

# 投资美国房地产 Investing in U.S. Real Estate

土地  
Land



别墅  
House



公寓  
Apartment



商业楼  
Commercial



## 2. 投资美国房地产

很多中国公民都因为美国市场的风险比中国市场的风险更低而选择投资美国的房地产。

### a. 所得税

吴女士在美国购买了一栋 300 万美元的公寓大楼，每年的出租收入为 36 万美元，费用包括折旧费 25 万美元。如果吴女士不做税法法典第 871(d) 条所提供的特别的选择，那么这 25 万美元的费用将不能够在税表上和租金收入相抵扣。这样吴女士将多付一年 7.5 万美元的所得税。

## 2. Investing in U.S. Real Estate

Many Chinese invest in U.S. real estate due to the low risk of the investment compared to the Chinese market.

### a. Income Tax

Ms. Wu purchased an apartment building for \$3 million. Rental income from the building was \$360,000. Expenses including depreciation were \$250,000. If Ms. Wu does not make a special IRC § 871(d) election, none of the \$250,000 of expenses may be deducted. This election save Ms. Wu approximately \$75,000 a year in U.S. income tax.



b. 美国遗产税

目前，中国还没有像美国一样征收遗产税或者赠予税。当外国公民在美国拥有资产的时候，在他（她）过世的时候将需要缴纳 40%的遗产税，税基是财产的市场价值,免税额为 6 万美元。

劳先生在美国有一处公寓大楼，价值 500 万美元，他个人还持有美国公司股票，价值 2000 万美元。当他过世的时候，他的遗产税预计为 1000 万美元。为了避免美国的遗产税，我们常常会用到外国股份制公司来避免美国的遗产税，这是因为公司是一个无限期存在的实体，无需缴纳遗产税。

但由于美国通过了税负倒置制度，该结构对于 2004 年之后的房地产转移交易不适用，因为境外股份制公司在美国遗产税中被视为是美国资产。

*b. U.S. Estate Tax*

Currently, China does not have an estate or gift tax. However, the U.S. does. If a foreign person individually owns U.S. assets when he or she passes away, the U.S. estate tax is 40% of the fair market value of the assets, and only \$60,000 of assets may be excluded.

Mr. Lao owned an apartment building worth \$5 million. He also individually owned a U.S. corporation worth \$20 million. Should he pass away, the estimated U.S. estate tax is approximately \$10 million. For many years, many planners recommended a foreign corporation will be used to prevent U.S. estate tax. This is because a corporation does not die.

Unfortunately, since the adoption of the U.S. inversion rules this structure most likely does not work for transfers of real estate after 2004, and the foreign corporation will be considered a U.S. asset for estate tax purposes.



中国客户应先设立美国信托，然后再由信托来购买美国房地产，而不是直接购买美国房地产再转到外国公司或直接由外国公司来购买美国房地产。

Rather than purchasing the U.S. real estate and then contributing the property to a foreign corporation or having the foreign corporation purchase the U.S. real estate, the Chinese person should have first formed a U.S. trust, then the U.S. trust should have purchased the U.S. real estate.

## Dave Snyder



➤ 大陆房地产投资公司主席  
Chairman Continental Realty

➤ 房地产投资共计10亿美元  
\$1 Billion in Real Estate Acquisitions

➤ 30年的无负收益率纪录  
30 Years has not had a negative rate of return

### c. 寻找房地产投资项目

有时投资资金较大的中国客户会像我们询问投资美国房地产的服务（一般为权益投资 400 万美金以上）。这方面，我们最常合作的伙伴是美国大陆房地产公司的 Dave Snyder。这家房地产投资公司在购买和翻新商业公寓大楼领域是美国最好的公司之一。他的公司总计投资至今已经超过 10 亿美元，在过去的 30 多年里没有一起收益率为负的案例。但他的房地产项目只针对投资性的投资者，不涉及投资移民的项目。

### c. *Helping with Identifying Real Estate Projects.*

Sometimes a large Chinese investor asks our assistance in identifying a large real estate acquisition (\$4 million or more of an equity investment). Many times we work with Dave Snyder of Continental Realty that is one of the leading firms purchasing and rehabilitating apartment buildings (multi-family housing) throughout the U.S. his firm has made over \$1 billion in real estate acquisitions and during its 30 years of operations has not had a property with a negative rate of return. Please note that these real estate investment only projects, there are no investment VISAs (i.e. no EB5 VISAs) available with these projects.