

Application for exemption from residential land withholding tax (RLWT)

You can apply for an exemption from RLWT if:

- you're someone who carries on a business of developing land, dividing land into lots, or erecting buildings, or
- it's your main home in New Zealand being sold/disposed of and you are eligible for the main home exclusion in full.

Note

If the seller is a partnership (except for a limited partnership, see note on page 3) or unincorporated club or society, **each member that is an offshore RLWT person** must complete an IR1103 if they wish to apply for an exemption from RLWT, and show their own IRD number, not that of the partnership, unincorporated club, or society.

Details of the person or entity applying for the exemption

1 Full name Mr Mrs Miss Ms Non-individual (Tick 1)

2 IRD number

3 Street address
(Do not show a box or bag number)

Street address

Town or city Postcode/zip code Country

4 Postal address, only if it's different from the street address

Do not show your tax preparer's address here

Street address, PO Box, Private or Locked Bag number

Town or city Postcode/zip code Country

5 Contact phone numbers

() () ()

Daytime Evening Mobile

6 Email address

7. Tick the reason for applying for an exemption

Carrying on a business of developing land, dividing land into lots, or erecting buildings - complete question 7A. See notes on page 3 Main home - complete question 7B. See notes on pages 3 and 4

7A Applying as someone who carries on a business of developing land, dividing land into lots, or erecting buildings

I am: Developing land Dividing land into lots Erecting buildings

Description of the property being sold/disposed of, for example, Certificate of Title number.

See note on page 3 for Question 7A and 7B.

If you have more than 1 property you want this exemption to apply to provide a list of the properties with their descriptions, on a separate piece of paper and attach to this form.

As the applicant:

- I have met all tax obligations under the Inland Revenue Acts for the 2 years before applying. If applying as a limited partnership or you are a member of a group of companies see note on page 3 for Question 7A. **or** I'm able to provide Inland Revenue with security to secure payment of any income tax obligations that might arise from the sale/disposal of the properties listed. See note on page 3 for Question 7A for the types of securities that may be acceptable to Inland Revenue.
- The security will need to be for an amount that is the greater of:**
- 10% of the estimated turnover for the sale of the properties this exemption applies to, or
 - NZ \$50,000.



Attach:

- supporting documents for the amount of the security being provided,
- a solicitor's certificate as to the execution of the security document, or a non-revocation of power of attorney for the security document (if applicable), and
- a schedule of projected property-related income and costs for the properties this exemption relates to.

7B Applying as the property is my main home

Refer to notes for question 7B on pages 3 and 4

Description of the property being sold/disposed of, for example, Certificate of Title.

Date binding sale and purchase agreement was entered into for original purchase/acquisition of the property.

Day	Month	Year
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If the property was acquired on or after 27 March 2021, but an irrevocable offer was made on or before 23 March 2021, please provide supporting documentation. See note on page 3 for Question 7B - Date binding sale and purchase agreement entered into.

I confirm the property is eligible for the main home exclusion in full.

Date of your original purchase/acquisition of the property.

Day	Month	Year
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Date of the sale/disposal of the property.

Day	Month	Year
-----	-------	------

Dates you lived in the property as your main home, for example, the date you moved in until the date you moved out. Do not include periods where you were not living in the property as your main home, for example, a period between moving out and when the property was sold. If you have more dates show these on a separate piece of paper and attach it to this form.

Day	Month	Year
Day	Month	Year
Day	Month	Year

to

Day	Month	Year
-----	-------	------

to

Day	Month	Year
-----	-------	------

to

Day	Month	Year
-----	-------	------

Have you been out of New Zealand since purchasing the property?

No

Yes – show the dates you've been out of New Zealand for periods longer than 3 months. If you have more than 3 trips, show the other departure and arrival dates on a separate piece of paper and attach it to this form.

Departure

Day	Month	Year
Day	Month	Year
Day	Month	Year

Arrival

to


Day	Month	Year
-----	-------	------

to

Day	Month	Year
-----	-------	------

to

Day	Month	Year
-----	-------	------

 Attach a copy of 2 different forms of evidence that show both your name and the address of the property from the period it was your main home.



These may include:

- a bill from the company who supplies your power, gas, water, phone or internet services
 - an insurance policy document for contents, car or life.
- This does not include a letter from friends or family.

8 Declaration

Name

Designation or title (if applicable)

For example, director, partner, trustee, executive office holder, manager, duly authorised person

Signature

Date

Day	Month	Year
-----	-------	------

I declare that the information given on this form is true and correct.

