

99012038234000

Check the municipality's right of first refusal

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/S1000020010000002963/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99012038234000
Leistungsbezeichnung I	Check the municipality's right of first refusal
Leistungsbezeichnung II	Examination of the right of first refusal
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">Negative certificate, right of first refusal</div> , <div lang="en-x-mtfrom-de">Negative certificate</div>, <div lang="en-x-mtfrom-de">Right of first refusal declaration 1</div>, <div lang="en-x-mtfrom-de">Negative certificate, right of first refusal</div>, <div lang="en-x-mtfrom-de">negative decision</div>, <div lang="en-x-mtfrom-de">land purchase agreement</div>, <div lang="en-x-mtfrom-de">Community right of first refusal</div>, <div lang="en-x-mtfrom-de">exercise for

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	the benefit of a third party</div>, <div lang="en-x-mtfrom-de">Exclusion and abolition of the right of first refusal</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.04.2023
Fachlich freigegen durch	
Handlungsgrundlage	[§ 24 Building Code (BauGB)](http://www.gesetze-im-internet.de/bbaug/_24.html) [§ 25 Building Code (BauGB)](http://www.gesetze-im-internet.de/bbaug/_25.html) [§ 26 Building Code (BauGB)](http://www.gesetze-im-internet.de/bbaug/_26.html) [§ 27 Building Code (BauGB)](http://www.gesetze-im-internet.de/bbaug/_27.html):) [§ 28 Building Code (BauGB)](http://www.gesetze-im-internet.de/bbaug/_28.html) [Section 15a, Paragraph 3 of the Hamburg Roads Act (HWG) in conjunction with Section 28 of the Building Code](https://www.landesrecht-hamburg.de/bsha/document/jlr-WegeGHAV2P15a) [§ 55b HWaG](https://www.landesrecht-hamburg.de/bsha/document/jlr-WasGHA2005pP55b) [§ 99a Water Resources Act (WHG)](https://www.gesetze-im-internet.de/whg_2009/_99a.html) [§ 66 Para. 1 No. 1-3

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BNatSchG](https://www.gesetze-im-internet.de/bnatshg_2009/_66.html) possibly in connection with [§ 18a HmbBNatSchAG](<https://www.landesrecht-hamburg.de/bsha/document/jlr-BNatSchGAGHAV4P18a>)
[§ 4 RSedIG](https://www.gesetze-im-internet.de/rsiedlg/_4.html)
[§ 13 HafenEG](<https://www.landesrecht-hamburg.de/bsha/document/jlr-HfEntwGHAV4P13>)
[Section 12 (3) SeilBG,](<https://www.landesrecht-hamburg.de/bsha/document/jlr-SeilBGHApP12>)
[Section 4 (3) LinBeschlErStVtrG, FELP/VSHStVtrG](<https://www.landesrecht-hamburg.de/bsha/document/jlr-LinBeschlSHStVtrGHApStaatsvertrag-P4>)
[§ 4 - Blocking of changes, right of first refusal](<https://www.landesrecht-hamburg.de/bsha/document/jlr-FELPIVSHStVtrGHApStaatsvertrag-P4>)

Teaser

You intend to sell or buy a property or have already concluded a property purchase agreement and need information on the FHH's right of first refusal. The LIG provides information on the examination of statutory pre-emption rights and the procedure

Volltext

If you want to buy or sell a property or have already concluded a property purchase agreement, you can get all the basic information about the statutory right of first refusal from the Landesbetrieb Immobilienmanagement und Immobilien (LIG). The LIG is centrally responsible within the FHH for examining legal pre-emption rights and issues explanations on the legal pre-emption right. The LIG accepts applications for the issuance of a waiver of statutory pre-emption rights and provides advance information on whether properties are affected by pre-emption rights. Municipal pre-emption rights are provided for in several federal and state laws. These laws give the FHH the right in certain cases to purchase a property or parts of it instead of the buyers actually intended. If a plot of land has been sold, proof that there is no statutory right of first refusal or that the municipality is not making use of its right of first refusal (so-called

