

99050013001000

Heruntergeladen am 11.06.2025

<https://fimportal.de/xzufi-services/164/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99050013001000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Real estate agents, loan brokers, property developers, building supervisors and residential property managers; application for a license
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher	

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Ansprechpartner	
Fachlich freigegeben am	10.04.2025
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wirtschaft, Landesentwicklung und Energie (Bavarian State Ministry of Economic Affairs, Regional Development and Energy)
Handlungsgrundlage	http://bundesrecht.juris.de/gewo/_34c.html http://bundesrecht.juris.de/gewo/_34c.html http://bundesrecht.juris.de/gewo_34cdv/ http://bundesrecht.juris.de/gewo_34cdv/ https://www.gesetze-im-internet.de/ihkg/_3.html https://www.gesetze-im-internet.de/ihkg/_3.html https://www.gesetze-bayern.de/Content/Document/BayZustV-37 https://www.gesetze-bayern.de/Content/Document/BayZustV-37
Teaser	If you want to broker real estate or loan agreements commercially, manage residential properties commercially or prepare and carry out construction projects, you need an official permit.
Volltext	<p>The following are subject to authorization</p> <ul style="list-style-type: none"> • the brokering of the conclusion and the provision of evidence of the opportunity to conclude contracts for land, land rights, residential premises, commercial premises • the brokering of the conclusion of loan agreements (with the exception of real estate loan agreements within the meaning of Section 34i (1) sentence 1 of the German Commercial Code) or the provision of evidence of the opportunity to conclude such agreements, • the preparation and execution of construction projects as a builder in his own name for his own account or for the account of third parties using assets of purchasers, tenants, lessees or other beneficiaries or of applicants for acquisition or usage rights, • the economic preparation and execution of construction projects as a construction supervisor in the name of a third party for the account of a third

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party,

- the management of the common property of condominium owners within the meaning of Section 1 (2), (3), (5) and (6) of the German Condominium Act or the management of tenancies of residential premises within the meaning of Section 549 of the German Civil Code for third parties.

In the case of partnerships (e.g. OHG, KG), the trader is any managing partner; in the case of legal entities, the license is issued to the legal entity (e.g. GmbH or AG).

In principle, tradespeople are subject to special obligations under the Real Estate Agent and Property Developer Ordinance (MaBV).

The authorities have rights of information and inspection vis-à-vis traders. At the request of the authorities, the parties concerned must provide the information required to monitor business operations. Furthermore, the authorities are authorized to enter the business premises in order to carry out inspections and visits.

Erforderliche Unterlagen

- Valid identity card or passport
- Certificate of good conduct for authorities

(to be applied for at the municipality of residence)

- Extract from the central trade register

(to be applied for at the municipality of residence)

- For EU/non-EU citizens: Proof of good repute from the country of origin in the form of a certified copy and certified German translation (if necessary, replacement by an affidavit in lieu of an oath or similar acts in the case of a business domicile in an EU/EEA country)
 - Information on entries in the debtor register on the insolvency exemption, information from the debtor register of the central enforcement courts (Section 26b (2) of the Insolvency Code, Sections 882b et seq. of the Code of Civil Procedure)

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or proof of orderly financial circumstances from the country of origin in a certified copy and certified German translation

- Information from the insolvency court as to whether proceedings have been opened (so-called negative certificate) or extract from the debtor register of the central enforcement court
- Extract from the commercial or cooperative register, if applicable

or comparable registration documents from abroad with German translation; if necessary, replacement by an affidavit in lieu of an oath or similar acts for business domiciles in EU/EEA countries

- for the permit as residential property manager additionally: proof of professional liability insurance
- For non-EU citizens: residence permit that allows self-employment
- in the case of a power of attorney: a written power of attorney and identification of the grantor of the power of attorney and the authorized representative

Voraussetzungen

- personal reliability, i.e. you have not been convicted of a criminal offense in the last five years
- Orderly financial circumstances, i.e. you are not in private insolvency or entered in the debtor register
- only additionally required when applying for a license as a residential property manager: professional liability insurance for financial losses that may arise from the commercial activity as a residential property manager
- for applications by EU or non-EU citizens:
 - A residence permit that allows the exercise of self-employment is generally required.
 - As a rule, additional proof from the country of origin (e.g. character references, extract from the criminal record, certificates of freedom from insolvency) is also required. A certified copy of the documents and a certified German translation may be required. If such documents are not issued in the country of origin, they can be replaced by an affidavit in lieu of an oath by the trader or comparable acts

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	<p>under the law of the country of origin - but only if the business is based in an EU/EEA country.</p> <ul style="list-style-type: none"> • If the activity is carried out across borders from a legal establishment in another EU/EEA country in Germany, no German license pursuant to Section 34c GewO is required in accordance with Section 4 GewO, provided that the activity is only carried out temporarily and does not involve loan brokers within the meaning of Section 34c (1) sentence 1 no. 2 GewO
Kosten	<p>Permission: 200 to 5,000 EURO in accordance with the Schedule of Costs under the Costs Act (Tariff No. 5.III.5/14.1).</p> <p>Further details can be found in the Chamber's schedule of fees.</p>
Verfahrensablauf	<p>You must submit the application together with the required documents to the Chamber of Industry and Commerce for Munich and Upper Bavaria or the Aschaffenburg Chamber of Industry and Commerce.</p> <p>The Chamber will check whether you meet the requirements.</p> <p>You will receive the permit for the activity you have applied for.</p>
Bearbeitungsdauer	Processing takes a few weeks once all the documents have been submitted.
Frist	none
weiterführende Informationen	<p>https://www.ihk-muenchen.de/34c-erlaubnis-immobilienmakler-darlehensvermittler-bautraeger-baubetreuer-wohnimmobilienverwalter/</p> <p>https://www.ihk-muenchen.de/34c-erlaubnis-immobilienmakler-darlehensvermittler-bautraeger-baubetreuer-wohnimmobilienverwalter/</p> <p>https://www.aschaffenburg.ihk.de/recht/gewerberecht/wohnimmobilienverwalter2-4089554</p> <p>https://www.aschaffenburg.ihk.de/recht/gewerberecht/wohnimmobilienverwalter2-4089554</p>
Hinweise	In addition to obtaining a permit, you must also register the business with the relevant municipality when you take up your activity.

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Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal