

99400112017000

Heruntergeladen am 07.06.2025

<https://fimportal.de/xzufi-services/3902/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99400112017000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Monument protection; application for a grant from the Bavarian compensation fund
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	07.03.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wissenschaft und Kunst (Bavarian State Ministry of Science and the Arts)
Handlungsgrundlage	https://www.gesetze-bayern.de/Content/Document/BayDSchG-4 https://www.gesetze-bayern.de/Content/Document/BayDSchG-4 https://www.gesetze-bayern.de/Content/Document/BayDSchG-22 https://www.gesetze-bayern.de/Content/Document/BayDSchG-22 https://www.gesetze-bayern.de/Content/Document/BayVV_2242_1_2_WK_11889 https://www.gesetze-bayern.de/Content/Document/BayVV_2242_1_2_WK_11889
Teaser	Grants can be applied for from the compensation fund for measures on monuments in accordance with the Bavarian Monument Protection Act.
Volltext	<p>The compensation fund is a special state fund without its own legal personality, which is administered by the supreme monument protection authority, the State Ministry of Science and Art. Its financial resources are based on Art. 21 BayDSchG; they are shared equally by the Free State and the municipalities. The fund serves to satisfy claims for compensation arising from expropriation (Art. 18 BayDSchG) or other significant material impacts on property (Art. 20 BayDSchG), as well as to compensate for an unreasonable special sacrifice resulting from the preservation of a monument in accordance with Art. 4 BayDSchG.</p> <p>Approval can be granted in the form of subsidies and/or in the form of low-interest or interest-free loans. The type (grant and/or loan) and the specific amount are only determined by the so-called reasonableness test. This is carried out by the State Ministry of Science and the Arts as part of the compensation fund procedure. The financial and economic circumstances of the owner of the monument (and, if applicable, his relatives affected by the measure) are used to examine the extent to which the implementation of the restoration measure would lead to a burden on the monument owner that would</p>

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have an effect beyond the scope of the social obligation of ownership (Art. 14 para. 2 GG) and must therefore be compensated. For the so-called reasonableness test, overviews and documents (also of a tax nature) on the respective asset situation as well as the respective current income/expenditure situation must be submitted. The extent to which refinancing is possible is also examined, for example with regard to future possible uses for the listed building or with regard to future reductions in income tax due to increased tax deductions. All amounts stated during preliminary discussions are non-binding until final approval by the Bavarian State Office for Monument Preservation.

For grants of EUR 250,000 or more, a notarized, limited personal easement for the preservation of the monument will be entered in the land register as a special condition (with the exception of rooms used for religious services). In individual cases, the granting of funds from the compensation fund is linked to a value compensation clause in the approval notice as a special condition. According to this clause, the owner of the monument must pay an appropriate compensation to the compensation fund within a set period (usually 45 years) if the monument is sold.

Erforderliche Unterlagen

- The documents required for the rest of the procedure can be found in Part II of the data sheet as well as in the case group related forms "Documents for the reasonableness check" (see under "Forms").

Insofar as the submission of a so-called liquidity report is required, the sample under "Forms" can be used.

Voraussetzungen

Grants or loans from the compensation fund in accordance with the Bavarian Monument Protection Act (BayDSchG)**** are primarily considered for extensive measures on monuments with supra-regional significance and an acute threat. They require, among other things, that the owner of the monument cannot be expected to bear the full repair costs economically. A detailed examination of the financial circumstances of the monument owner is therefore very important in the funding process.

