

99116006006000

Heruntergeladen am 24.06.2025

<https://fimportal.de/xzufi-services/24654/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99116006006000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Misappropriation of living space; application for a permit
Typisierung	4 - Land: Regelung
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	26.11.2024

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	https://www.gesetze-bayern.de/Content/Document/BayZwEWG2008 https://www.gesetze-bayern.de/Content/Document/BayZwEWG2008
Teaser	In municipalities that have issued a misappropriation statute, residential space may only be used for purposes other than residential purposes with official approval.
Volltext	The Act on the Prohibition of Misappropriation of Housing (Zweckentfremdungsgesetz - ZwEWG) of 10 December 2007, which was last amended by the Act of 19 June 2017, authorizes municipalities with tight housing markets to stipulate by statute that housing may only be used for non-residential purposes with their approval. The municipality itself decides whether there is actually a housing shortage in the municipal area and whether these tensions cannot be countered with other measures. According to Art. 1 sentence 2 ZwEWG, misappropriation is deemed to have occurred in particular if more than 50 percent of the total area of the residential space is used or provided for commercial or professional purposes (e.g. as a law firm or physiotherapy practice), is used for tourist accommodation purposes for more than a total of eight weeks in a calendar year (e.g. rented out to tourists several times at short notice via internet portals) or is vacant for more than three months. Details, in particular whether and with what content the municipality has issued a misappropriation statute, can be obtained from the municipality itself.
Erforderliche Unterlagen	
Voraussetzungen	Permission must be granted if overriding public interests or private interests worthy of protection outweigh the interest in preserving the living space. It

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	may be granted in exceptional cases if, for example, replacement living space is created for the loss of the living space or compensation is paid. Further details can be found in the respective municipal bylaws on misappropriation.
Kosten	It is at the discretion of the respective municipality to charge administrative costs for the implementation of the ZWEWG. A cost statute is required as the legal basis for charging costs.
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	
Hinweise	
Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal