

# Q&A on the Purchase of Real Estate in Japan



日本司法書士会連合会

Japan Federation of Shihoshoshi's Associations

Shihoshoshi (Solicitor) Profile



## Q1: Can a non-Japanese person or a company purchase real estate in Japan?

**A1:** You may purchase real estate in Japan even if you are a non-Japanese person or a company since there are no restrictions on nationality for purchase of real estate in Japan.

## Q2: Is there any period for ownership of real estate, after the purchase?

**A2:** When you acquire ownership of real estate, there is no period for ownership, and thus you own the real estate until you dispose of it. We recommend you to consider inheritance measures for your real estate, including such matters as preparation of a will.

## Q3: How do I investigate real estate rights?

**A3:** You may investigate real estate rights by obtaining a certificate of registered matters for a particular real estate at the Legal Affairs Bureau. The fee for issuance of a certificate is around JPY 600 and it will be issued on the day you make your request. The certificate is issued in Japanese only and unfortunately it will not be issued in English. The certificate of registered matters gives key information on the real estate (location, size and type of real estate, etc.) not only information on the owner of the real estate but also the mortgage and leasehold rights, if those rights have been registered.

## Q4: How can I check whether someone has acquired an ownership right?

**A4:** When a person registers transfer of ownership or preservation of ownership, such information will be posted in a registration record.

## Q5: What do I have to do to change the registered name of real estate?

**A5:** A seller and a buyer will jointly submit a registration application to the Legal Affairs Bureau. It will generally take 1 to 2 weeks for the Legal Affairs Bureau to perform their review. Since its procedures are complex and must be accurate, people generally ask us, Shiho-shoshi (Solicitor) to handle this task. When the Legal Affairs Bureau completes their review, the buyer's name is registered as the new owner of the real estate, and thus you can check the name of the owner with the certificate referred to in A3. Also, the Legal Affairs Bureau will provide a notice of registration identification information of ownership acquisition.

## Q6: What sort of documents do I need to prepare when purchasing real estate?

**A6:** The following documents will be generally required to register ownership transfer of real estate※1.

		Have an address in Japan	Do not have an address in Japan
Buyer	In case of a company	Certificate of registered matters	Certificate of registered matters
	In case of an individual	Copy of resident register	Certificate of address
Seller	In case of a company	Certificate of seal impression Certificate of registered matters Registration identification information	Certificate of registered matters and certificate of signature of a representative Registration identification information
	In case of an individual	Certificate of seal impression Registration identification information	Certificate of signature Registration identification information

There are matters which are required to be certified in certificate of address, certificate of registered matters and certificate of signature of a representative. In addition, you need to prepare other documents which require signatures, such as registration reason attestation information.



## Q7: What purpose does a seal impression serve?

**A7:** A seal impression is affixed when a person intends to express his/her intent, alongside his/her signature or name. For example, a seal impression is affixed onto the document of real estate purchase/sale transaction. When you register your seal impression with a relevant government office, a certificate of seal impression for that seal impression will be issued.

## Q8: What are the benefits of asking a Shiho-shoshi (Solicitor) to register the ownership transfer of real estate?

**A8:** If you ask a Shiho-shoshi (Solicitor) to register ownership transfer of real estate, you can receive the following support※2:

- Advice on required documents and procedures with respect to the purchase of real estate
- Review of legal documents such as contracts with respect to the purchase/sale of real estate
- Creating text of documents and obtaining documents that are required for registration of real estate
- Advice on inheritance measures and support for preparation of a will
- Support with procedures when inheriting real estate
- Advice on preparation of a seal impression
- Appointment of a tax agent※3

Checking of Sale/Purchase Contract

Registration of ownership right

Taxes on real estate

Regulations such as building restrictions

Inheritance procedures in the future

Many laws and regulations are involved concerning real estate.

※1 Here, we indicate only the documents required for application of registration under the laws and regulations in Japan. In some cases, other documents such as a copy of your passport may be required separately.

※2 The scope of work of a Shiho-shoshi (Solicitor) does not include advice or support for procedures on taxes or business licenses and approvals for hotel business, etc. We will refer appropriate experts on those matters.

※3 If a person who lives outside Japan purchases real estate, that person is required to appoint his/her tax agent. Shiho-shoshi (Solicitor) can serve as his/her tax agent.

## Shiho-shoshi (Solicitor) mainly provide the following services:

### 1. Procedures related to companies

- When setting up a company
- When a director has changed
- When issuing new shares
- When resolving or liquidating a company

### 2. Procedures related to real estate

- When purchasing real estate
- When selling real estate
- When an inheritance event takes place to a real estate owner

### 3. Procedures related to property management

- upon being appointed as an administrator or a manager of properties, manage other person's business or properties
- upon being appointed as a guardian, an aide, or an assistant, act as an agent on legal matters (contracts, etc.) of other person including such matters as giving consent or making cancellations.

In addition to the above services, Shiho-shoshi (Solicitor) prepare documents which need to be submitted to courts and so forth. For those Shiho-shoshi (Solicitor) who are certified by the Minister of Justice, they can serve as procedural attorneys of civil lawsuits with the amount of claim up to JPY 1.4 million at summary courts.

As with the legal professionals in most countries, Shiho-shoshi (Solicitor) comply with the confidentiality requirements as set out by the laws and regulations, concerning the matters discussed with their clients as well as the details of the services they undertake. Shiho-shoshi (Solicitor) have duties and responsibilities as professionals to abide by the laws and regulations, as well as a code of ethics.

(This brochure was prepared based on the laws and regulations as of March 1, 2017.)

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