



Funding guideline Reconstruction North Rhine-Westphalia

**A guideline for reconstruction assistance
for private households and companies in
the housing industry - UPDATE-3**



Reconstruction

Together. We'll sort it.



Many thousands of people, companies and cities and towns were hugely affected by the heavy rain and flood disaster in July 2021. In times of need, our Federal Republic of Germany stands together. All the states are contributing to the 2021 reconstruction fund, so that financial benefits can be granted to those who suffered based on government support to compensate for or mitigate the damage and disadvantages.

The state government of North Rhine-Westphalia and the federal government launched a reconstruction fund in 2021 of around €12.3 billion following the heavy rain and flood disaster in July 2021.

Damage event acknowledged as a natural disaster

On 10 September 2021, the state government of North Rhine-Westphalia determined that the heavy rain and flooding in July 2021 constituted a natural disaster and an unprecedented event in the regions affected by the heavy rain and flood disaster in the state of North Rhine-Westphalia in July 2021.

In general terms: The purpose of the funding is to repair damage caused by flooding and in particular to rebuild structures, buildings, properties and public infrastructure, which were damaged by the heavy rain and flooding in July 2021 and are located within the area.

With this guideline for *Construction aid for private households and companies in the housing industry*, we would like to provide some initial assistance on your way to completing an application for reconstruction.



Our employees – including those in the districts, towns and municipalities – are greatly committed to their work in order to support you in rebuilding your damaged buildings.

Solidarity enables reconstruction.

In this regard, I would like to thank specifically the local armed forces units and the technical relief organisations, and our numerous full-time and voluntary services from fire brigades nationwide, the acknowledged aid organisations and the variety of private efforts that will make lasting reconstruction possible in the first place.

This solidarity is invaluable. The state of North Rhine-Westphalia, the districts, towns, municipalities and the federal government will reconstruct along with you.

[Signature]

Ina Scharrenbach

Ministry for Regional Identity, Local Government, Building
and Equal Opportunity of the state of North Rhine-
Westphalia

Note

The Ministry for Regional Identity, Local Government, Building and Equal Opportunity of the state of North Rhine-Westphalia has compiled further information for you on its website at www.mhkgb.nrw. This is continuously updated. **This guideline is valid as of 7 June 2022.**



The *Construction aid for private households and companies in the housing industry* guideline is structured as follows.

We have compiled FAQs in all the sections of this guide, which are directly connected with the content of the North Rhine-Westphalia Reconstruction funding guideline.

0

Basic requirement

You suffered property damage to your residential building directly due to the heavy rain and flood disaster in July 2021.

This also includes damage due to

- Raging flood water,
- Flash floods,
- Rising groundwater,
- Overflowing or damaged sewage systems,
- Rainwater retention basins and
- Water supply facilities including dams and
- By landslides,

Insofar as they were each caused directly by the damaging event.

1

Are you entitled to claim?

from page 5

2

What kind of damage was caused?

from page
11

A Property damage

B Loss of income

For private landlords and companies in the housing industry

3

Required documents, claim procedure and approval

from page
35

4

Funding provisions and legal basis

from page
47

5

Further support services and advice

from page
53



1 Are you entitled to claim?

If you meet the basic requirements and you suffered direct damage due to the heavy rain and flood disaster in July 2021, the question now is whether you are entitled to submit a claim to the 2021 reconstruction fund.

Additional explanation >>

The heavy rain and flood disaster in July 2021 is referred to below as a “damaging event”.

The beneficiaries are

>>

(Number 4.2 of the *North Rhine-Westphalia Reconstruction funding guideline*)

a) **In the case of damage to residential buildings**

- The private owners,
- Private landlords and
- Companies in the housing industry, including those with local government participation,

As long as they are the owners of the damaged property or are obliged by law or contractual provisions to remedy the damage,

b) **In case of damage to household effects in private households**

- The private owners and
- tenants.

c) **In case of loss of rent**

- For private landlords and companies in the housing industry



Are there reasons for exclusion? >>

Yes, there are. If the following circumstances apply, an application to the 2021 reconstruction fund is excluded.

(Numbers 2.2 and 4.2.2 of the
North Rhine-Westphalia
Reconstruction funding
guideline)

- a) Damage that occurred due to a breach of regulations for protection against flood risks in stipulated or temporarily secured flood areas.
- b) Damage to buildings that were constructed without the required building permit at the time the damage occurred and whose construction was not eligible for approval either.
- c) An insolvency before the occurrence of flooding does not exclude funding, unless an independent renovation procedure or a protective shield procedure are carried out or a confirmed insolvency plan is confirmed. This does not apply to damage to your own household items in accordance with number 4.4.4. and if the beneficiary retains ownership of his or her damaged residential building.
- d) The business operation in question has not been resumed or not in North Rhine-Westphalia after the approval.



FAQs

Can severe weather events before July 2021 also be considered? >> **No.** In accordance with federal government instructions, the damage must be based on the event of July 2021. Any consideration of previously occurring severe weather events will not be included.

Insolvency was triggered by the heavy rain and flood disaster in July 2021. >> **If the insolvency was triggered by the damaging event and can be averted by the equity benefit, causal damage exists.**

Am I now excluded from the reconstruction fund? This is where the possibility of an equity benefit will be considered.

Are equity benefits also excluded in the event of personal bankruptcy? >> **Personal bankruptcy does not exclude the funding of household effects.** The funding is subject to garnishment protection. It involves an equity benefit as a voluntary payment without legal entitlement, whose purpose is to alleviate the financial hardship of those affected.

>> **Personal bankruptcy does not exclude the funding of construction damage in all cases.** The funding may be granted if the applicant remains in his or her home despite the personal bankruptcy. In this case, it also involves an equity benefit as a voluntary payment without legal entitlement, whose purpose is to alleviate the financial hardship of those affected.

I inherited a house that was largely destroyed by the damaging event. >> **Yes.** Heirs become the legal successors of the testator in full. For this reason, the heirs are equivalent to the private owner-occupiers as beneficiaries in accordance with the *North Rhine-Westphalia reconstruction funding guideline*.

Can I apply for reconstruction assistance?

FAQs

Accordingly, the heirs are given access to applying for damage repair services in the case of damage to residential buildings as well as damage to the testator's



FAQs

household effects.

The equity benefit provided in the form of a lump sum for damage to household effects is calculated based on the testator's household situation. The proof of the inheritance must be provided when submitting the application.

In the case of joint inheritance, one individual must be authorised to represent the community of heirs. Proof of the appropriate power of attorney must be provided.

If a community of heirs cannot reach an agreement, it is recommended that a neutral authorised individual be appointed if necessary in order to submit the application. The application must include proof of authorisation. The funding is paid out to this individual, who arranges the settlement with the other beneficiaries internally.

