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

Anyone who commercially

- broker the conclusion of contracts for land, land rights, commercial premises, residential premises or provide evidence of the opportunity to conclude such contracts (real estate agent)
- wants to broker the conclusion of loan agreements or demonstrates the opportunity to conclude such agreements (loan broker)
- intends to prepare or carry out construction projects as a builder in his own name for his own account or for the account of a third party and intends to use assets of purchasers, tenants, lessees or other authorised users or of applicants for purchase or usage rights (property developer)
- intends to economically prepare or realise 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 joint property of homeowners or tenancies of residential premises for third parties (residential property manager),

requires the authorisation of the competent authority.

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

You require a separate licence as a financial investment broker to broker profit-participating loans, subordinated loans and swarm financing. (see "Further information")

In the case of partnerships (e.g. GbR, OHG, KG), the trader is any managing partner; in the case of legal entities (GmbH, UG or AG), the licence is issued by the company.

Procedure

1. If you wish to open a business requiring a licence as a real estate agent, property developer, building supervisor, loan broker or residential property manager, you must apply for a licence before starting your activity. The application can be submitted online. Please complete the application in full, upload the required documents and submit it.
2. The competent authority will check your details and documents and request any missing evidence. You will receive instructions on the further procedure and will be informed of the processing status by e-mail.
3. If all requirements are met and the necessary documents have been submitted, you will receive a fee notice and the permit by post. If not all requirements or necessary documents have been met, your application will be rejected and a fee will be charged. In this case, you can read the reason

for the rejection in the notification from the responsible office

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**

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

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.

- **Adequate insurance cover**

Proof of professional liability insurance for the business.

Documents required

- **Application for a licence (real estate agent/developer/building supervisor, loan broker and residential property manager)**

You can either submit the application online or use the form and submit the application in writing by post.

- **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**

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

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

The information must not be older than three months.

- **Excerpt from the central business register for presentation to an authority**

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

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

The information must not be older than three months.

- **Information from the debtors' register (Central Enforcement Portal)**

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

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

- **Information from the insolvency register**
(<https://service.berlin.de/dienstleistung/327527/>)
 - 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").
- **Professional liability insurance cover for residential property managers**
(https://www.gesetze-im-internet.de/gewo_34cdv/_15.html)
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.
- **Up-to-date excerpt from the Trade Register**
(https://www.handelsregister.de/rp_web/welcome.xhtml)
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.

Forms

- **Application for a licence (real estate agent/developer/building supervisor, loan broker and residential property manager)**
(https://www.berlin.de/formularverzeichnis/?formular=/ordnungsamt/stehend-es-gewerbe/_assets/mdb-f127283-wintr221_gewo_makler_bautr_ger_baubetreuer_antrag_01_2017.pdf)

Fees

EUR 100.00 to EUR 1,800.00 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/bsbe/?aiz=1&docId=jlr-VwGebOBE2009rahmen&query=JURISLINK%3A%22VwGebO+BE%22>)

More information

- **Information on broker licences (IHK Berlin)**
(<https://www.ihk.de/berlin/maklererlaubnis>)
- **Information from the debtor register (enforcement portal of the federal states)**
(<https://www.vollstreckungsportal.de/zponf/allg/willkommen.jsf>)
- **Insolvency announcements online (justice portal of the federal states)**
(<https://neu.insolvenzbekanntmachungen.de/ap/>)
- **Search for the competent court (central directory of places and courts)**
(<https://www.justizadressen.nrw.de/de/justiz/suche>)
- **Privacy policy (Public Order Offices of Berlin)**
(https://www.berlin.de/formularverzeichnis?formular=/wirtschaft/gewerberecht/assets/winr_105_merkblatt_dsgvo.pdf)
- **Real estate loan broker - apply for a licence (service)**
(<https://service.berlin.de/dienstleistung/327968/en/>)
- **Financial investment broker - apply for a licence (service)**
(<https://service.berlin.de/dienstleistung/327479/en/>)

Average time to process request

<https://www.ea.berlin.de/intelliform/forms/eu-dlr-ng/gewerbe/Vermittler-%20und%20Beratergewerbe/index?AnliegenID=126914>

Notes on responsibility

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.