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Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/16763/L100042>

| Modul                            | Sachverhalt  |
|----------------------------------|--|
| Leistungsschlüssel               | 99400030017000   |
| Leistungsbezeichnung I           |  |
| Leistungsbezeichnung II          | Public school buildings and school sports facilities;<br>application for an allocation for construction measures |
| 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<br>Ansprechpartner |  |
| Fachlich freigegeben am          | 17.04.2025   |

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| Fachlich freigegeben durch | Bayerisches Staatsministerium der Finanzen und für Heimat (Bavarian State Ministry of Finance and Regional Identity)   |
| Handlungsgrundlage         | <a href="https://www.gesetze-bayern.de/Content/Document/BaySchulBauV">https://www.gesetze-bayern.de/Content/Document/BaySchulBauV</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BaySchulBauV">https://www.gesetze-bayern.de/Content/Document/BaySchulBauV</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BayFAG-10">https://www.gesetze-bayern.de/Content/Document/BayFAG-10</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BayFAG-10">https://www.gesetze-bayern.de/Content/Document/BayFAG-10</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BayVwV295492">https://www.gesetze-bayern.de/Content/Document/BayVwV295492</a><br><a href="https://www.gesetze-bayern.de/Content/Document/BayVwV295492">https://www.gesetze-bayern.de/Content/Document/BayVwV295492</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN122">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN122</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN122">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN122</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN123">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN123</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN123">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN123</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN124">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN124</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN124">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN124</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN125">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN125</a><br><a href="https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN125">https://www.gesetze-bayern.de/Content/Document/VVBayHO-NN125</a><br><a href="https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/default.aspx">https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/default.aspx</a><br><a href="https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/default.aspx">https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/default.aspx</a> |
| Teaser                     | Upon application, the Free State grants subsidies for municipal construction measures on public school buildings and school sports facilities if they have been approved by the school authorities.  |
| Volltext                   | Within the framework of municipal financial equalization, the Free State of Bavaria supports municipal bodies with construction measures on public   |

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school buildings, including necessary school sports facilities (sports halls, outdoor sports facilities, indoor swimming pools) with allocations in accordance with Art. 10 of the Bavarian Financial Equalization Act (BayFAG).

If a corresponding necessity is recognized, student dormitories at municipal residential schools (Art. 106 sentence 2 BayEUG) and municipal student dormitories pursuant to Art. 106 sentence 4 BayEUG, which predominantly accommodate students from vocational schools, can also be funded.

The following are funded

- New buildings, conversions and extensions
- the acquisition including conversion or repair of buildings, insofar as they make a necessary new building or extension unnecessary and
- general and partial refurbishments if they serve a fundamental overhaul and the project is brought up to a structural and technical standard that it would have to have in the case of new construction. The eligible refurbishment expenditure must amount to at least a quarter of the comparable new construction costs.

Measures for ongoing maintenance (upkeep costs) and the costs of ongoing operation are not eligible.

### #### Recipients of allocations

Recipients of state allocations pursuant to Art. 10 BayFAG are exclusively municipalities, administrative districts, districts, administrative communities, school associations and municipal special-purpose associations, but not independent municipal companies under public law or municipal companies in the legal forms of private law.

If a project is carried out by another project sponsor and the local authority contributes to the construction or acquisition costs with a grant, the local authority will be granted allocations in accordance with Art. 10

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BayFAG.

#### Eligible expenditure

The basis for the state subsidy is not the total costs, but the eligible expenditure. Eligible expenditure is determined in accordance with No. 5.2 of the Allocation Guidelines (FAZR).

#### Type and amount

The allocations are granted as proportional financing. When determining the amount of the allocation, particular consideration is given to the financial situation of the local authority, taking into account demographic trends, the importance of the construction project, a catchment area that extends beyond the territory of the local authority, the national interest and the amount of funds available.

The funding range is 0 to 80 %.

