

CONTACT

- +662 679 6005
- +662 679 6041
- www.ilct.co.th
- law@ilct.co.th

Real Estate Rights Under the Marriage Equality Act

Building upon the earlier overview of the law (<https://www.ilct.co.th/marriage-equality/>), this article delves deeper into the implications of the Marriage Equality Act on real estate rights for LGBTQ+ couples in Thailand. It focuses on two key aspects: condominium acquisition and land ownership. The Act facilitates joint management of marital property for married couples, irrespective of gender, allowing for equal rights in property transactions and inheritance. However, it clarifies that foreign ownership of land remains restricted to specific conditions, emphasizing the ongoing legal complexities faced by LGBTQ+ couples with foreign partners.

A. Condominium Acquisition

The Marriage Equality Act has significant implications for LGBTQ+ couples regarding condominium ownership. When a married couple jointly acquires a condominium unit, it becomes marital property under Section 1476 of the CCC, regardless of the partners' genders. This shift from traditional "husband and wife" terminology allows LGBTQ+ couples to manage their property jointly during marriage, adhering to principles of joint ownership. Any major transactions like sales or encumbrances (e.g., mortgages, leases over 3 years) require mutual consent from both spouses.

An important benefit of the Act is inheritance rights for LGBTQ+ couples. Previously, without legal recognition, surviving partners faced challenges inheriting property if their spouse passed away intestate. Section 1629 of the CCC stipulates that without a will, ownership defaults to statutory heirs, potentially complicating inheritance. With the Act, LGBTQ+ married couples now have statutory inheritance rights (Section 1635 of CCC). If no statutory heirs remain, the surviving spouse inherits the entire estate. If heirs exist, inheritance is proportionate based on their class.

B. Land Acquisition

Land ownership in Thailand by foreigners is strictly regulated under specific conditions: inheritance as a statutory heir (Section 93 of the Land Code), investment approvals (Section 96), or for commercial/industrial use with Board of Investment (BOI) or Industrial Estate Authority of Thailand (IEAT) permissions.

CONTACT

- +662 679 6005
- +662 679 6041
- www.ilct.co.th
- law@ilct.co.th

Real Estate Rights Under the Marriage Equality Act

Marriage to a Thai national, whether same-sex or different-sex, does not exempt a foreign spouse from these regulations.

Previously, LGBTQ+ couples unable to legally marry under Thai law navigated land acquisition through Thai partners, often without legal standing. To secure rights, options like long-term leases or usufructs were utilized, offering control but not full ownership.

Even with the Marriage Equality Act, land ownership by LGBTQ+ couples with foreign partners remains restricted. Only Thai nationals can be sole landowners. During registration, the Thai spouse must affirm that funds used are personal, designating the property as personal rather than marital.

For personalized legal advice on these matters, please contact us at law@ilct.co.th.