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Kosten	none
Verfahrensablauf	<p>If you wish to apply for grants and/or loans from the compensation fund in accordance with the BayDSchG, you must contact the lower monument protection authority. The lower monument protection authorities (usually district offices, independent cities and large district towns) apply to the Bavarian State Office for Monument Preservation for the grant from the compensation fund</p> <p>The administrative procedures and responsibilities for claiming from the compensation fund:</p> <ul style="list-style-type: none"> • The State Office for the Preservation of Monuments selects suitable properties in cooperation with the Lower Monument Protection Authority. • With the support of the Lower Monument Protection Authority, the State Office for the Preservation of Monuments records the master data, the relevant cost figures and the financing proposal (Part I of the data sheet) and maintains the measures in a planning list. • From the planning list, the State Office for the Preservation of Monuments proposes measures for the biannual consultation with the Bavarian Association of Towns and Municipalities, for which the procedure for claiming the compensation fund is initiated. On this basis, the State Office for the Preservation of Monuments releases the application by forwarding Part I of the data sheet to the Lower Monument Protection Authority. The owner of the monument receives a copy of this for information purposes. If necessary, a financing discussion will be held before the data sheet is released. • With the cooperation of the monument owner, the Lower Monument Protection Authority processes the application with the monument owner's declaration (Part II of the data sheet) and forwards it to the State Office for Monument Preservation together with the monument-related documents. At the same time, it informs the monument owner of the documents to be submitted to the State Ministry of Science and the Arts for the so-called reasonableness test (examination of the financial and economic circumstances of the monument owner). The monument owner receives a

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copy of Part II of the data sheet for information purposes.

- The State Office for Monument Preservation transmits the essential technical parameters for the restoration procedure for the reasonableness test to the State Ministry of Science and Art (Part III of the data sheet). The monument owner receives a copy of this.

- The State Ministry of Science and the Arts determines the type (grant and/or loan) and specific amount of the grant as part of the reasonableness test. On this basis, the State Office for the Preservation of Monuments issues a conditional notification (notification of grant or 1st notification).

- After completion of the measure, the Lower Monument Protection Authority checks the final invoice in terms of calculation and construction and sends a copy of the audited proof of use to the State Office for Monument Preservation. The State Office for the Preservation of Historic Monuments will carry out a final check of the proof of use from the point of view of the preservation of historic monuments, determine in particular the eligible costs and calculate the amount of the grant to be awarded. On this basis, the State Office for the Preservation of Monuments makes a final decision on the amount of the grant and asserts any claims for repayment (final notice or second notice).

Bearbeitungsdauer

Frist

If you wish to apply for grants and/or loans from the compensation fund in accordance with the BayDSchG, the application must be submitted ****before the start of the measure****. Funding is ruled out from the outset if work has already begun on the project or the project has already been completed. Further information can be obtained from your local monument protection authority and the State Office for the Preservation of Monuments.

weiterführende Informationen

<https://blfd.bayern.de/information-service/denkmaleigentuemer/index.html#navtop>
<https://blfd.bayern.de/information-service/denkmaleigentuemer/index.html#navtop>
<http://www.stmwk.bayern.de/ministerium/kunst-und-k>

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[ultur/denkmalschutz.html](http://www.stmwk.bayern.de/ministerium/kunst-und-kultur/denkmalschutz.html)
<http://www.stmwk.bayern.de/ministerium/kunst-und-kultur/denkmalschutz.html>
<https://blfd.bayern.de/information-service/foerderung/index.html#navtop>
<https://blfd.bayern.de/information-service/foerderung/index.html#navtop>
<https://blfd.bayern.de/information-service/foerderung/e-fonds/index.html#navtop>
<https://blfd.bayern.de/information-service/foerderung/e-fonds/index.html#navtop>

Hinweise

The state, numerous municipalities and municipal associations as well as many other public or private institutions promote measures for the preservation of monuments through grants or, in some cases, loans. The funding options are very diverse. If you are interested in such funding, you should seek advice at an early stage from your lower monument protection authority (districts, independent municipalities and large district towns) and/or the State Office for the Preservation of Monuments. The State Office also provides free information material, which you are welcome to call up.

In addition to grants and/or loans from the compensation fund under the Bavarian Monument Preservation Act (BayDSchG), you can also apply for grants from the Bavarian State Office for Monument Preservation (see "Monument preservation; applying for a grant from the State Office for Monument Preservation" under "Related topics").

In addition to grants and loans, you can often also take advantage of tax benefits that are tailored to monument owners.

Tax benefits under the Income Tax Act (EStG): This - indirect - subsidy can be granted for a large proportion of conservation measures. A certificate for submission to the relevant tax office is usually issued by the State Office for the Preservation of Monuments (see "Preservation of monuments; applying for a certificate for tax purposes" under "Related topics").

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Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal