

Information sheet

Notes on requests of compensation of removal expenses.

1 Grant by the competent Human Resources Department

Officials and judges of the Free State of Bavaria are granted a compensation of removal expenses if the removal is carried out due to personnel measures according to Article 4 BayUKG. For any other reasons, see information sheet “Umzugskostenbeihilfe” Article 11 BayUKG. The consent to a compensation of removal expenses represents an autonomous administrative act which must be pronounced by the competent HR Department if subject to measures on the basis of Article 4 (1) BayUKG (e.g. relocation) or can be pronounced by the HR Department if subject to measures on the basis of Article 4 (2) BayUKG (e.g. secondment). In cases where Article 4 (1) (1) – (5) and Article 4 (2) are applied, a compensation of removal expenses may only be granted if the new place of employment is different from the previous one and if the authorized person’s home is not located in the new place of employment or its catchment area. Catchment area is the domestic territory that is not more than 30 kilometres away from the office on a usually travelled route.

2 Application to LfF (Regional Financial Authority)

In order to be eligible for compensation of removal expenses, the competent HR Department must have confirmed the compensation in written form. This is usually done when a personnel measure is announced, e.g. in the relocation confirmation letter. This written confirmation is valid for a period of 5 years. The compensation of removal expenses will be paid upon completion of the relocation. The compensation must be requested within 6 months upon completion of the relocation (Article 3 (2) BayUKG) using the provided application form. The 6-month-period is not interrupted by a down payment request.

3 Transport expenses according to Article 6 BayUKG

3.1 Relocation with a shipping company

In order to determine the required transport expenses, at least two estimates of cost must be requested before starting the relocation. These have to be from different economically independent carriers who must not belong to the same cartel. The estimates of cost must contain a binding total price (maximum price). The service specifications of the estimate of cost must show nature and quantity of the necessary relocation services. Transport expenses will be granted according to the lowest quote. Expenses for qualified craftsmanship (e.g. carpenter, electrician,...) are no transport expenses. They are covered by the flat rate on the basis of Article 9 BayUKG.

3.2 Self-organized relocation

If someone carries out a relocation on their own, they can apply for a flat rate of 400,00 €. In this case it will not be necessary to submit any receipts or counteroffers.

4 Travel expenses according to Article 7 Bay UKG

4.1 Removal journey on the day of relocation

On the basis of Article 6 (3), second and third sentences BayUKG, the beneficiary receives reimbursement of travel expenses for themselves as well as for the persons living in the same household. The travel expenses will be paid for the journey from the previous home to the new one. If they use their own motor vehicle, they will be granted mileage allowance and carriage compensation like on business trips. The maximum amount to be granted for a beneficiary's journey is 200 €.

4.2 Another journey (in order to search or visit a residence)

Same regulations as in 4.1, for a round trip for one person.

5 Reimbursement of rent according to Article 8 (1)-(3) BayUKG

If you are contractually obliged to pay rent for two flats at the same time, the rent for the flat not used will be reimbursed. Rent for the previous flat will be paid for a maximum of 6 months, for the new flat for a maximum of 3 months.

As an evidence, copies of the most significant pages of both rental contracts and proof of payments of rent (receipts or copies of account statements) are needed. Reimbursement of rent can only be granted if the flat is not used for a full month.

Reimbursement cannot be made for a period in which the relevant flat is partially used by or rented to a third person.

Example: Moving out of the flat on 27th September (handing over of flat on 28th September), tenancy terminated by 30th November, reimbursement of rent is granted for the previous flat for the months of October and November.

The rental payment also includes the additional property expenses stated in the rental contract, but excludes any costs depending on consumption. Residential properties equal rented flats. The customary local rent value takes the place of the rent. However, this is only valid for the previous flat, not for the new one.

6 Brokerage fees (estate agent invoice) according to Article 8 (4) BayUKG

Brokerage fees (estate agent costs) can only be reimbursed if you have taken any actions necessary to find an appropriate flat by yourself.

This includes:

applying for allocation of a flat for civil servants (= entry in the list of people looking for a flat at the competent flat service office)

placing housing advertisements in the local newspaper (without any right to be reimbursed) reviewing newspaper adverts (rentals without brokerage fees).

Only if the mentioned efforts have not produced any results, brokerage fees can be reimbursed. Generally, this amounts to a customary two months' rent without additional property expenses plus VAT.

7 Flat-rate compensation for other removal expenses according to Article 9 (1)-(3) BayUKG

Beneficiaries who had an own flat on the moving day and who refurnished one after moving, will receive a flat-rate compensation of 600,00 € for other removal expenses. The flat-rate compensation will be increased by 150,00 € for any person living in the same household (e.g. spouses, children,...) before and after the relocation. If the requirement of an own flat is not fulfilled, the beneficiary will only be granted a flat-rate of 20% (20% of 600,00 €). Legal concept of "an own flat": A flat is a self-contained unit of rooms which enables the resident to run their own household. The unit must include a room with a kitchen or cooking facilities as well as water supply and wastewater disposal and a toilet. A single room is not a flat, even if it is equipped with cooking facilities and other facilities necessary to run a household of one's own. A one-room flat, however, equipped with cooking and washing facilities/toilet (in a next room) fulfils the concept of a flat.

8 Expenses for additional teaching due to the relocation according to Article 9 (4) BayUKG

If the beneficiary's children need tutoring due to the relocation (e.g. if they need to catch up on academic work when changing school), the expenses will be reimbursed at 75%, not exceeding an amount of 400,00 € per child. The expenses must incur within one year after the relocation has been completed and be claimed within a further six months. The headmaster must confirm the need for the tutoring.

9 Important final information

There is even claim to compensation of removal expenses if, after confirmation of the compensation, the official keeps the family residence and centre of vital interest and establishes a secondary residence in the new place of employment or in its catchment area. This does not result in the right to receive separation allowance.

Furthermore, the official's business affairs must not be affected by the choice of their place of residence. If the relocation has no spatial reference to the new place of employment, there is no right to compensation of removal expenses.

10 Forms:

You can find the application forms under the following link of Landesamt für Finanzen: Intranet of the public authorities: <https://www.lff.bybn.de/>

Internet: <http://www.lff.bayern.de>

11 Responsibility

For the current responsibilities please see:

<https://www.lff.bayern.de/nebenleistungen/reisekosten/zustaendigkeit/index.aspx>

This general information does not produce any direct legal claim.

Legal basis: Bavarian Relocation Costs Law from 24th June 2005