

99012038234000

Right of first refusal of the municipality (issue of a negative certificate)

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/6000658/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99012038234000
Leistungsbezeichnung I	Right of first refusal of the municipality (issue of a negative certificate)
Leistungsbezeichnung II	Right of first refusal of the municipality (issue of a negative certificate)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	

Modul	Sachverhalt
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • §§ 24 bis 28 [Baugesetzbuch (BauGB)](https://www.gesetze-im-internet.de/bbaug/) – Gesetzliche Vorkaufsrechte der Gemeinde
Teaser	<p>When purchasing land, the municipality has a right of first refusal in certain cases, for example in the case of land that is designated for public use according to the development plan or land that is located in a flood zone.</p>
Volltext	<p>When purchasing land, the municipality has a right of first refusal in certain cases, for example in the case of land that is designated for public use according to the development plan or land that is located in a flood zone.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Purchase contract
Voraussetzungen	<p>When exercising the general right of first refusal, the property is located</p> <ul style="list-style-type: none"> • within the scope of a development plan, insofar as it concerns areas for which the development plan stipulates use for public purposes or for areas or measures to compensate for interventions within the meaning of the BNatschG (compensatory measures), <ul style="list-style-type: none"> • in a reallocation area, • in a formally defined redevelopment area and urban development area, • within the scope of a statute to safeguard implementation measures for urban redevelopment and a conservation statute, • in the area of application of a land use plan, insofar as it concerns undeveloped land in the outdoor area for which use as residential land or residential area is

Modul
Sachverhalt

shown in the land use plan,

- in areas that can be developed primarily with residential buildings in accordance with Section 30, 33 or 34 (2) BauGB, insofar as the properties are undeveloped, and
- in an area that is to be kept free of development for the purpose of preventive flood protection, in particular in floodplains

When exercising the special right of first refusal, the municipality may

- establish its right of first refusal to undeveloped properties within the scope of a development plan by means of a statute;
- in areas in which it is considering urban development measures, in order to ensure orderly urban development, designate areas by statute in which it has a right of first refusal to the properties.

****Note:**** The right of first refusal may only be exercised by the municipality if this is justified by the public good. It may also do so in favour of third parties.

Kosten

The costs for a negative certificate vary from municipality to municipality. Please enquire locally.

Verfahrensablauf

The seller must inform the municipality of the content of the purchase agreement without delay. As a rule, this is done by the certifying notary.

If there is no right of first refusal or if it is not exercised, the municipality must issue a certificate immediately upon request. You need this so-called "negative certificate" so that the property can be transcribed in the land register. If the municipality wishes to exercise its right of first refusal, it will issue a corresponding notice to the seller.

Bearbeitungsdauer
Frist

Exercising the right of first refusal: within 3 months of

Modul	Sachverhalt
	receiving notification of the purchase agreement by issuing an administrative act
weiterführende Informationen	
Hinweise	
Rechtsbehelf	not applicable
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	