The funding rate orientation value for municipalities whose financial situation corresponds to the national average for comparable municipalities is 50%

Municipal building investments for the first-time expansion of all-day facilities approved by the school authorities receive an improved investment cost subsidy with a 15 percentage point premium on the regular subsidy rate ("FAGplus15").

## Erforderliche Unterlagen

- Proof that the requirements have been met
  - Construction documents in accordance with VV No. 4 of Annex 4a to Art. 44 BayHO, unless submission in accordance with VV No. 4.6 of Annex 4a to Art. 44 BayHO can be waived
  - Decision of the responsible municipal body to carry out the project or to participate in the measure of another body
  - Applications for and commitments of third-party allocations
  - if several municipalities are involved in the financing or utilization:

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- for each local authority, an overview of the financial circumstances in accordance with model 2a or 2b of the VV to Art. 44 BayHO and
- an overview showing the distribution of the charges among the participating municipalities.
- Rent calculation in the case of renting out the construction project subsidized under Art. 10 BayFAG as well as confirmation that the rent does not include any investment cost shares covered by the state allocations

## Voraussetzungen

Funding is based on the space requirements determined by the school authorities. This is determined for new buildings, conversions and extensions as well as for the acquisition of buildings in the school supervisory approval to be applied for from the government.

The following conditions apply for the granting of allocations for eligible measures:

- The overall financing must be secured. The local authority must be in a position to raise the necessary own funds and also to finance the expected follow-up costs in the future.
- As a rule, the planning documents must be professionally reviewed before the start of a construction project.
- The measure must not have been started yet.
- A subsidized construction project must generally be used for the purpose for which it was allocated for at least 25 years. Temporary buildings can be funded if their use is secured for at least ten years and the need for them has been established.
- Multiple funding of the same measure is generally excluded. If, in exceptional cases, other allocations for the same expenditure are granted for a project in addition to the funding under Art. 10 BayFAG, this will be taken into account when determining the funding rate. Subsidies from programs of the development banks acting on behalf of the Bavarian State Government and the BayernLabo development institute are generally permitted without any restrictions under funding law.
- The measure must be cost-effective.

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|                              | <ul style="list-style-type: none"> <li>• Direct contracts are only permitted in accordance with the procurement principles applicable to local authorities.</li> <li>• Grants will only be awarded for projects with eligible expenditure of more than €100,000. For measures to implement accessibility/inclusion, the generally applicable de minimis limit is reduced from €100,000 to €25,000, and to €50,000 for funding from the special "FAGplus15" program.</li> </ul>   |
| Kosten                       |  |
| Verfahrensablauf             | <p>An application for allocation must be submitted to the district government responsible for the municipality using template 1a of Art. 44 of the Bavarian Budget Code (BayHO). At the same time, a copy of the application must be sent to the legal supervisory authority, unless the latter is itself the granting authority.</p> <p>Further procedure:</p> <ul style="list-style-type: none"> <li>• The government examines and decides on the application.</li> <li>• Allocations are approved by the government for one financial year at a time.</li> </ul>                  |
| Bearbeitungsdauer            |  |
| Frist                        | Applications for allocations must be submitted in a single copy within the deadline set by the relevant government.  |
| weiterführende Informationen | <a href="https://www.km.bayern.de/ministerium/sport/schulspor.html">https://www.km.bayern.de/ministerium/sport/schulspor.html</a><br><a href="https://www.km.bayern.de/ministerium/sport/schulspor.html">https://www.km.bayern.de/ministerium/sport/schulspor.html</a><br><a href="https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/">https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/</a><br><a href="https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/">https://www.stmfh.bayern.de/kommunaler_finanzausgleich/hochbauten/</a> |
| Hinweise                     | Construction work may only begin after a corresponding approval notice has been issued or after prior approval for early commencement of the measure.  |

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|-------------------|-------------------------------|
| Rechtsbehelf      | Optional opposition procedure |
| Kurztext          |                               |
| Ansprechpunkt     |                               |
| Zuständige Stelle |                               |
| Formulare         |                               |
| Ursprungsportal   | BayernPortal, BayernPortal    |