

# Self-Check Form for Individual House and Land Transactions Income Tax (For transactions on or after July 1, 2021)

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In order to help you correctly file the individual house and land transactions income tax return 2.0 (new regulations), starting from July 1, 2021, if you have transactions (sales or exchanges) of houses, land, the house utilization right, presale house with its building location (hereinafter referred to collectively as house and land), please read each question and check the box to find out if the house and land you transacted falls within the taxation scope of the new regulations.

- I. Was the house and land of the transaction acquired through inheritance, as a gift causa mortis or gift from spouse ?
- Yes, it was acquired through inheritance or as a gift causa mortis. Please go to Question II.
  - Yes, it was acquired as a gift from spouse . Please go to Question III.
  - No, please go to Question IV.
- II. For the house and land of the transaction acquired through inheritance or as a gift causa mortis, did the decedent or bequeather acquire it after January 1, 2016?
- Yes, the new regulations apply. Please go to Question V.
  - No, the old regulations apply. Please include the income from the house transaction in the individual income of the transaction year in May of the year following the transaction year for tax return filing (the income from land transactions is exempt from income tax).
- III. For the house and land of the transaction acquired through gift from spouse, whether the acquisition date before the first mutual gift between spouses was later than January 1, 2016?
- Yes, the new regulations apply. Please go to Question V.
  - No, the old regulations apply. Please include the income from the house transaction in the individual income of the transaction year in May of the year following the transaction year for tax return filing (the income from land transactions is exempt from income tax).
- IV. Was the house and land of the transaction acquired after January 1, 2016 :
- Yes, the new regulations apply. Please go to Question V.
  - No, the old regulations apply. Please include the income from the house transaction in the individual income of the transaction year in May of the year following the transaction year for tax return filing (the income from land transactions is exempt from income tax).
- V. Did the house and land of the transaction meet one of the following circumstances :
- (1) Land complied with the provisions of Article 37 and Article 38-1 of the Agricultural Development Act allowing for non-taxable status of Land Value Increment Tax.
  - (2) The land of the transaction is land or land improvements expropriated by the government or had been acquired in a negotiable price before the expropriation.
  - (3) The land of the transaction has been designated as reserved land for public facilities under Urban Planning Law before expropriation.
- Yes, the house and land you transacted is exempt from income tax and you do not need to file tax return in accordance with the new regulations.
  - No, you should file the individual house and land transactions income tax return.

Note: If your house and land acquired through inheritance or as a gift causa mortis after January 1, 2016, and you are eligible for the “self-use residential house and land tax preference”, you may choose to file a return under the new regulations.

- ★ Please be reminded that, according to the check results of the preceding paragraph, if the house and land of the transaction is subject to the new regulations, regardless of whether there is any tax payable, you shall file the individual house and land transaction income tax return with the National Taxation Bureau where the registered household (the residence address given on the ARC) is located at the time of declaration within 30 days from the day after the transaction date (Note). (Those without household registration or registered place of residence shall file a tax return to the National Tax Bureau where the house and land is located.) If any tax is payable, the payment receipt shall be attached as well.

Note: The transaction date of the house and land is the day on which the house and land ownership transfer registration is completed ; the transaction date of the house utilization right is the day on which the utilization right is transferred; the transaction date of presale house with its building location is the day on which the sale and purchase contract was signed.

- ★ See the back for details of the new taxation regulations.

- ★ **The above is for preliminary self-checking purposes only [It does not apply to the transaction of shares or capital that meets certain conditions deemed as the transactions of house and land.]**

