

99116006006000, 99116006006000

# Applying for approval for misappropriation of living space

Heruntergeladen am 25.06.2025

<https://fimportal.de/xzufi-services/230008443/L100039>

| Modul                     | Sachverhalt                                                                                                                                                                                |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Leistungsschlüssel        | 99116006006000, 99116006006000                                                                                                                                                             |
| Leistungsbezeichnung I    | Applying for approval for misappropriation of living space                                                                                                                                 |
| Leistungsbezeichnung II   |                                                                                                                                                                                            |
| Typisierung               | 4 - Land: Regelung                                                                                                                                                                         |
| Quellredaktion            | Rheinland-Pfalz                                                                                                                                                                            |
| Freigabestatus Katalog    | unbestimmter Freigabestatus                                                                                                                                                                |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus                                                                                                                                                                |
| Begriffe im Kontext       |                                                                                                                                                                                            |
| Leistungstyp              | Leistungsobjekt mit Verrichtung                                                                                                                                                            |
| Leistungsgruppierung      | Wohnungswesen (116)                                                                                                                                                                        |
| Verrichtungskennung       | Genehmigung (006)                                                                                                                                                                          |
| SDG-Informationsbereich   | Kauf und Verkauf von Immobilien, einschließlich aller Bedingungen und Pflichten im Zusammenhang mit der Besteuerung, dem Eigentum oder der Nutzung von Immobilien (auch als Zweitwohnsitz) |

| Modul                         | Sachverhalt                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lagen Portalverbund           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Einheitlicher Ansprechpartner | Nein                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Fachlich freigegeben am       | 23.03.2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Fachlich freigegeben durch    | FM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Handlungsgrundlage            | <a href="https://landesrecht.rlp.de/jportal/portal/t/nuo/page/bsrlpprod.psml/action/portlets.jw.MainAction;jsessionid=51C87FD95B502D9AC9F45FFDAFA91A70.jp21?p1=3&amp;eventSubmit_doNavigate=searchInSubtreeTOC&amp;showdoccase=1&amp;doc.hl=0&amp;doc.id=jlr-WoZwEntfrGRPpP2&amp;doc.part=S&amp;toc.poskey=#focuspoint">https://landesrecht.rlp.de/jportal/portal/t/nuo/page/bsrlpprod.psml/action/portlets.jw.MainAction;jsessionid=51C87FD95B502D9AC9F45FFDAFA91A70.jp21?p1=3&amp;eventSubmit_doNavigate=searchInSubtreeTOC&amp;showdoccase=1&amp;doc.hl=0&amp;doc.id=jlr-WoZwEntfrGRPpP2&amp;doc.part=S&amp;toc.poskey=#focuspoint</a><br><a href="https://landesrecht.rlp.de/jportal/portal/t/nuo/page/bsrlpprod.psml/action/portlets.jw.MainAction;jsessionid=51C87FD95B502D9AC9F45FFDAFA91A70.jp21?p1=3&amp;eventSubmit_doNavigate=searchInSubtreeTOC&amp;showdoccase=1&amp;doc.hl=0&amp;doc.id=jlr-WoZwEntfrGRPpP2&amp;doc.part=S&amp;toc.poskey=#focuspoint">https://landesrecht.rlp.de/jportal/portal/t/nuo/page/bsrlpprod.psml/action/portlets.jw.MainAction;jsessionid=51C87FD95B502D9AC9F45FFDAFA91A70.jp21?p1=3&amp;eventSubmit_doNavigate=searchInSubtreeTOC&amp;showdoccase=1&amp;doc.hl=0&amp;doc.id=jlr-WoZwEntfrGRPpP2&amp;doc.part=S&amp;toc.poskey=#focuspoint</a> |
| Teaser                        | In the event of a lack of rental apartments the municipality may stipulate by statute that living space may only be used for other purposes with its approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Volltext                      | <p>The State Act on the Prohibition of Misappropriation of Housing (ZwEWG) authorizes municipalities in which the adequate supply of rental housing for the population on reasonable terms is particularly at risk to stipulate by statute that housing may only be used for non-residential purposes with their approval.</p> <p>A misappropriation is deemed to exist in particular if the living space</p> <ol style="list-style-type: none"> <li>1. more than 50% of the living space is used or made available for commercial or professional purposes,</li> <li>2. is structurally altered or used in such a way that it is no longer suitable for residential purposes,</li> <li>3. is rented out as a vacation home for more than a total of twelve weeks (84 days) in a calendar year or is otherwise used for tourist accommodation purposes,</li> <li>4. is vacant for more than six months without interruption or</li> <li>5. is removed.</li> </ol>                                                                                                                                                                                                                                                                                                                      |

| Modul                               | Sachverhalt                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | It is up to the respective municipality to decide which cases of misappropriation it includes in its bylaws and thus makes subject to approval. The more detailed form of the ban on misappropriation can also be found in the municipal statutes.                                                                                           |
| <b>Erforderliche Unterlagen</b>     | The administration of the municipality that has issued the misappropriation statute will tell you which documents you need.                                                                                                                                                                                                                  |
| <b>Voraussetzungen</b>              | Approval for misappropriation must be granted if overriding public interests or private interests worthy of protection outweigh the interest in preserving the living space. It may be granted in exceptional cases if, for example, replacement living space is created for the loss of the living space or a compensation payment is made. |
| <b>Kosten</b>                       | Please obtain information from the municipality that has issued the misappropriation statute.                                                                                                                                                                                                                                                |
| <b>Verfahrensablauf</b>             |                                                                                                                                                                                                                                                                                                                                              |
| <b>Bearbeitungsdauer</b>            |                                                                                                                                                                                                                                                                                                                                              |
| <b>Frist</b>                        | Generally none. The application for approval must be submitted before the living space is used for any other purpose.                                                                                                                                                                                                                        |
| <b>weiterführende Informationen</b> |                                                                                                                                                                                                                                                                                                                                              |
| <b>Hinweise</b>                     |                                                                                                                                                                                                                                                                                                                                              |
| <b>Rechtsbehelf</b>                 |                                                                                                                                                                                                                                                                                                                                              |
| <b>Kurztext</b>                     |                                                                                                                                                                                                                                                                                                                                              |
| <b>Ansprechpunkt</b>                | To the administration of the municipality that has issued a misappropriation statute.                                                                                                                                                                                                                                                        |
| <b>Zuständige Stelle</b>            |                                                                                                                                                                                                                                                                                                                                              |
| <b>Formulare</b>                    |                                                                                                                                                                                                                                                                                                                                              |
| <b>Ursprungsportal</b>              | Wohnraum Genehmigung zur Zweckentfremdung beantragen, Applying for approval for                                                                                                                                                                                                                                                              |

**Modul**

**Sachverhalt**

misappropriation of living space