By decree of 24 March 2022, a regulation was made for private households to claim equity benefits in certain cases when selling or purchasing affected plots of land or buildings. In the requirements described here, a transfer of ownership within the family, such as an anticipated inheritance or a sale within the immediate family, is also eligible. The decree is published on our website under *Reconstruction/Legal Principles*:

https://www.mhkbw.nrw/sites/default/files/media/document/file/2022-03-24_erlass_mhkbw_wiederaufbau_besondere_sachverhalte_verkaeufe.pdf

The destroyed house was being renovated and I was not registered there at the time of the damaging event.

Can I apply for reconstruction assistance?

>> Yes. If you were the owner of the building at the time of the damage, you can apply for buildings and under certain conditions for household effects. You must be able to prove that the household effects were yours. This can be but does not have to be proof of registration.



FAQs

Does it matter whether the house in question was my primary or secondary residence?

>> No.

We are a home owners' association and we also had communal facilities in the basement.

>> If a project with several beneficiaries is to be refunded, only one beneficiary can apply for refunding.

The individual who is authorised to do so can apply for it. This may also be the administrator.

Who can submit an application?

The application must include proof of authorisation.

(Number 4.5.2 of the *North Rhine-Westphalia reconstruction funding guideline*)

>> The funding is paid out to the beneficiary, who arranges the settlement with the other beneficiaries internally.

How can I apply for reconstruction assistance if my co-owners do not wish to submit an application?

>> Applications can also be submitted in isolation, in relation to your own property (for example, for damage to your owner-occupied dwelling and household effects).

I have a building that is wholly or partly used commercially and was damaged by the damaging event.

>> The funding of buildings used wholly or partly for commercial purposes is also derived from this part of the *Reconstruction aid for private households and companies in the housing industry*, as long as these are not owned by those entitled to support from the *Reconstruction aid for companies* (number 3 in the *North Rhine-Westphalia reconstruction funding guideline*).

From which part of the *North Rhine-Westphalia Reconstruction funding guideline* can I receive a benefit?

Private landlords (natural persons, companies under civil law, property-owning communities/joint heirs, etc.) are entitled to apply for lets in accordance with number 4 of the *Reconstruction aid for private households and companies in the housing industry funding guideline*. This applies to all types of rentals (homes, offices, shops, professional practices, etc.). The decisive factor is that the shop, office or practice is not one you operate yourself. It is irrelevant whether the property is let or

(Number 4.2.1, last clause of the *North Rhine-Westphalia Reconstruction funding guideline*)



FAQs

leased with or without taking account of VAT. What is decisive, however, is that it constitutes a private asset (so not a business asset).

You should state in the online application whether you have business assets (eligibility to apply in accordance with number 3 of the *Reconstruction aid for companies* funding guideline) or private assets (eligibility to apply in accordance with number 4 of the *Reconstruction aid for private households and companies in the housing industry* funding guideline). In the event of mixed use, i.e. for your own business and partly for your own residential purposes or when rented to others, the decisive factor is which form predominates. Each case has to be evaluated individually.

Note

Business damage, such as destroyed operational equipment, goods or loss of income, cannot be refunded as part of the reconstruction aid for private households and companies in the housing industry. Only a loss of rent is eligible.



2 What kind of damage was caused?

Eligible for funding within the meaning of reconstruction – under certain conditions that are explained below – are measures to remedy immediate damage in which structural systems and paths and roadways were damaged or destroyed due to the direct impact of the damaging event.

This damage may include property damage to assets such as buildings, garages and similar parking spaces as well as household items and in the case of businesses or private landlords also loss of income due to a complete or partial interruption of business activity during a period of six months after the damaging event occurred.

A distinction is made between property damage and loss of income. This guide therefore deals first with requirements that apply both to property damage as well as loss of income (general section) and then distinguishes between property damage (part A) and loss of income (part B).

Causality

>> The damage and loss of income incurred by the individual beneficiary must have a direct causal connection with the damaging event.

Amount of damage to be considered

>> Damage is usually taken into account for an amount of €5,000 or more. This excludes damage to your own household effects. When reviewing the amount of damage that may be taken into account, household effects and building damage are considered together. This also applies in the case of separate applications.



Part A Type, extent and amount of property damage

The funding is provided as an equity benefit in the amount of up to 80 per cent of the eligible costs in accordance with numbers 2.1, 4.4.2 and 4.4.4 of the *North Rhine-Westphalia reconstruction funding guideline*. For additional expenditure due to listed building status, the equity provided is up to 100 per cent.

Additional explanations

Eligible for funding up to the amount of the damage incurred are

(Number 4.4.2 of the *North Rhine-Westphalia reconstruction funding guideline*)

1. The costs of repairing damage to residential buildings, other structures that are required for the proper functioning of the private residential buildings including garages and parking spaces, on water bank fortifications that serve no purpose for water management objectives in terms of their function, as well as measures to reconstruct or acquire similar residential buildings as a replacement for those destroyed by the damaging event or the demonstrably no longer usable residential building - including the structural support system - also elsewhere (replacement projects) as well as in subordinate commercial premises in buildings with a predominantly residential purpose,
2. The costs for acknowledged listed building protection measures,
3. The costs for the production of expert opinions (see the application process and documents required) and for planning documents up to 100 per cent,
4. The costs for your own household effects, which are normally granted as a lump sum (see the *Household items* section),
5. The costs of demolition and clearing work, insofar as they are directly connected,



Additional explanations

6. The costs of accompanying measures such as presentation, consulting, information exchange and knowledge transfer or
7. in justified cases also costs of modernisation measures, insofar as there is a legal obligation to do so or they are urgently required under the provisions of § 3 paragraph 2 Construction Aid Ordinance 2021.

Benefit items in general

(Number 2.1 of the North Rhine-Westphalia reconstruction funding guideline)

- a) Also eligible for funding are costs for measures that were taken immediately before or during the period of the damaging event, as long as their purpose was to directly prevent flood-related danger and limit flood-related damage. The cost of eliminating the measures in accordance with clause 1 are also eligible for funding.
- b) Direct damage caused by relief workers and emergency vehicles as well as private assistants will also be taken into account.
- c) In urgent cases, the costs for absolutely required temporary measures will be refunded.

Lump sum for own household effects

(Number 4.4.4 of the North Rhine-Westphalia reconstruction funding guideline)

Household effects include furniture, appliances and other home furnishing items required for managing and living in a house, as long as they do not go beyond a reasonable level.

For damage to your own household effects an **equity benefit in the form of a lump sum** is normally granted as follows.

