

117TH CONGRESS
1ST SESSION

H. R. 3123

To amend the Internal Revenue Code of 1986 to provide the same treatment to publicly offered, non-traded Real Estate Investment Trusts as is provided to exchange-traded Real Estate Investment Trusts under the Foreign Investment in Real Property Tax Act of 1980.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2021

Mr. SUOZZI (for himself and Mr. LAHOOD) introduced the following bill;
which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide the same treatment to publicly offered, non-traded Real Estate Investment Trusts as is provided to exchange-traded Real Estate Investment Trusts under the Foreign Investment in Real Property Tax Act of 1980.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Parity for Non-Traded
5 REITs Act”.

1 **SEC. 2. EXCEPTION FOR PUBLICLY OFFERED REAL ESTATE**

2 **INVESTMENT TRUSTS.**

3 (a) IN GENERAL.—Section 897 of the Internal Rev-
4 enue Code of 1986 is amended—

5 (1) in subsection (c)(3), by striking “regularly
6 traded on an established securities market” and in-
7 serting “either regularly traded on an established se-
8 curities market or, solely with respect to real estate
9 investment trusts, publicly offered (within the mean-
10 ing of section 562(c)(2))”,

11 (2) in subsection (h)(1), by striking “with re-
12 spect to any class of stock which is regularly traded
13 on an established securities market located in the
14 United States” and inserting “either, with respect to
15 any class of stock which is regularly traded on an
16 established securities market located in the United
17 States or, solely with respect to real estate invest-
18 ment trusts, publicly offered (within the meaning of
19 section 562(c)(2))”, and

20 (3) in the header of subsection (k)(1), by in-
21 serting “OR PUBLICLY OFFERED” after “PUBLICLY
22 TRADED”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to taxable years beginning after
25 December 31, 2020.