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Applying for approval for misappropriation of living space

Heruntergeladen am 23.06.2025

<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	Kauf, Miete und Pacht (2050100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	23.03.2020
Fachlich freigegeben durch	FM
Handlungsgrundlage	https://landesrecht.rlp.de/jportal/portal/t/nuo/page/bsrlpprod.psml/action/portlets.jw.MainAction;jsessionid=51C87FD95B502D9AC9F45FFDAFA91A70.jp21?p1=3&eventSubmit_doNavigate=searchInSubtreeTOC&showdoccase=1&doc.hl=0&doc.id=jlr-WoZwEntfrGRPpP2&doc.part=S&toc.poskey=#focuspoint https://landesrecht.rlp.de/jportal/portal/t/nuo/page/bsrlpprod.psml/action/portlets.jw.MainAction;jsessionid=51C87FD95B502D9AC9F45FFDAFA91A70.jp21?p1=3&eventSubmit_doNavigate=searchInSubtreeTOC&showdoccase=1&doc.hl=0&doc.id=jlr-WoZwEntfrGRPpP2&doc.part=S&toc.poskey=#focuspoint
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	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. A misappropriation is deemed to exist in particular if the living space 1. more than 50% of the living space is used or made available for commercial or professional purposes, 2. is structurally altered or used in such a way that it is no longer suitable for residential purposes, 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, 4. is vacant for more than six months without interruption or 5. is removed.

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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.

Erforderliche Unterlagen

The administration of the municipality that has issued the misappropriation statute will tell you which documents you need.

Voraussetzungen

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.

Kosten

Please obtain information from the municipality that has issued the misappropriation statute.

Verfahrensablauf
Bearbeitungsdauer
Frist

Generally none. The application for approval must be submitted before the living space is used for any other purpose.

weiterführende Informationen
Hinweise
Rechtsbehelf
Kurztext
Ansprechpunkt

To the administration of the municipality that has issued a misappropriation statute.

Zuständige Stelle
Formulare
Ursprungsportal

Wohnraum Genehmigung zur Zweckentfremdung beantragen, Applying for approval for

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