- a) **For single-person households:** €13,000 and
- b) **For multi-person households:**



Additional explanations

1. For the first person:
€13,000
2. For a further person:
€8,500
3. For any other person registered there:
€3,500

c) **For shared homes:** The aforementioned lump sums apply accordingly.

- In relation to buildings that were not usable at the time of the damaging event, except for buildings that were still under construction or being restored when the damaging event occurred,
- Buildings that were intended to be demolished when the damage occurred,
- On and in gardens of privately used residential buildings including structures with the exception of domestic drinking water supply systems, or
- Reduced values of private assets as well as loss of earnings from paid employment and other indirect damage
- which can normally be eliminated by making a reasonable personal effort.

What damage cannot be reimbursed?

(Numbers 2.2 and 4.4.5 of the *North Rhine-Westphalia reconstruction funding guideline*)

Amount of equity benefit

(Number 4.4.1 of the *North Rhine-Westphalia reconstruction funding guideline*)

Funding takes the form of an equity benefit in the amount of up to 80 per cent of the costs eligible for funding in accordance with the numbers 2.1 (General benefit items), and 4.4.2 (Eligible for funding up to the amount of the damage incurred).

>> With regard to number 4.4.4 (lump sum for your own household effects), the funding is 100 per cent of the eligible costs up to the lump sum limit.



Additional explanations

Listed buildings

(Number 4.4.1 clause 3 of the
North Rhine-Westphalia
reconstruction funding
guideline)

For additional expenditure due to listed building status, the equity provided is up to 100 per cent. Additional expenses for listed buildings are eligible if the costs of restoring the listed buildings exceed the costs of a "normal" restoration (funding rate up to 80%).

A certificate from the lower monuments administration that the affected building was listed at the time of the flooding should be enclosed with your application.

Damage to residential buildings that were already funded

(Number 7.11 of the North
Rhine-Westphalia
Reconstruction funding
guideline)

Previously granted public funding for the same project does not rule out the granting of equity benefits for measures in the context of this guideline.

If projects that were already funded were totally or partially destroyed before completion of the project or within the appropriation period, when exercising discretion there should be no revocation of the grant notification and demand to return it, unless the grant recipient is entitled to compensation payments from a third party.

The beneficiary must notify the granting authority of the projects that have been funded previously, which were completely or partly destroyed before the project was completed or within the appropriation period.

Multiple funding

(Number 7.9 of the North Rhine-
Westphalia reconstruction
funding guideline)

Funding in accordance with this guideline can be supplemented by other funding programmes of the state of North Rhine-Westphalia, the federal government or the European Union, as long as and insofar as the funding provisions of the other programmes allow this and the total amount of all the funding granted and third-party resources does not exceed the total expenditure for the projects. This could, for example, be support programmes of the



Additional explanations

NRW. Bank and the Reconstruction Loan Corporation (KfW) (see other support services on page 57) or the Federal Office of Economics and Export Control (federal funding of efficient buildings).

The beneficiary is obliged to inform the granting authority whether and if necessary the amount he or she receives in additional resources from other funding programmes or donations.



FAQs

on disposal costs

(Number 4.4.2 item 5 of the *North Rhine-Westphalia reconstruction funding guideline*))

What is waste?

What does disposal mean?

>> **Waste** within the meaning of the Closed Cycle and Waste Management Act (KrWG) of 24 February 2012 (BGBl. I 212), last amended by article 20 of the act of 10 August 2021 (BGBl. I p. 3436), are all materials or objects that their owner discards, wishes to discard or has to discard (§ 3 paragraph 1 KrWG).

The term **disposal** within the meaning of the Closed Cycle and Waste Management Act includes all recycling and disposal processes including any preparation before recycling or disposal (§ 3 paragraph 22 KrWG).

Which disposal costs are eligible for reimbursement in the context of the *Reconstruction aid for private households and companies in the housing industry*?

>> The following elimination costs or disposal costs are eligible for funding via the *North Rhine-Westphalia reconstruction funding guideline for eligible claimants from the Reconstruction aid for private households and companies in the housing industry, if he or she has issued the order.*

- (1) Classification of waste based on technical, physical and chemical properties,
- (2) Required examinations of soil and/or waste,
- (3) Replacement of contaminated soils, (removal / excavation and filling of earth material)
- (4) Recording, collection, transport and disposal of slurry, oil and water mixtures, contaminated soils and other hazardous waste, or
- (5) Implementation of all the other activities required for disposal, such as the operation of interim storage facilities as well as removal from the interim storage facilities to approved waste



FAQs

disposal facilities and landfills.

I have commissioned the disposal of waste (bulky waste, building site rubble, etc.) myself.

>> Yes, if your municipal authority has not taken responsibility for the disposal of waste that is directly related to the damaging event but you have authorised it yourself.

Can I have these costs reimbursed? Does the minimum claims limit of €5,000 apply?

>> Please note the minimum claims limit of €5,000.

Damage to gardens is not eligible for funding under this guideline. But this is exactly where mud and flood-related waste have accumulated.

>> Yes, the removal or excavation of contaminated soil and refilling with earth are eligible for funding. But replanting the garden is not.

Are such cleaning up and disposal costs eligible for funding?

Is any income derived from the sale or recycling of waste to be deducted?

>> Yes.

Can I also apply for assistance in disposing of my damaged household effects?

>> Yes. You can claim for the disposal of your damaged household effects separately.

Garages

(Number 4.4.2 of the North Rhine-Westphalia reconstruction funding guideline)

My garage was flooded and my car standing inside is now a total write-

>> Costs are also eligible for refunding up to the amount of damage incurred for the repair of



FAQs

off.

How are the garage and car (or other items stored in the garage) to be considered? The car was only insured against third-party risk.

damage to garages and parking spaces belonging to the residential building.

>> You cannot apply for any funding for your destroyed vehicle. You can claim for other items you stored in your garage as part of your household effects as part of the household effects flat rate.

What information should I provide if I want to build a carport instead of the destroyed garage?

>> You can state this in your initial application. No further explanation is required.

What do I have to consider if I have received an equity benefit to reconstruct a garage but then decide to build a carport?

>> In your subsequent statement of use, you should say what you have constructed using the equity benefit – such as the cost of a carport.

This will be checked upon completion and has an impact on the equity benefit. If you had previously planned to build a garage and stated that in your application, you will have to refund the difference in the event of overpayment.

>> Due to the staggered payout of 40% as an advance payment, a further 40% after the interim invoice and 20% upon verification of the funds used, an overpayment is rather unlikely.

Building damage

(Number 4.4.2 of the North Rhine-Westphalia reconstruction funding guideline)

Will I be reimbursed for all the costs of restoring the original condition of the property or only the pro-rata (imputed) current value?

(Number 4.4.2 of the North Rhine-

>> Measures to restore structures are also eligible for funding up to the amount of the actually incurred damage if they are reconstructed in accordance with the generally accepted rules of engineering to avoid future damage in terms of their type, their location or their extent in a manner



FAQs

Westphalia reconstruction funding **adapted to the particular high water and flood risk.**
(§ 3 paragraph 2 of the federal government's
Construction Aid Ordinance 2021)

>> In the event of damage to residential buildings the following applies. Costs up to the amount of damage incurred are eligible for funding for the repair of damage to residential buildings as well as for the new construction or acquisition of similar residential buildings as a replacement for the residential building destroyed by the damaging event or demonstrably no longer usable, even in another location (replacement project).

>> Note

- Requirements for the reconstructions of technical system for energy and heating supply (see *Funding provisions and legal basis*)
- Requirements for measures to reduce damage to structures (see *Funding provisions and legal basis*)

My 20-year-old gas heating system was severely damaged by the flood. Based on an expert assessment, the repair would cost €5,000. Due to rising gas prices and the age of the heating system, I am now thinking about installing a new pellet heating system. Are the increased costs eligible for refunding?

>> Yes, the costs of installing a heating system based on the latest technology can be refunded.

I live in a listed building. What do I have to consider when rebuilding? Will I also receive funding for the additional expenses in relation to

>> Acknowledged listed building protection measures are also eligible for funding up to the amount of the damage incurred (see *Legal basis and ancillary provisions*). For additional expenditure due to listed building status, the equity



FAQs

listed buildings?

provided is up to 100 per cent. Additional expenses for listed buildings are eligible if the costs of restoring the listed buildings exceed the costs of a "normal" restoration (funding rate up to 80%).

A certificate from the lower monument administration that the affected building was listed at the time of the flooding should be enclosed with your application.

I rent out three freehold apartments that were directly damaged by the damaging event.

>> For **damage to residential buildings** the private landlords can submit the application electronically on the online funding portal to the granting authority responsible (see *Application submission procedure and documents required*).

Where can I get funding to repair these dwellings?

>> For **damage to household effects** the application must be submitted by the tenant.

I have an outbuilding that does not require a permit, which was damaged by the heavy rain and flood disaster.

>> **It all depends.** Based on number 4.4.2 of the funding guideline, expenses for repairing damage to residential buildings and other structures that are required for private residential buildings to function, including garages and parking spaces, are eligible for refunding.

Is damage to outbuildings that do not require a permit eligible for funding?

If these were buildings that are not required for the residential building to function but were used, for example, to store garden equipment (such as a garden shed, etc.), these are not eligible for refunding.

Is damage to storage rooms or warehouses eligible for refunding?

>> If these were buildings that are not required for the residential building to function but were used, for example, to store garden equipment (such as a garden shed, etc.), these are not eligible for refunding.



FAQs

Warehouses used by or for companies

If these involve warehouses for companies, they are refundable based on number 3 of the funding guideline if they were used for the company.

We have rented out the ground floor of our house to a small business. How is this damage considered?

>> Requirement The building is privately owned. In this case, an equity benefit can be granted for repairs to the damage to the building in accordance with the *Construction aid for private households and companies in the housing industry*.

>> If the ownership of the building is part of a business operating outside the housing industry, the equity benefit can be paid in accordance with the *Construction aid for companies* (see www.wirtschaft.nrw).

>> In the case of tenant installations that were carried out by the leaseholder of the commercial part: An equity benefit is paid based on the *Reconstruction aid for companies* (see www.wirtschaft.nrw).

We run a commercial operation on the ground floor of our home. How is this damage considered?

>> The funding of fully or partly commercially used residential buildings is also based on the Development aid for private households and companies in the housing industry.

This also applies to the **premises of the commercial operation**, as long as the building itself is privately owned and not part of its business assets.

For the **operating equipment** on the other hand, an equity benefit based on the *Development aid for companies* applies (see www.wirtschaft.nrw). In this case, a separate application for *Development aid for companies* would have to be submitted.

We are a home owners' association a) Damage to jointly owned property



FAQs

and we also had communal facilities in the basement.

Who can claim for the damage?

(Number 4.5.2 of the *North Rhine-Westphalia reconstruction funding guideline*)

If a project with several beneficiaries is to be funded, only one beneficiary can apply for funding. The individual who is authorised to do so can apply for it.

>> The application must include proof of authorisation.

The funding is paid out to the beneficiary, who arranges the settlement with the other beneficiaries internally.

b) Damage to individually owned household effects

The fractional owner may submit a claim separately for damage to his or her own household effects.

I bought a damaged house after the disaster.

Can I submit an application?

>> No. Ownership must usually have existed at the time of the heavy rain and flood disaster in July 2021. The requirements for funding are ownership, flood effect and reconstruction by the owner. By decree of 24 March 2022, a regulation was made for private households to claim equity benefits in certain cases when selling or purchasing affected plots of land or buildings. This also means special cases are supported when selling due to the applicant's personal limitations (age, serious disability or need for care).

In exceptional cases buyers can receive funding if a transfer of ownership occurs within the family, such as an anticipated inheritance or a sale within the immediate family.

The decree of 24 March 2022 is published on our website under *Reconstruction/Legal Principles*:

https://www.mhkgb.nrw/sites/default/files/media/document/file/2022-03-24_erlass_mhkgb_wiederaufbau_besondere_sach



FAQs

verhalte_verkaeufe.pdf

Our property management company suffered direct damage to residential buildings due to the damaging event.

What are the application requirements?

>> **Property damage** Companies in the housing industry, including those with local government participation, can submit claims for costs to repair property damage with an application based on the *Construction aid for private households and companies in the housing industry*, as long as they are the owner of the damaged property or are obliged by law or contractual provisions to remedy the damage. Individual tenants can only claim for damage to household effects themselves.

>> **Loss of income** In the event of loss of rent or reduction in rental income that was directly caused by the damaging event, claims for loss of income can be made (see *Part B Loss of income*).

As a housing construction company, I have a publicly funded housing stock that has suffered clear damage from the floods.

What do I have to consider if public funds have already been used? The appropriation for public funds is still ongoing. What do I have to consider here?

>> **See Damage to projects that were already funded**

>> Previously granted public funding for the same project does not rule out the granting of equity benefits for measures in the context of the *North Rhine-Westphalia Reconstruction funding guideline*.

>> **Previous appropriations generally remain applicable to the property and are not forfeited.**

>> If projects that were already funded were totally or partially destroyed before completion of the project or within the appropriation period, when exercising discretion there should be no revocation of the grant notification and demand to return it, unless you are entitled to compensation payments from a third party.

>> You must notify the granting authority of the projects that have been funded previously, which



FAQs

were completely or partly destroyed before the project was completed or within the appropriation period.

>> If you have received funding in accordance with the state of North Rhine-Westphalia's law on the funding and use of residential space (WFNG NRW), you are obliged to restore the property to a condition so that it can be rented out.

I would like to modernise my house as part of the repair or reconstruction process compared to its original condition (such as a wider driveway, barrier-free access, triple-glazed windows, energy improvements, better heat insulation and so on).

>> In the context of damage repairs, the costs of modernisation measures can also be funded in justified cases, insofar as there is a legal obligation to do so or they are urgently required under the provisions of the federal government's § 3 paragraph 2 Construction Aid Ordinance 2021. The measures are eligible for funding up to the amount of the damage incurred.

What should I consider here?

>> In addition, funding in accordance with the reconstruction funding guideline can also be supplemented by other funding programmes of the state of North Rhine-Westphalia, the federal government or the European Union, as long as and insofar as the funding provisions of the other programmes allow this and the total amount of all the funding granted and third-party resources does not exceed the total expenditure for the project (see *Multiple funding* and *Five other support services and advice*).

>> You are obliged to inform the granting authority whether and if necessary what amount you have received in additional resources from other funding programmes or donations.

Central systems (heating, communication and similar) should be installed upon reconstruction in such a way that the damage will be

>> Provided this is technically feasible and required to avoid future damage, technical systems for supplying energy and heating must be installed in the context of damage repair either in a flood-



FAQs

less in case of a repeat damaging event (reducing damage).

How are the extra costs (such as for laying new heating pipes from the basement to the top floor for the heating system) considered?

proof location or implemented in such a way that the system or the system parts that are especially at risk of damage in a future flood can be removed and then reinstalled and are then capable of functioning within a short time.

The resulting additional costs will be taken into account in the context of the equity benefit payment.

What are floors inside buildings counted as – building damage or household effects?

>> The first habitable **floor**, which means the floor covering, which is laid **over the screed**, belongs to the **building** and therefore comes under the building insurance.

>> All **other floors** (such as carpets, rugs etc.) are part of your household effects.

Is a fitted kitchen part of the building or the household effects?

>> A fitted kitchen is part of the household effects.

Does a terrace belong to the garden or can it still be associated with the house?

>> Terraces are wholly assigned to the residential building provided they are directly adjacent to the building.

Can measures such as drying, wall, plaster, floor work or similar be refunded?

>> If this work is required to repair **damage to residential buildings**, it is refunded based on number 4 of the funding guideline.

>> If this work is carried out in a **building**, which is considered **wholly or partly as a commercially used residential building**, it is also eligible for refunds in accordance with number 4 of the funding guideline.



FAQs

As an affected owner, I myself helped with the clearing, cleaning and initial damage repair and took unpaid leave for this. **>> No.** The value of your own work does not constitute any costs that are eligible for funding.

Can I also claim for the costs I incurred as a result?

Required permits and evidence

(Number 4.5.1 of the *North Rhine-Westphalia reconstruction funding guideline*)

What permits do I need for reconstruction? **>>** Whether permits are required for reconstruction – including modernisation – cannot be addressed in general terms due to the variety of damage situations that have occurred.

You can discuss this issue – in the case of uninsured injured parties – with the expert commissioned by you or with your local building authority.

If approvals are required, they can be submitted in the application process while taking account of the deadline set in the notification of benefits.

Please coordinate any deadline extensions for your submission with the granting authority.

What about buildings that were already standing there at the time the flooded areas were designated as such (grandfathering) and have now suffered damage? **>>** What is decisive is that the residential building was constructed on the basis of planning permission and was not erected unlawfully. It is then damage that can be refunded.

I do not have all the documents I require yet. Can I still submit an **>> Yes.** Equity benefits are possible if the beneficiary can credibly claim that he or she is



FAQs

application to the 2021 reconstruction fund? able to present the required permits under public law, approvals and the expert's damage report within the deadline to be specified in the notice of benefits.

Damage to property

(Number 4.4.2 of the *North Rhine-Westphalia reconstruction funding guideline*)

What damage to the property can be included (such as paths and roadways and embankments)? >> **All the necessary facilities that belong to the property that were damaged or destroyed by the damaging event can be included.**

Eligible for funding within the meaning of reconstruction are measures to remedy immediate damage in which structural systems and paths and roadways were damaged or destroyed due to the direct impact of the damaging event. This also includes brookside fortifications, for example.

The stream flows through my private property. The **brookside fortification** and a **bridge** were damaged by the heavy rain and flood disaster.

Can I submit an application for reconstruction aid? >> **Yes.** Before you start working on damaged brookside fortifications and bridges on your private property, you should contact the local lower water authority responsible and coordinate the necessary measures with them. You should attach a certificate of the lower water authority to your application.

Household items

(Number 4.4.4 of the *North Rhine-Westphalia reconstruction funding guideline*)

Valuable items (such as a clock collection, antiques, precious metals, jewellery, sports equipment) were destroyed by the flood. Can I also >> Household effects include furniture, appliances and other home furnishing items required for managing and living in a house, as long as they do not go beyond a reasonable



FAQs

**apply for reconstruction funding level.
benefits?**

>> See Lump sum for own household effects

My child is at university elsewhere and has cancelled his registration at our home. However, his household effects are still at home with us (he has his own fully furnished room) and is still part of our household.

>> For damage to your own household effects, an equity benefit in the form of a lump sum is normally granted. With multi-person households, €13,000 are granted for the first person, €8,500 for a second person and €3,500 for any other person registered there.

Will his household items not be reimbursed because he has de-registered?

>> The lump sum is not generally granted to household members who are no longer registered there.

I had stored my household effects with a relative whose house was flooded.

>> In this case, the owner of the household items that were destroyed must prove that these were his or her own household items – even if they were stored elsewhere. Household effects only include furniture, appliances and items that are required for leading a normal life. If the household effects were stored with your relative for a prolonged period, it cannot be assumed that they were required for leading a normal life.

Who should report the damage to these household effects?

I am a tenant in a home and my household effects were directly damaged by the damaging event.

>> As a tenant, you can submit a claim to the 2021 reconstruction fund (see Lump sum for own household effects).

I no longer have any receipts for my damaged household items. How can I prove the amount of damage I have incurred?

>> For damage to your own household effects, an equity benefit in the form of a lump sum is normally granted.

>> This damage does not have to be proven in detail in the verification process by means of



FAQs

original receipts (see *Legal basis and ancillary provisions*). Damage to your own household effects must be plausible and understandable. Therefore, in addition to a damage list, photos, certificates, explanations and other evidence may also be required.

