

99012038234000

Pre-emptive right of the municipality - apply for a negative certificate

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/1005/L100022>

| Modul | Sachverhalt |
|---------------------------|--|
| Leistungsschlüssel | 99012038234000 |
| Leistungsbezeichnung I | Pre-emptive right of the municipality - apply for a negative certificate |
| Leistungsbezeichnung II | Pre-emptive right of the municipality - apply for a negative certificate |
| Typisierung | 2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug |
| Quellredaktion | Baden-Württemberg |
| Freigabestatus Katalog | unbestimmter Freigabestatus |
| Freigabestatus Bibliothek | unbestimmter Freigabestatus |
| Begriffe im Kontext | |
| Leistungstyp | |
| Leistungsgruppierung | |
| Verrichtungskennung | |

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| SDG-Informationsbereich | |
| Lagen Portalverbund | |
| Einheitlicher Ansprechpartner | |
| Fachlich freigegeben am | |
| Fachlich freigegeben durch | |
| Handlungsgrundlage | <p>Baugesetzbuch (BauGB):</p> <ul style="list-style-type: none"> • §§ 24-28 Gesetzliche Vorkaufsrechte der Gemeinde <p>Landeswaldgesetz (LWaldG):</p> <ul style="list-style-type: none"> • § 25 Vorkaufsrecht |
| Teaser | In certain cases, the municipality has a right of first refusal for property transfers. This applies, for example, to |
| Volltext | <p>In certain cases, the municipality has a right of first refusal for property transfers. This applies, for example, to</p> <ul style="list-style-type: none"> • Land for which the development plan specifies use for public purposes and • Plots of land that are located in a formally defined saniearea. <p>If you want to purchase a plot of land, you need a negative certificate so that the ownership can be transferred in the land register. With the negative certificate, the municipality confirms that it has</p> <ul style="list-style-type: none"> • has no right of first refusal for the property or • does not exercise this right. |
| Erforderliche Unterlagen | none |

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| Voraussetzungen | none |
| Kosten | The amount of the fees for a negative certificate depends on the municipal fee statutes. Please enquire at the responsible office. |
| Verfahrensablauf | <p>The seller or buyer must inform the municipality of the content of the purchase agreement. In most cases, this is done by the certifying notary.</p> <p>He or she applies in writing for a negative certificate to be issued by the municipality in which the property is located.</p> |
| Bearbeitungsdauer | see deadlines |
| Frist | The municipality must be informed immediately of the content of the purchase agreement. If the municipality wishes to exercise its pre-emptive right in accordance with the German Building Code (BauGB), it must notify the parties involved in writing within three months. If a pre-emptive right does not exist or is not exercised, the municipality must issue a certificate to this effect immediately at the request of an interested party. The certificate is deemed to be a waiver of the exercise of the pre-emptive right. |
| weiterführende Informationen | |
| Hinweise | <p>In the case of pre-emption rights under the [State Forest Act (LWaldG)](https://www.landesrecht-bw.de/bsbw/document/jlr-WaldGBWrahmen), a period of two months applies for notification to the contracting parties. In addition to the pre-emptive right of the municipality, the state also has a pre-emptive right to forest land in accordance with Section 25 (1) LWaldG. The notification of the content of the notarised purchase agreement, which has been approved by the competent agricultural authority in accordance with the [Agricultural Structure Improvement Act (ASVG)](https://www.landesrecht-bw.de/bsbw/document/jlr-AgrStrVerbGBW2009pIVZ) provided the legal requirements are met, must be submitted to the forestry authority, which informs the municipality.</p> |

| Modul | Sachverhalt |
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| Rechtsbehelf | Lawsuit |
| Kurztext | |
| Ansprechpunkt | |
| Zuständige Stelle | |
| Formulare | |
| Ursprungsportal | |