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	<p>“negative certificate”) is required in order to transfer the property to the purchaser in the land register. The request for the negative certificate is usually made by the notarizing notary.</p>
Erforderliche Unterlagen	<p>Along with the application from the notary's office for the issuance of a negative certificate, the LIG needs knowledge of the legal validity of the property purchase, the date of the purchase transaction, the notary who authenticated the document, the number of the list of documents or the number of the document roll, the exact designation of the property (street, house No., district, parcel, size, land register page no.), a site plan in the case of sold partial areas, the parties to the purchase contract with full addresses and the details of the person(s) liable for the fee. This information can be used to assess which additional documents are required to complete the application.</p>
Voraussetzungen	<p>You bought a property.</p>
Kosten	<p>\- A fee i. H. vz Zt. 43,-- Euro raised. \- [Hamburg - § 3 GebG State standard Hamburg Management Fees § 3 - Management Fees Text proof from: 01.01.2004 (landesrecht-hamburg.de)](https://www.landesrecht-hamburg.de/bsha/document/jlr-GebGHA1986pP3) \- [Hamburg - Annex GebG State standard Hamburg Plant valid from: 01.01.2023 (landesrecht-hamburg.de)](https://www.landesrecht-hamburg.de/bsha/document/jlr-GebGHA1986V11Anlage)</p>
Verfahrensablauf	<p>\- **In the case of property purchase agreements that have already been notarized:** As a rule, the notarizing notaries apply to the LIG for the corresponding negative certificate. The LIG checks whether the city has a right of first refusal for the object of purchase or for a part of the object of purchase. Depending on the right of first refusal, the law provides for this process to take two or three months. If the prerequisites for exercising the right of first refusal are met, the municipality can exercise the right of first refusal within these periods by means of an administrative act. The contracting parties will be given the opportunity to comment on the facts at a hearing. If no pre-emption rights can or should be</p>

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exercised by the municipality, the respective negative certificate will be sent quickly to the notarizing notary's office after notification of the legally effective purchase contract. The associated notice of fees will be sent directly to the party liable for the fee after the negative clearance has been issued. Under the following link [lig-egvp-flyer2022-2-data.pdf](https://www.lig-egvp-flyer2022-2-data.pdf) (hamburg.de), notaries can find information on how to contact the LIG to apply for a negative certificate under the heading "Pre-emption rights".

\- ****Before notarization of property purchase contracts:****

It is possible to have the LIG check whether a property is affected by statutory pre-emption rights before notarization. You can find more information here [Pre-emption rights (hamburg.de)](<https://immobilien-lig.hamburg.de/leistungen/vorkaufsrechte>)

Bearbeitungsdauer

The statutory deadline for exercising the right of first refusal is - depending on the right of first refusal - basically two or three months after submission of the ****legally effective**** property purchase contract. Within these periods, the right of first refusal can be exercised if the requirements are met. In the event of non-exercise, LIG will issue the certificate of non-existence of a right of first refusal or of the waiver of exercise promptly after notification of the purchase contract.

Frist

The statutory right of first refusal can be exercised within two or three months after submission of the complete and legally effective purchase contract. Please note the deadlines granted by the legislature, especially when planning your time in connection with the property purchase agreement.

weiterführende Informationen

<https://immobilien-lig.hamburg.de/>
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https://www.gesetze-im-internet.de/bbaug/_24.html
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https://www.gesetze-im-internet.de/bbaug/_26.html

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Hinweise	<p>Information on the statutory right of first refusal can be found on the [website of the State Office for Real Estate Management and Real Estate (LIG)](https://immobilien-lig.hamburg.de/) under the tab [Pre-emption Rights (hamburg.de)](https://immobilien-lig.hamburg.de/leistungen/vorkaufsrechte) . Please check whether you should seek advice from your notary's office or a law firm if you have any further questions.</p>
Rechtsbehelf	Please refer to the respective notices for the relevant information on legal remedies.
Kurztext	<p>Pre-emption right of the municipality examination / exercise.</p> <p>In the case of privately concluded property purchase contracts, the FHH has a statutory right of first refusal under certain conditions. All checks are carried out centrally by the State Office for Real Estate Management and Real Estate (LIG).</p>
Ansprechpunkt	
Zuständige Stelle	Tax authority
Formulare	
Ursprungsportal	Hamburg Service, Hamburg Service (Currently this link is only available in german)