What happens if the actual damage to the household effects is greater than the lump sum?

>> The household effects lump sum is a maximum amount at the same time. Any damage to household effects that is actually greater than this cannot be refunded.

What happens if the damage to the household effects is lower than the lump sum?

>> Below the lump sum, the amount of damage that is actually proven or credible always applies.

I have received insurance benefits for my damaged household items. **Do I have to deduct them in my application?**

>> **Yes.**

I received emergency aid from the state of North Rhine-Westphalia and the federal government for my damaged household effects.

>> If applicants have already received equity benefits from the state of North Rhine-Westphalia and the federal government (emergency aid) for **the same purpose**, these must be offset against the payment.

Do I have to deduct this emergency aid in my application?

In this case, the emergency aid received must be stated in your application.

I have received pecuniary donations for my damaged household items.

>> **No.**



FAQs

Do I have to deduct them in my application?

Private vehicles, caravans and similar

(Number 4.4.4 of the *North Rhine-Westphalia reconstruction funding guideline*)

Can I apply for reconstruction aid for damaged or destroyed private vehicles or mobile homes/caravans? >> **No.** Mobile homes are normally counted as vehicles within the meaning of the funding guideline and are therefore not reimbursable.



Part B Type, extent and amount of income loss

If you as a private landlord or as a company in the housing industry suffer loss of rent or a reduction in rental income as a result of the damaging event, you can claim for loss of income under European state aid law.

Additional explanations

How is the loss of income determined?

(Number 4.4.2 figure 8 in conjunction with number 3.4.2 letter b) of the *North Rhine-Westphalia reconstruction funding guideline*)

>> Determination of the loss of income is based on the *Reconstruction aid for companies*.

The loss of income is calculated based on the financial data of the company in question (earnings before interest and taxes (EBIT), depreciation and labour costs exclusively in relation to the premises affected by the damaging event), in that the financial data for the six months immediately after the damaging event are compared with the average of three years selected from the five years before the event (while excluding the year with the best and the year with the worst financial result).

The loss of income is calculated for the same six month period of the year.

Is a separate expert opinion required for this?

(Number 4.3.3 figure 8 in conjunction with number 3.3.3 of the *North Rhine-Westphalia reconstruction funding guideline*)

>> For private landlords who are not obliged to prepare an annual financial statement and have not prepared it voluntarily either, the calculation of losses is carried out based on the net rent agreed without utilities plus advance payments on the remaining running costs in accordance with § 2 of the Operating Costs Ordinance of 25 November 2003 (BGBl. I p. 2346, 2347) in the currently amended version plus any electricity costs paid in advance by the landlord as part of the rental agreement as required. The loss of income is calculated for the period of loss of rent, but no longer than for six months after the damage occurred.

Loss of rent or reduction in rental income that lead to a loss of income for companies within the meaning of state aid law in accordance with article 50 GBER must be verified on



Additional explanations

the basis of an expert opinion.

Extract from number 3.3.3 of the *North Rhine-Westphalia reconstruction* funding guideline.

The costs in accordance with number 3.1 must be verified by an opinion from an independent expert recognised by a national authority or an insurance company.

Publicly appointed and sworn experts are recognised as acknowledged independent experts, especially in the case of loss of income and damage, the amount of which can normally only be verified based on accounting procedures, sworn experts, tax consultants (including tax agents), auditors and sworn auditors. Expert opinions are also recognised from architects who are fully authorised to submit construction documents and from engineers who are members of a chamber of engineers.

Do I have to submit two applications in the event of property damage and loss of income? >> No. Both types of damage are to be recorded in the application based on the *Reconstruction aid for private households and companies in the housing industry*.

Where can I get more information? The *Reconstruction aid for companies*, here: Loss of income is the responsibility of the Ministry of Economics, Innovation, Digitalisation and Energy of the state of North Rhine-Westphalia. www.wirtschaft.nrw



3 Required documents, claim procedure and approval

Once the basic requirements, the question of eligibility to apply and the extent of the damage eligible for funding have been explained in more detail, the application process begins and in particular which documents you need. Let's start.

Required documents

You can find a check-list of the documents you need on the Internet.

Which documents are required and where do I get them?

Important Clarification of your insurance cover

(Number 4.3.3 of the North Rhine-Westphalia reconstruction funding guideline)

Do you have natural hazard insurance (buildings, inventory)?

If you have insurance, the insurance documents along with documentation of the damage and damage settlement must be enclosed with the application.

Do you have **no** natural hazard insurance (buildings, inventory)?

If you do not have insurance, the damage incurred and the costs required to remedy it must be certified by an expert who is qualified to do so (**damage assessment and expert opinion**).

The damage report must be enclosed with the application.

This does not apply if the damage does not exceed the gross limit of €50,000.

- **NOTE**

Below this limit, the damage must be proven or demonstrated credibly in the context of the application. Notwithstanding this, a damage report from a third part is always required if the recipient of the service has a stake in the companies that are authorised to repair the damage.



The following are also required (generally required documents and information) **You don't have all the required documents? See the FAQs.**

- A valid email address, where we can reach you >> This can be your own email address or the email address of someone you trust, to which you have access for the purpose of submitting your application.
- Identity card, passport or a similar document for identification
- Your tax ID number and that of your dependants
- **Information about the property**, if you still have the relevant data.
Land register delimitation, land register sheet, plot and plot number
- **For tenants** Rental agreement
- **For insured persons**
Enclose insurance documents along with documentation of damage and damage settlement with the application (in electronic file form)
- **For uninsured persons**
Damage reports; in the event of damage less than €50,000, these must be verified or presented credibly in the context of submitting the application (invoices, cost estimates and similar) (in electronic file form)
- Documentary evidence of emergency aid received, donations and third-party benefits (in electronic file form) >> Donations and benefits from third parties, in particular insurance benefits have priority over funding in accordance with this guideline based on the reason and the amount – even if added later on.
- Planning documents, cost estimates, invoices, (building) permits, in the case of listed buildings also a certificate from the lower monuments administration (in electronic file form), applications or certificates for other public funding that has been applied for or approved in addition
- **When claiming for loss of income** Cost appraisal



- Your domestic bank details
- >> No payments are made to foreign accounts.

Required in the case of companies in the housing industry

- Your VAT ID number
- Proof of authorisation to represent the company
- Proof of the rented units in the building
- **Note** The required approval of the supervisory authority responsible for equity benefits to companies in the housing industry, in which municipal authorities hold more than 50 percent, is considered replaced.

