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Apply for a license as a commercial real estate loan broker

Heruntergeladen am 10.06.2025

<https://fimportal.de/xzufi-services/109274264/L100041>

Modul	Sachverhalt
Leistungsschlüssel	99050110001000, 99050110001000
Leistungsbezeichnung I	Apply for a license as a commercial real estate loan broker
Leistungsbezeichnung II	Apply for a license as a commercial real estate loan broker
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Brandenburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gewerbe (050)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Erlangung von Lizenzen, Genehmigungen oder Zulassungen im Hinblick auf die Gründung und

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	Führung eines Unternehmens
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	BMW, VII B3
Handlungsgrundlage	https://www.gesetze-im-internet.de/gewo/_34i.html https://www.gesetze-im-internet.de/immvermv/ https://www.gesetze-im-internet.de/gewo/_11a.html https://www.gesetze-im-internet.de/bgb/_491.html https://www.gesetze-im-internet.de/bgb/_506.html
Teaser	<p>Would you like to broker or advise on real estate consumer loan agreements or financial assistance against payment? To do so, you need a license as a commercial real estate loan broker. You can find out more here.</p>
Volltext	<p>You would like to broker the conclusion of real estate consumer loan agreements or corresponding paid financing assistance or advise third parties on such agreements. For this activity as a real estate loan broker, you require a corresponding trade license.</p> <p>You have a legal right to be granted the license you have applied for, provided there are no personal reasons for refusal. To this end, you must be personally reliable, have orderly financial circumstances and provide evidence of your expertise and the conclusion of appropriate professional liability insurance.</p> <p>You must also have your principal place of business or head office in Germany and wish to carry out your commercial activity in Germany.</p> <p>If you employ persons who are involved in brokerage or consulting or are responsible for these activities in a managerial position, they must also have a certificate of competence and be reliable.</p>

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After commencing your activity, you must have yourself and the persons directly involved in brokering or advising or who are responsible for this activity in a managerial position entered in the register of intermediaries.

The content of the license may be restricted and subject to ancillary provisions if this is necessary to protect the general public or borrowers or if you apply for it.

Permission to act as a real estate loan broker may be granted to natural and legal persons. The license is personal, i.e. you cannot transfer a license in your name to another person, nor can another person transfer a license in their name to you.

Credit institutions for which a license has been granted in accordance with Section 32 (1) of the German Banking Act and branches of companies within the meaning of Section 53b (1) sentence 1 of the German Banking Act do not require a license. Under certain conditions (including a notification procedure), real estate loan brokers who have been granted a license for real estate loan brokerage by the competent authority of another EU member state or EEA member state also do not require a license.

Erforderliche Unterlagen

- Identity card or other official identification document with photo (not required for electronic applications).
- Proof of application for a certificate of good conduct for submission to an authority (Section 30 (5) BZRG),
- Proof of application for an extract from the central trade register for submission to an authority (Section 150 (5) GewO),
- Extract from the debtor register of the enforcement court (§ 882b ZPO),
- Information from the insolvency court as to whether proceedings have been opened,
- If applicable, certificate in tax matters from the tax office,
- If applicable, certificate of non-objection from the municipal tax office,
- Proof of professional liability insurance or equivalent

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guarantee,

- Proof of expertise,
- Extract from the commercial register for legal entities and commercial partnerships with corresponding entry, otherwise a copy of the partnership agreement or articles of association (e.g. for a GbR).

Voraussetzungen

In order for you to be granted permission, you must

- be personally reliable,
- have orderly financial circumstances and
- have appropriate professional liability insurance (financial loss liability insurance) and
- provide evidence of sufficient expertise and
- have their principal place of business in Germany.

If you employ persons who are involved in brokerage or consulting or are responsible for these activities in a managerial position, they must also have a certificate of competence and be reliable.

- Real estate loan brokers may not act as fee-based real estate loan advisors.

Kosten

Is based on the respective administrative fee schedule of the federal state or on the fee statutes of the authorities responsible under federal state law.

Verfahrensablauf

In order to obtain a license as a commercial real estate loan broker, you must submit a corresponding application together with the required documents to the competent authority.

- If this is offered by the respective authority, it is possible to submit an application online.
- Together with the application for a license, you can also apply for entry in the register of intermediaries
- The authority will check whether you meet the requirements based on the information you provide and the documents you submit.
- After checking, you will receive the permit

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You may only commence your activity once the permit has been issued.

Bearbeitungsdauer
Frist
**weiterführende
Informationen**
Hinweise

The brokerage of loans not secured by mortgages and the brokerage of loans secured by mortgages to companies is subject to the licensing requirement pursuant to Section 34c (1) sentence 1 no. 2 GewO. If you wish to broker the conclusion of both real estate consumer loan agreements and other loan agreements, you therefore require a license in accordance with both § 34i Para. 1 S. 1 GewO and § 34c Para. 1 S. 1 No. 2 GewO.

After commencing your activity, you and the persons directly involved in brokering or advising or those in a managerial position responsible for this activity must be entered in the register of intermediaries.

Acting as a real estate loan broker without the required license is an administrative offence that can be punished with a fine. Violations of an enforceable condition, of the requirements of the ImmVermV that are subject to a fine and of the obligation to be entered in the register of intermediaries can also be punished as an administrative offence with a fine.

Rechtsbehelf

Appeal (appeal may be excluded depending on national law), administrative court action

Kurztext

- Applying for a license as a commercial real estate loan broker
 - Anyone wishing to broker or advise on real estate consumer loans or financial assistance in return for payment requires a license under trade law; licenses are issued to natural and legal persons; legal entitlement to the granting of the license, provided that there are no reasons for refusal in the person of

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	<p>the trader; license can be limited in content and linked to ancillary provisions</p> <ul style="list-style-type: none"> • Responsible: Responsibility depends on the respective state law
Ansprechpunkt	
Zuständige Stelle	<p>Pursuant to Section 1 (1) of the Ordinance on Responsibilities in Commercial Law, the local regulatory authorities of the autonomous municipalities, the offices, the association municipalities, the co-administered municipality, the co-administering municipality and the independent cities are responsible.</p>
Formulare	
Ursprungsportal	<p>Erlaubnis als gewerbsmäßiger Immobiliendarlehensvermittler beantragen, Apply for a license as a commercial real estate loan broker</p>