**Taxation Method of Individual House and Land Transactions Income Tax  
(For transactions on or after July 1, 2021)**

Items	Instruction
<b>Scope of taxation</b>	House, land, house utilization right, presale house with its building location acquired on or after January 1, 2016(Table 1)
<b>Taxable income</b>	The transaction price of the house and land – deductible cost – deductible transferring expenses - the total amount of land-value increment calculated in accordance with the Assessed Present Value Provided in Paragraph 1, Article 30 of the Land Tax Act = taxable income
<b>Tax rate</b>	<b>Resident</b> 1.It shall be determined in accordance with the holding period of table 2 : (1) Holding period ≤ 2 years : 45% (2) 2 years < Holding period ≤ 5 years : 35% (3) 5 years < Holding period ≤ 10 years : 20% (4) Holding period > 10 years : 15% 2.Transaction due to job transfer, involuntary separation from employment, or any other involuntary causes announced by the Ministry of Finance with the holding period of no more than 5 years : 20% 3.The house was jointly constructed with a business entity and then sold within 5 years from acquiring the parcel of land : 20% 4.First-time transfer after the completion of construction and held for no more than 5 years, where the house and land are acquired through participation in urban renewal or participation in reconstruction : 20% 5.For those eligible for the self-use residential house and land tax preference, the amount of taxable income exceeds NT\$4 million(note) : 10%
	<b>Non-resident</b> 1. Holding period ≤ 2 years : 45% 2. Holding period > 2 years : 35%
<b>Offset between profits and losses</b>	Losses may be used to offset the income within 3 years
<b>Reacquisition of self-use residential house and land tax credit</b>	1.Reacquisition price > Sales price: Full tax refund; Reacquisition price < Sales price: Proportional tax refund 2.It is applicable to sell-first-buy-later and buy-first-sell-later. 3.If the new self-use residential house and land reacquired is used for other purposes or transferred within 5 years after the repurchase, the amount of deducted or refunded tax shall be paid back.
<b>Filing method</b>	Separate taxation, tax return shall be filed within 30 days from the day following the day on which the registration of ownership transfer is completed.

Note: The applicable conditions of the self-use residential house and land tax preference: (1) The individual, his/her spouse, or their minor children have resided, maintained their household registration at the self-use residential house, and have owned and resided in the house for 6 consecutive years before its sale. (2) The house and land have never been used for lease, business operation, or professional practice in the last 6 years before its sale. (3) The individual, his/her spouse, or their minor children have never applied for the self-use residential house and land tax preference in the last 6 years before its sale.

**Table 1 Reference Table for the Recognized Acquisition Date**

Acquisition reasons	Acquisition date	Acquisition reasons	Acquisition date
Acquisition by Purchases or general gift(except gift from spouse)	Completion date of the registration of ownership transfer	Ownership acquired prior to ownership registration due to compulsory execution	Receipt date of transfer of rights certificate
Acquisition by Gift from spouse	The original acquisition date before the first mutual bestowal between spouses	Land equivalent to the capital contribution obtained by providing capital to participate in self-organized land readjustment	Approval date of the readjustment plan
Acquisition by inheritance	Inheritance start date		
Presale house with its building location	Date of entering into the sale and purchase agreement	The house utilization right	Date of transfer of rights
Purchasing unregistered buildings(e.g., illegal building)	Date of entering into the sale and purchase agreement	Acquisition by partition of the common property (equivalent to the original scope of rights)	Original acquisition date of common property
Acquisition (of land) through providing land to participate in urban renewal or reconstruction of unsafe and old Buildings	Original acquisition date of the land prior to participation in urban renewal or reconstruction	Housing obtained by providing land for co- construction of housing with a profit-seeking enterprise	Registration date of ownership transfer after the exchange
Land for compensation obtained via zone expropriation or price negotiation prior to zone expropriation	Original acquisition date of land expropriated or purchased by price negotiation	Land redistributed by land readjustment	Original acquisition date of land prior to readjustment
Acquisition by exercise of the spouse's right to claim for distribution of marital property	The other spouse's original acquisition date	Self-built housing	Issue date of usage license
		Acquisition by other reasons	Completion date of registration of ownership transfer

**Table 2 Reference Table for Holding Period**

The holding period shall be calculated from the acquisition date of the house, land, house utilization right, presale house with its building location to the transaction date.  
If the house and land of the transaction is acquired for the following reasons, the holding period may be calculated in accordance with the following provisions :

Acquisition reasons	Holding period
Acquisition by inheritance or gift causa mortis	Individual's holding period + holding period of the decedent or legator
Acquisition by gift from spouse	Individual's holding period + spouse's holding period
Housing self-constructed on self-possessed land, housing on self-possessed land co-constructed with a profit-seeking enterprise, and housing acquired by participating in urban renewal under the Urban Renewal Act or by participating in reconstruction under the Statute for Expediting Reconstruction of Urban Unsafe and Old Buildings	The holding period of the house is based on the holding period of the land

Note: If it is purchased at the pre-sale stage and sold after the construction is completed and the ownership is obtained, it is an existing house transaction, and the holding period of the house and land does not include the pre-sale stage.

For more information, please call the toll-free service number 0800-000-321 to inquire, and the Bureau will serve you wholeheartedly, or go to the Individual House and Land Transactions Income Tax section of the Bureau's website.