Note on damage assessment

>> A sample form has been created to standardise the damage assessment process.

https://www.mhkba.nrw/sites/default/files/media/document/file/Formular_Begutachtung_Ueberflutungsschaeden.pdf

>> Furthermore, a check-list for the expert evidence has been drafted, which supports the expert in assessing the damage.

https://www.mhkbgr.nrw/sites/default/files/media/document/file/Checkliste_Begutachtung_Ueberflutungsschaeden.pdf

Is it mandatory to use these sample forms?

>> **No.** The check-list and the sample form are intended to simplify the damage assessment process. If the formal requirements of the funding guideline for a damage assessment are met, the commissioned expert can also use his or her own models and deviate from the sample.

In general: The application process

Applications can be submitted from 17 September 2021 to 30 June 2023 at the **online funding portal** based on the online application provided there.



>> You are automatically assigned to the granting authority responsible for you via the online application portal.

>> **The link to the online funding portal, the online application as a sample and other information are available at www.mhkbw.nrw**

Change to the granted amount

A requested change is possible in particular if you enclose the required documents, if after the benefit notification has been released the damage amount specified in the expert opinion increases unexpectedly and through no fault of the beneficiary. An increase in the equity benefit by more than 20 per cent must be confirmed by an expert assessment of the amended costs of measures and of deviations from the damage description in the initial opinion. These should be submitted by 30 June 2023. Renewed involvement of the expert is eligible for refunding.





**Step-by-step instructions on how to
apply, including opening your online
account can be found at:** www.mhkgb.nrw

Do you need support?

**Refer to 5 Advice and other support
services**

FAQs

If you have / do not have insurance

(Number 4.3.3 of the North Rhine-Westphalia reconstruction funding guideline)

**I have natural hazard insurance cover (buildings and / or inventory)
What applies to me?** >> If you have insurance, the insurance documents along with documentation of the damage (or damage report) and claim settlement must be enclosed with the application.

The amounts paid by your insurance company will only be offset against your own contributory costs to be stated when calculating the equity benefit.

It is therefore possible that you will receive reimbursement in full for your damage together with your insurance benefit.

I am getting part of the damage reimbursed by the insurance. Will this reduce the amounts from the 2021 reconstruction fund by the same amount? >> Insurance benefits have priority over funding in accordance with this guideline based on the reason and the amount – even if added later on. However, insurance benefits will be offset against the contributions you make yourself.

You are obliged to notify the granting authority whether and if applicable what amount of insurance benefits you have received.

**I have natural hazards insurance cover but the insurance refuses to pay in the case of burst river banks.
Can I apply for reconstruction** >> **Yes.** Enclose the rejection letter from your insurance company with your application.



FAQs

funding benefits?

I do not have natural hazards insurance cover (buildings, inventory) and need an expert opinion Where can I find an expert? Who pays for the opinion?

>> In the event of building damage of over €50,000, you absolutely require a damage report and you must therefore commission a qualified expert for this purpose.

>> You can find a list of possible experts at www.mhkbw.nrw.

NOTE

It is essential that the expert is properly qualified to determine the damage. As such, the published lists are not conclusive. In the case of damage involving individual tradesmen, an appraisal by a competent person is sufficient.

The expert's costs are 100 per cent included in the equity benefit.

For building damage, you can prove and credibly present damage of less than €50,000 gross as an applicant yourself.

In this case, you provide evidence yourself in the form of invoices, cost estimates or by obtaining a quote, documentation of damage yourself (such as photos).

Will the expert's costs also be reimbursed if the expert comes to the conclusion that the damage is below €50,000?

>> **The expert's costs are 100% reimbursable.**

As a layperson, you may estimate the damage as higher than what will in fact be determined in an expert opinion subsequently. However, the costs are still reimbursable. (Refer to check-list, regular assessment)

Can I also voluntarily stay below

>> Any damage of below €50,000 gross – for uninsured people – must be proven or presented



FAQs

€50,000 so I don't have to commission an expert? >> credibly when submitting the application. Those who are insured should attach their insurance documents.

Deduction of emergency aid, donations, third-party benefits

(Numbers 7.2 and 7.3 of the *North Rhine-Westphalia reconstruction funding guideline*)

I have already received emergency aid. Will this be offset against what the reconstruction fund grants me? >> Yes. The emergency aid you have already received for the same damage reduces the equity benefit to be granted. The relevant certificate must be enclosed with your application.

If I have received donations from third parties Will these be deducted from the funding or regarded as my own funds? >> Donations and benefits from third parties, in particular insurance benefits have priority over funding in accordance with this guideline based on the reason and the amount – even if added later on. This does not apply to donations that were received and used to replace your own household effects. In the case of applications to repair damage to a building based on number 4, donations received will always be offset against the personal contribution.

You are obliged to notify the granting authority whether and if applicable what amount of insurance benefits, donations

NOTE

>> Do not include donations that were used to replace your own household effects.

Pecuniary donations must be declared in the application Does that also apply to private donations >> Only pecuniary donations are relevant, along with insurance benefits. There is no minimum claims limit. You must always declare donations in the



FAQs

from family and friends? What do I do if I only received benefits in kind (nappies, food, clothing)?

application, regardless of who made the donation.

NOTE

>> Do not include donations that were used to replace your own household effects.

Can I apply for other funding and how is it considered (third-party services)?

>> The equity benefit can be supplemented by other funding programmes of the state of North Rhine-Westphalia, the federal government or the European Union, as long as and insofar as funding regulations of other programmes allow this and the total amount of funding resources and those of third parties do not exceed the total spending of the planned project.

The application for or use of further funding resources must be declared or proven in the application.



In general: The granted amount

The equity benefit is paid out in three parts.

- In the amount of 40 per cent on the day the notice of benefits is issued,
- A further 40 percent can be paid out in the amount of the initial access to funds after the calculations for measures carried out have been listed in the funding portal.
- Otherwise, the payout of the not yet released equity benefit is made after presenting and checking the proof of use online by the granting authority responsible.
- The household effects lump sum is transferred to the banking system for payment of the total on the day the benefit notice is sent out.

FAQs

When will I get the requested funds paid out? Do I have to pay in advance or can I already receive advance payments before invoices are issued?

>> The equity benefit is paid out in three parts.

- ① You will receive a benefit notice based on your application. Please check it.
- ② You have the option of submitting a complaint against the benefit notice with the administrative court responsible within one month.

NOTE

Forty per cent of the equity benefit is transferred to the banking system for payment on the day the benefit notice is sent out. A further 40 percent can be paid out in the amount of the initial access to funds after the calculations for measures carried out have been listed in the funding portal.

The household effects lump sum is transferred to the banking system for payment of the total on the day the benefit notice is sent out.