If completing this form online an electronic signature is acceptable

Privacy

Meeting your tax obligations means giving us accurate information so we can assess your liabilities or your entitlements under the Acts we administer. For full details of our privacy policy go to ird.govt.nz/privacy

Send this form with all supporting documentation to:

If applying as someone carrying on a business of developing land, dividing land into lots, or erecting buildings:



Email: NR.contractors@ird.govt.nz



Post: Inland Revenue
PO Box 2198
Wellington 6140
New Zealand

If applying as the property is your main home:



Email: RLWTforms@ird.govt.nz



Post: Inland Revenue
PO Box 39010
Wellington Mail Centre
Lower Hutt 5045
New Zealand

Limited partnership

If the seller is a limited partnership, apply under its IRD number. A separate application is not needed from each partner.

Question 7A – Compliance with tax obligations

You, or an associate must have had and met all tax obligations under the Inland Revenue Acts for the 2 years before applying, for example filed tax returns required, met any employer, GST or provisional tax obligations.

If applying as a limited partnership or a company that is a member of a group of companies you can apply for an exemption if it has been in existence for less than 2 years. For this to be accepted an associate such as a partner of the limited partnership or another member in the same group of companies needs to have met all their tax obligations under the Inland Revenue Acts for the 2 years before you apply. If this is the case you can tick this option.

Question 7A - Types of securities

This could include a bank bond, mortgage against real property, or a surety or bond from a finance or insurance entity/provider. You may also have another type of security you'd like to provide. Send us details of your proposed security, and all necessary forms and documents from the entity/provider who is providing the security. We'll consider this and discuss with you if we do not think it's acceptable.

Question 7A and 7B - Description of property

If the land being disposed of has a Certificate of Title number show this. If there is no Certificate of Title number, show 1 of the descriptions in the following table.

Description of property	Include with your application a copy of:
leasehold title	the lease
allocated number/letter	the plan or similar, for example, subdivision plan, (for example, master, sale or survey plan) showing the property and the part being disposed of with the allocated number/letter
other description, for example, a survey plan (not the address)	similar documentation to the above that shows the property and the part being disposed of with the description

Question 7B - Date binding sale and purchase agreement entered into

For tax purposes, a property is generally acquired on the date a binding sale and purchase agreement is entered into (even if some standard conditions like getting finance or a building report still need to be met). This determines which bright-line period applies. Full information on when a property is acquired is found in QB 17/02 on taxtechnical.ird.govt.nz

A property acquired on or after 27 March 2021 will be treated as having been acquired before 27 March 2021, if the purchase was the result of an offer the purchaser made on or before 23 March 2021 and that offer could not be withdrawn before 27 March 2021. This means that the 5-year bright-line test applies. To support this, please provide a copy of the sale and purchase agreement and any supporting contractual documents (including any tender document).

Question 7B - Main home

A main home is the property where you live for most of the time, or if you have more than 1 property it is the one that you have the greatest connection to. To be your main home you need to meet the main home exclusion criteria under the bright-line property rule. This exclusion applies differently depending on when you acquired the property. You can apply for a certificate of exemption if the property is eligible for the main home exclusion in full.

Date property acquired	Main home exclusion criteria
Before 27 March 2021	You must have: <ul style="list-style-type: none"> used more than 50% of the area of the property as your main home (including things like the yard, gardens, and garage) used the property for more than 50% of the time as your main home.
On or after 27 March 2021	You must have: <ul style="list-style-type: none"> used more than 50% of the area of the property as your main home (including things like the yard, gardens, and garage) used the property for 100% of the time as your main home. This may include any continuous period of up to 12 months in the bright-line period where the property was not used as your main home (for example, a period between moving out and when the property is finally sold).

Go to ird.govt.nz/property to find out:

- when you cannot use the main home exclusion and when it may still apply
- how to work out which is your main home when you have more than 1.

Question 7B - Date of your original purchase/acquisition of the property

This determines the start date of the bright-line period.

Type of purchase/acquisition	Date to use
Purchase/acquisition of property	Date of registration with Land Information New Zealand (LINZ)
Purchase/acquisition where no registration occurs prior to the sale/disposal date	Latest date that you acquired an interest in the property
Acquiring property by way of subdivision of property where registration of the undivided property has occurred prior to the sale/disposal date	The original date of registration for the undivided property
Acquiring property by way of subdivision of property where no registration of the undivided property occurs prior to the sale/disposal date	The latest date you acquired an interest in the undivided land
Land acquired as the result of the completion of a land development or subdivision where acquisition was contingent upon completion	The date you acquired an interest in the property
Freehold estate converted from a lease with a perpetual right of renewal	The date the leasehold estate was granted

Question 7B - Date of sale/disposal of property

This determines the end date of the bright-line period.

Type of sale/disposal	Date to use
Sale, transfer, or disposal of property under an agreement	Date you entered into an agreement for sale, transfer, or disposal
Gifting of property	Date the gift was made
Compulsory acquisition by the Crown, a local authority, or a public authority	Date of compulsory acquisition
Mortgagee sale	Date the property is disposed of by or for the mortgagee as a result of the mortgagor's default
Disposals not covered above	Date you disposed of the property