

Real estate agent, property developer, building supervisor, loan broker and residential property manager - applying for a permit

Any person who commercially

* mediates the conclusion of contracts relating to real property, rights equivalent to real property, commercial premises, residential premises or provides evidence of the opportunity to conclude such contracts (real estate agent)

* to arrange the conclusion of loan agreements or to provide evidence of the opportunity to conclude such agreements (loan broker)

* wants to prepare or carry out building projects as a builder in his own name for his own account or for the account of a third party and wants to use assets of purchasers, tenants, lessees or other persons entitled to use the property or of applicants for the right to purchase or use the property for this purpose (property developer)

* wants to economically prepare or carry out building projects as a building supervisor in the name of a third party for the account of a third party (building supervisor),

* wants to manage the common property of flat owners or tenancies of residential premises for third parties (residential property manager),
requires the permission of the competent authority.

Loan agreements only include consumer loans. A separate licence as a real estate loan broker is required for the brokerage of real estate consumer loans. (see " More information").

You need a separate licence as a financial investment intermediary for the intermediation of participatory loans, subordinated loans and swarm financing. (see " More information").

In the case of partnerships (e.g. GbR, OHG, KG), each managing partner is a trader; in the case of legal entities (GmbH, UG or AG), permission is granted to the company.

Prerequisites

Personal reliability

Reliability is checked on the basis of various forms of evidence. The applicant must provide information from the Federal Central Register (certificate of good conduct) and information from the Central Trade Register.

Orderly financial circumstances

It is verified whether the applicant is in debt (of a private or public nature) or if there are any known insolvency proceedings.

Regular further training for real estate brokers and residential property managers

As a real estate broker and / or residential property manager you are required by law to take part in relevant professional training measures amounting to a total of 20 hours of training for each period of three years. Upon request, a further training declaration and evidence of training performed must be presented to the competent Public Order Office for reviewing.

This training requirement applies also for staff members, who are directly involved in performing activities that require permission.

https://www.gesetze-im-internet.de/gewo_34cdv/_15b.html

Adequate insurance cover

Proof of professional liability insurance for the business.

Documents required

Application for a permit pursuant to § 34c of the Trade Regulations (Gewerbeordnung)

Possible online; or you can use the form.

Identity document

Identity card or other official identification document with photo (not required for electronic application).

Residence permit if the applicant is not a national of an EU country.

Certificate of good conduct for presentation to an authority

To verify personal reliability, information from the Federal Central Register (certificate of good conduct) is required for submission to an authority (document type O).

The information must be applied for at the municipality of residence (in Berlin at every citizens' office) for submission to an authority, i.e. it is sent directly to the public order office responsible for the place of business. The information must not be older than three months. The Federal Ministry of Justice also offers an online application procedure. (see "More information")

<https://service.berlin.de/dienstleistung/120926/>

Excerpt from the central business register for presentation to an authority

To verify personal reliability, information from the central business register for natural persons is required for submission to an authority (document type 9).

As a private individual, the information must be applied for at the municipality of residence (in Berlin at every citizens' office) for submission to an authority, i.e. it is sent directly to the public order office responsible for the place of business.

Legal entities with their place of business in Berlin apply for it at their competent public order office.

The information must not be older than three months. The Federal Ministry of Justice also offers an online application procedure. (see "More information")

<https://service.berlin.de/dienstleistung/327835/>

Information from the debtors' register (Central Enforcement Portal)

Information on entries can be requested online at the Central Enforcement Portal of the Federal States. (see "More information")

<https://service.berlin.de/dienstleistung/327028/>

Information from the insolvency register

* For insolvency proceedings of natural persons residing in Berlin, two certificates are required as proof. The first for consumer insolvency proceedings is to be applied for at your local court and the second for regular insolvency proceedings at the Charlottenburg Local Court Amtsgerichtsplatz 1, 14057 Berlin.

* The Charlottenburg Local Court, Amtsgerichtsplatz 1, 14057 Berlin, is responsible for insolvency proceedings of legal entities and trading partnerships with their place of business in Berlin.

* Applicants with their place of residence/business outside of Berlin should inform themselves about the respective jurisdiction of the insolvency courts via the central local and court directory (see "More information").

<https://service.berlin.de/dienstleistung/327527/>

Professional liability insurance cover for residential property managers

Confirmation from an insurance company of the existence of professional liability insurance for the residential property managers.
The confirmation must not be older than three months.

https://www.gesetze-im-internet.de/gewo_34cdv/__15.html

Up-to-date excerpt from the Trade Register

Registered companies please submit a current excerpt from the commercial register when applying. Legal entities in the process of formation (GmbH, AG) must submit the articles of association.

https://www.handelsregister.de/rp_web/welcome.do;jsessionid=4B3D1264EA1029E4402CA163C39B9396-n1.tc031n01

Forms

Application for a permit pursuant to § 34c of the Trade, Regulations (real estate broker/developer/building supervisor, loan broker and residential property manager)

https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/mdb-f127283-wir221_gewo_makler_bautr__ger_baubetr_euer_antrag_01_2017.pdf

Fees

100.00 to 1,800.00 Euro depending on effort

Legal basis

▪ Trade Regulations (Gewerbeordnung (GewO)) § 34c sec. 1

https://www.gesetze-im-internet.de/gewo/__34c.html

▪ Ordinance on the Duties of Real Estate Agents, Loan Brokers, Property Developers, Construction Supervisors and Residential Property Managers (MaBV)

https://www.gesetze-im-internet.de/gewo_34cdv/

▪ Schedule of Administrative Fees (Verwaltungsgebührenordnung

(VGebO))

<https://gesetze.berlin.de/perma?d=jlr-VwGebOBE2009V11Anlage>

More information

- Leaflet of the Berlin Chamber of Industry and Commerce - Real Estate Brokerage
<https://www.ihk-berlin.de/blueprint/servlet/resource/blob/2253218/da12ec71354bc9920a5ebb73c5498e86/makerlerlaubnis-data.pdf>
- Real estate loan broker - Apply for permission
<https://service.berlin.de/dienstleistung/327968/en/>
- Financial investment broker - Apply for permission
<https://service.berlin.de/dienstleistung/327479/en/>
- Apply for certificate of good conduct and central business register online - BfJ
https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Buergerdienste_node.html
- Information from the debtors' register - Central Enforcement Portal of the Federal States
<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>
- Insolvency notices online via the joint justice portal of the Federal States
<https://www.insolvenzbekanntmachungen.de/>
- Search for the competent court in the central local and court register
<https://www.justizadressen.nrw.de/de/justiz/suche>
- Information about privacy
https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehende-s-gewerbe/_assets/merkblatt-dsgv.pdf

Responsible authorities

The permit must be applied for at the public order office responsible for the place of business. If a place of business is not yet known, the permit can also be applied for at the public order office responsible for the applicant's place of residence.

Link to online processing

<https://www.berlin.de/ea/en/application/login-service-account-berlin/>