



One Home to Live In

Eligibility and scenarios

Most overseas people are not able to buy homes in New Zealand, but certain overseas people can apply to the Overseas Investment Office for consent to buy one New Zealand home and live in it. It is important that you find out whether you need consent to buy before you sign a sale and purchase agreement as there are significant penalties if you don't get consent first. These laws apply to homes that are categorised as 'residential' or 'lifestyle' on the District Valuation Roll. The Commitment to Reside test is only available for Residential Land.



You are ordinarily resident in New Zealand if you have been living in New Zealand for at least 12 months, have been present in New Zealand for at least 183 days of those 12 months, hold a New Zealand residence class visa (or are a citizen or permanent resident of Australia or Singapore), and are a New Zealand tax resident.

Residential Land is sensitive land with a property category of 'residential' or 'lifestyle'. Check the property category of the land you wish to purchase at www.qv.co.nz.

Otherwise Sensitive Land is residential land that has other characteristics, for example rural land (including lifestyle blocks) larger than 5 hectares, and some coastal land. You can find the full list of sensitivities under Schedule 1 of the Overseas Investment Act 2005. We recommend that you get a sensitive land certificate if you are unsure about the land you are purchasing.

No consent needed 	Consent needed 	Unable to purchase 
<ul style="list-style-type: none"> New Zealand citizens (living in New Zealand or not). Anyone that is ordinarily resident. Australian or Singaporean citizens who wish to purchase Residential Land. If you are the partner or spouse of any of the above. 	<p>You are not ordinarily resident yet, but you:</p> <ul style="list-style-type: none"> Have a New Zealand residence class visa, or Are an Australian or Singaporean permanent resident, or Are an Australian or Singaporean citizen wishing to purchase Otherwise Sensitive Land. 	<ul style="list-style-type: none"> New Zealand work visa New Zealand student visa New Zealand work-to-residence visa New Zealand working holiday visa New Zealand visitor visa Any other overseas person

Process



Important things to know

- If you are purchasing a property with your partner or spouse you may be able to rely on the relationship property exemption under [Regulation 45](http://www.legislation.govt.nz/regulation/public/2005/0220/latest/LMS109745.html) <http://www.legislation.govt.nz/regulation/public/2005/0220/latest/LMS109745.html>.
- If you specify a property on your application, you do not have to buy that property. The consent that we provide is valid for one transaction to be used within 12 months.
- When you use your consent to purchase a property, you must tell us within six weeks of settlement.
- Anyone that purchases residential or lifestyle land in New Zealand must complete a Residential Land Statement (51A) form.
- Check your ordinarily resident status before you sign an agreement. You cannot sign an agreement even if you will be ordinarily resident at the time of settlement.

Scenarios

No consent needed



Grant
New Zealand citizen

Grant is a NZ citizen, who has been living in Canada for the last 5 years. He wants to buy a property in NZ.

He can buy without consent and the use of the property is up to him, e.g. Rental property.



Sam & Georgia
New Zealand & Italian citizens

Sam is ordinarily resident in NZ, married to an Italian who does not hold a NZ visa and who lives in Italy. They want to buy a home to live in in NZ.

They can buy a relationship property without consent because Sam is ordinarily resident, meaning he does not need consent to purchase.

Consent needed



Andrew
UK citizen

Andrew is a UK citizen who holds a NZ permanent resident visa, he has been residing in NZ for the immediately preceding 8 months. He has lived in NZ for that entire time. He wants to buy a home to live in.

He must apply for consent to purchase, as he has not resided in NZ for the immediately preceding 12 months.



Sarah
Singaporean citizen

Sarah is a Singaporean citizen wanting to buy a home to live in NZ. The land is residential and otherwise sensitive under the act.

She must apply for consent to purchase as the Australian/Singaporean exemption only applies to residential land that is not otherwise sensitive.

Unable to purchase



Will
Colombian citizen

Will is a wealthy Colombian who wants to buy an investment property in NZ.

He cannot and must not purchase any residential land in NZ because he does not hold a NZ residence class visa.



Shane
Chinese citizen

Shane is a Chinese citizen who holds a Singaporean permanent resident visa. He lives in China now and intends to stay there. He wants to buy an investment property in NZ.

He cannot buy any investment property. He can purchase a home to live in IF he is granted consent, but he will be bound by the conditions of consent to live in the property until he becomes ordinarily resident and the conditions are met.

Scenarios (continued)

No consent needed



Paul
Australian citizen

Paul is an Australian citizen wanting to buy a rental property in NZ. The land is residential but not otherwise sensitive.

He can buy without consent and he can choose to live in the property or rent it out.



Pania & John
New Zealand & South African citizens

Pania is a NZ citizen, married to John, a South African who holds a NZ work permit. They want to buy a home to live in NZ.

They can buy without consent and they can even use the property for rental income.

Consent needed



Lael
US citizen

Lael is a US citizen who holds a NZ permanent resident visa, she has previously lived in NZ for 3 years and she moved to Australia for a new job, where she has lived for the last 2 years. She has recently come back to NZ to work and live and wants to buy a home to live in.

She must apply for consent to purchase, as she has not resided in NZ in the immediately preceding 12 months.



Mia
German citizen

Mia is a German citizen who holds an Australian permanent resident visa, she has been living in Australia for the last 3 years and wants to move to NZ to live indefinitely. She wants a home to live in NZ.

She must apply for consent to purchase, as she is not a NZ tax resident, and has not lived in NZ for the immediately preceding 12 months.



Natalie
UK citizen

Natalie is a UK citizen who holds NZ permanent resident visa, she has been living in NZ for the last 5 years, however had to go back home to the UK for the last 7 months to look after elderly parents. She wants to buy a home to live in.

She must apply for consent to purchase a home, as she has not spent 183 days or more in NZ in the immediately preceding 12 months. We understand her situation and frustration, however unless a specific exemption applies to her, she must apply for consent if she wishes to purchase immediately instead of spending the next 183 days in NZ.

For more information: Phone: 0800 665 463 (New Zealand only),
Phone: +64 7 974 5595 (international callers), Email: oio@linz.govt.nz

About the Overseas Investment Office

The Overseas Investment Office regulates access to New Zealand's land, residential properties and significant business assets by overseas investors, and makes decisions on overseas investment applications. It administers and applies the Overseas Investment Act. Its work contributes to more homes and jobs for New Zealanders, thriving companies and industries, protection of the places Kiwis treasure, and greater access to them.

