# ATTENTION

## PROVING YOUR IDENTITY

From 1 July 2018, lawyers and conveyancers are required to verify the identity<sup>1</sup> of their clients in accordance with anti-money laundering legislation. If your lawyer cannot verify your identity in line with the legislation, they will not be able to act for you. If your lawyer cannot act for you, you may not be able to satisfy the conditions of your property purchase and will not be able to settle your property purchase or sale.

As identity verification can take days and sometimes weeks if a trust or company is involved, we **strongly recommend** that you contact your lawyer as soon as possible to have your identity verification completed.

The below gives an **indication** of some the documents your lawyer may ask you to present in person or as a certified document as part of this process:



### Individuals:

Passport, NZ Firearms Licence or NZ Driver Licence with another document such as a bank statement or statement issued by a Government agency. You will also need to provide a document with your residential address (for example, a utility bill).



### Trusts:

The Trust Deed and, for all trustees and settlors, the information required for individuals as noted above, together with information regarding the Trust's source of funds or wealth. Additional information may also be required for beneficiaries and appointers.



### Companies:

Details of the company, together with the information for individuals noted above for every individual with more than a 25% shareholding, all individuals with effective control of the company and all individuals acting on behalf of the company. Information regarding source of funds or wealth may also be required.

*Note: The above list is not exhaustive and is indicative only. Your lawyer will assist you with the specific requirements in relation to your situation.*

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<sup>1</sup> Lawyers are required to complete a "Customer Due Diligence" process in accordance with the Anti-Money Laundering and Countering Financing of Terrorism Act 2009

# INVESTING IN NEW ZEALAND

From 22 October 2018

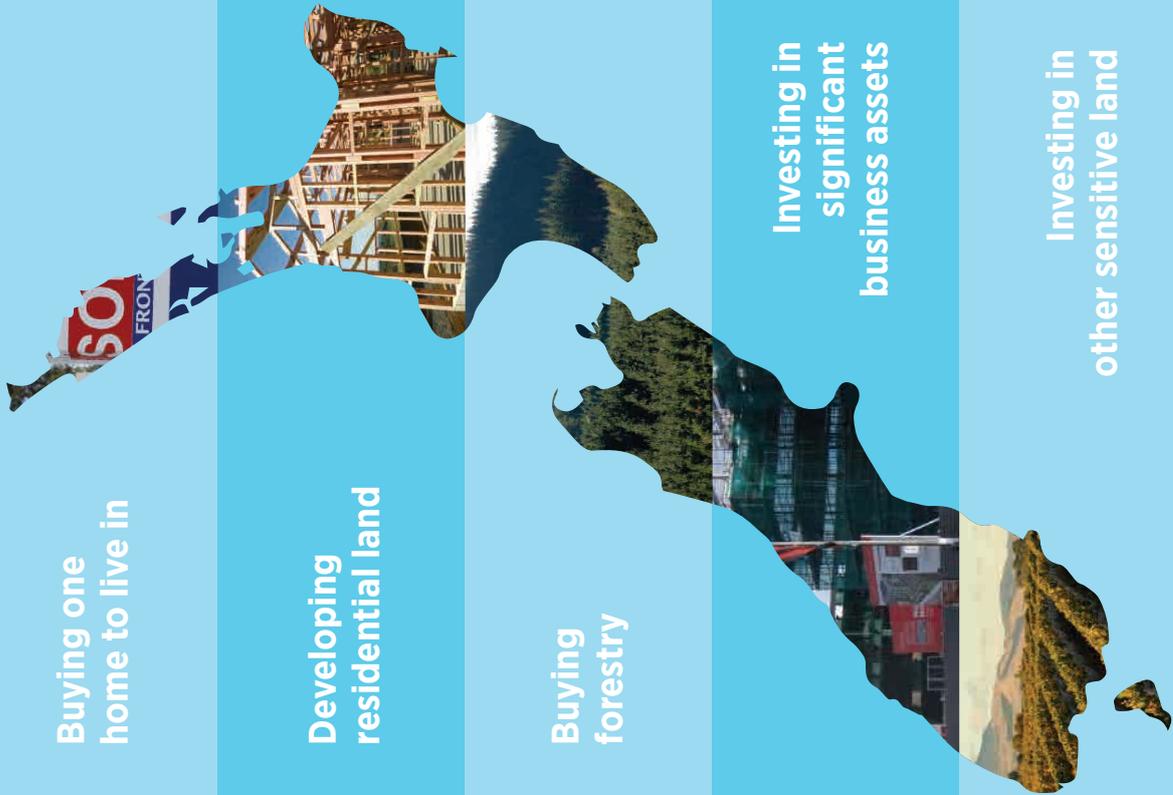
Buying one home to live in

Developing residential land

Buying forestry

Investing in significant business assets

Investing in other sensitive land



New Zealanders and Residents who live here; and New Zealand-owned companies and trusts

OK TO BUY

Residents who live overseas; and businesses that are more than 25% overseas-owned or controlled

CONSENT REQUIRED

CONSENT REQUIRED

CONSENT REQUIRED

CONSENT REQUIRED

CONSENT REQUIRED

Australian and Singaporean: Citizens; and Permanent Residents who live in New Zealand

OK TO BUY

OK TO BUY

CONSENT REQUIRED\*

CONSENT REQUIRED

CONSENT REQUIRED

Other overseas people

WON'T GET CONSENT

CONSENT REQUIRED

CONSENT REQUIRED

CONSENT REQUIRED

CONSENT REQUIRED