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Granting of a licence for commercial activity as a real estate loan intermediary

Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/371598764/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99050110001000, 99050110001000
Leistungsbezeichnung I	Granting of a licence for commercial activity as a real estate loan intermediary
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	

Modul	Sachverhalt
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	30.08.2021
Fachlich freigegeben durch	Lower Saxony Ministry of Economic Affairs, Labour, Transport and Digitalisation
Handlungsgrundlage	http://www.gesetze-im-internet.de/gewo/__34i.html https://www.gesetze-im-internet.de/immvermv/ http://www.gesetze-im-internet.de/gewo/__34i.html https://www.gesetze-im-internet.de/immvermv/
Teaser	
Volltext	<p>You need a permit to operate as a real estate loan broker if you are working on a commercial basis.</p> <ul style="list-style-type: none"> • real estate consumer loans within the meaning of Section 491 (3) of the Civil Code, or • want to arrange appropriate paid financial assistance within the meaning of § 506 of the Civil Code. <p>Consumer loans relating to immovable property are loan agreements between an entrepreneur as lender and a consumer as borrower, secured either by a mortgage or a real charge, or intended for the acquisition or maintenance of ownership of land or buildings.</p> <p>You also need permission to operate as a real estate loan broker if you</p> <ul style="list-style-type: none"> • want to arrange financial assistance against payment, or <p>want to advise third parties on real estate consumer loan agreements or corresponding paid financial aids.</p>

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Erforderliche Unterlagen

For the examination to obtain permission to act as a real estate loan intermediary, you must submit the following documents:

- a certificate of good conduct for submission to an authority
- an excerpt from the Central Trade Register
- if applicable, a certificate in tax matters from the tax office
- if applicable, a clearance certificate from the municipal tax office
- an extract from the register of debtors of the central enforcement court
- if applicable, information from the insolvency court on freedom from insolvency and on the rejection of the opening of proceedings due to lack of assets
- proof of professional indemnity insurance
- proof of the required expertise
- for legal entities and commercial partnerships: an extract from the commercial register
- Information from the Federal Central Register for submission to an authority

Voraussetzungen

Permission to operate commercially as a real estate loan intermediary is granted to you if you:

- are reliable,
- live in orderly financial circumstances,
- can prove professional indemnity insurance,
- have successfully passed an examination of competence at a chamber of industry and commerce or can prove this required competence by means of an equivalent professional qualification.

Kosten

For the permission as a real estate loan intermediary, fees are regularly to be expected. In Lower Saxony, the amount of the costs results from the fee statute of the respective Chamber of Industry and Commerce.

Verfahrensablauf

1. ****Application for permission****
 In order to work as a real estate loan intermediary, you must submit an application to the competent authority on presentation of the necessary documents. Individuals (natural persons) apply for permission themselves or through authorized third parties. In the

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case of legal persons, the application is made by their legal representatives or by third parties authorised in writing.

2. **Notification of permission**

The permission will be granted to you in the form of a permission notice.

3. **Entry of permission**

After taking up your activity as a real estate loan broker, you must immediately submit an application for entry in the register in accordance with § 11a paragraph 1 of the Industrial Code.

https://www.gesetze-im-internet.de/gewo/_11a.html

https://www.gesetze-im-internet.de/gewo/_11a.html

Bearbeitungsdauer

A processing period is not regulated. If the application is complete and legible and all mentioned documents are complete, a decision on the application will be made as soon as possible. If an application for permission that is capable of being decided upon is not decided within a reasonable time without sufficient reason, the instrument of an action for failure to act is normally available after three months.

Frist

Deadlines for the applicant are not regulated. It is advisable to submit a timely application with sufficient lead time for the planned start of the activity (discuss in detail with the responsible IHK in advance). For the rest, see the explanations on processing time.

weiterführende Informationen

Hinweise

When registering, you must decide whether you want to be registered as a real estate loan broker or as a fee-based real estate loan advisor.

Rechtsbehelf

In Lower Saxony, preliminary proceedings are not provided for by § 80 Nds. Therefore, no objection is admissible. Rather, an action must be brought directly before the administrative courts.

Kurztext

You need a permit to operate as a real estate loan intermediary if you want to broker the conclusion of real estate consumer loan agreements on a commercial basis or advise third parties on such contracts.

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Ansprechpunkt	The competent licensing authorities in Lower Saxony are the Chambers of Industry and Commerce in the respective chamber district.
Zuständige Stelle	
Formulare	Written form is not specified.
Ursprungsportal	Erteilung einer Erlaubnis für die gewerbsmäßige Tätigkeit als Immobiliendarlehenvermittler, Granting of a licence for commercial activity as a real estate loan intermediary