Otherwise, the payout of the not yet released equity benefit is made after presenting and checking the proof of use by the granting authority responsible. A report and final list of supporting



FAQs

documents must be attached, which show that 100% of the approved funds have been used (i.e. normally 80% of the costs eligible for reimbursement).

Individual invoices should not be enclosed. Please keep this as a private individual for five years for possible audits by the authorities.

No proof is required for the use of the household effects lump sum benefit.

List of sample documents

A list of sample documents is provided at www.mhkgb.nrw/gemeinsam-anpacken-wieder-aufbauen.

Is payment in cash possible?

>> No.

Is the assistance tied to conditions?

>> Yes. Refer to 4 *Ancillary provisions and legal basis*.

Does the assistance have to be taxed?

>> Reconstruction aid for private households Is not subject to income tax, as long as it is paid to remedy direct damage to buildings, garages, parking spaces and household items used for your own residential purposes. However, the reconstruction aid reduces the expenses that can be considered eligible as extraordinary burdens in the context of the income tax assessment.

>> Reconstruction aid for private landlords **a) Property damage**

Reconstruction aid for private landlords for damage – like grants to finance construction activities from public or private funds – is not usually included in income from renting and leasing. If the reconstruction aid is used to finance maintenance



FAQs

expenditure, it is only deductible in the income tax assessment as tax-allowable expenses less the reconstruction aid. If the reconstruction aid is used to finance production costs, the depreciation for the property must be calculated from the production costs reduced by the reconstruction aid. This complies with the principle of taxation based on economic productivity.

b) Loss of income due to loss of rent

Leads to income from renting and leasing and must be recorded in the income tax return.

>> Companies in the housing industry

a) Property damage

The reconstruction aid for property damage can be assigned as operating income. In this case, the acquisition or production costs of the assets in question are not affected by the reconstruction aid and companies in the housing industry have the option of claiming special depreciation based on full acquisition and production costs alongside their regular depreciation for wear and tear.

However, companies in the housing industry can also treat the reconstruction aid as not affecting net income; in this case, only reduced depreciation based on the costs can be regarded as tax-reducing, which the business operator etc. has expended from its own resources without considering the reconstruction aid.

b) Loss of income due to loss of rent

Is business income that is taxable income and subject to income tax, which is to be recorded in determining profit and loss.

I receive welfare benefits in accordance with the social security code. Are grants from the reconstruction fund offset against

>> No. The purpose of the reconstruction aid programme is to overcome damage caused by a natural disaster.

The funding resources in accordance with the



FAQs

these welfare benefits?

North Rhine-Westphalia reconstruction funding guideline will not be offset against benefits in accordance with SGB II or SGB XII.



4 Funding provisions and legal basis

What are referred to as general funding provisions and ancillary provisions are associated with a decision on equity benefit payments in accordance with the *North Rhine-Westphalia reconstruction funding guideline*. We then set out the legal basis for the benefit arising from the 2021 reconstruction fund.

General funding provisions and ancillary provisions for a notification of benefits arising from the *North Rhine-Westphalia reconstruction funding guideline*

1

Early start of action

(Number 7.1 of the *North Rhine-Westphalia reconstruction funding guideline*)

The start of measures before the application is submitted has no adverse effect on funding, as long as the measure was not started before the time the damaging event occurred but not before 1 July 2021.

2

Donations and third-party benefits

(Number 7.2 of the *North Rhine-Westphalia reconstruction funding guideline*)

Donations and benefits from third parties, in particular insurance benefits have priority over funding in accordance with this guideline based on the reason and the amount – even if added later on. This does not apply to donations that were received and used to replace your own household effects. In the case of applications to repair damage to a building, donations received will always be offset against the personal contribution.

Beneficiaries are obliged to provide this information when submitting an application.

However, beneficiaries can offset donations and insurance benefits against the funds they have to contribute themselves. In these cases, the insurance benefits are only offset against the funding if overcompensation of the damage would be the result without this offset.

In particular, benefits based on insurance contracts must also be given priority and in full beyond the contribution of the insured.



3

Consideration of emergency aid provided

(Number 7.3 of the *North Rhine-Westphalia reconstruction funding guideline*)

If the beneficiary has already received equity benefits for **the same damage** in accordance with the memo of the internal *Guideline on the granting of equity benefits to mitigate the damage caused by the storm disaster of 14/15 July 2021* dated 22 July 2021 (GV.NRW. p 479b), these will be offset against the funding.

4

Entitlement to deduct input tax

(Number 7.4 of the *North Rhine-Westphalia reconstruction funding guideline*)

The calculation of funding is carried out while taking account of any entitlement to deduct input tax.

5

Reconstruction of technical systems for energy and heat supply

(Number 7.5 of the *North Rhine-Westphalia reconstruction funding guideline*)

As long as this is technically feasible and is required to avoid future damage, technical systems for supplying energy and heating should be installed in the context of damage repair either in a flood-proof location or implemented in such a way that the system or the system parts that are especially at risk of damage in a future flood can be removed and then reinstalled and are capable of functioning within a short time.

6

Measures to reduce damage to structures

(Number 7.6 of the *North Rhine-Westphalia reconstruction funding guideline*)

Structural measures are to be carried out in such a way that damage is reduced or prevented in the event of a repeat of the flooding. If it is likely that a future flood will again cause considerable damage, reconstruction measures will also be funded elsewhere without the beneficiary being placed in a materially better situation than was the case before the damaging event occurred. In this case, the funding will be calculated based on the damage actually incurred.



7

Credibility

(Number 7.7 of the *North Rhine-Westphalia reconstruction funding guideline*)

The respective evidence of information provided by the injured parties - with the exception of the assessment provided for in cases following number 3.3.3 (here: loss of income) - can be provided by corroborating the correctness of the information by means of appropriate evidence and insurance. Subsequent checks and requests for evidence, in particular in the case of damage on a large scale, are not ruled out.

8

General ancillary provisions

(Number 7.8 of the *North Rhine-Westphalia reconstruction funding guideline*)

The ANBest reconstruction enclosed as attachment 2 to this guideline is to be attached to the approval notice unchanged, as long as no regulations deviating from these have been made in the *Reconstruction aid for private households and companies in the housing industry* (number 4 of the *North Rhine-Westphalia reconstruction funding guideline*).

9

Accumulation (multiple funding)

(Number 7.9 of the *North Rhine-Westphalia reconstruction funding guideline*)

Funding in accordance with this guideline can be supplemented by other funding programmes of the state of North Rhine-Westphalia, the federal government or the European Union, as long as and insofar as the funding provisions of the other programmes allow this and the total amount of all the funding granted and third-party resources, in the case of benefits under number 3 the eligible assistance costs, does not exceed the total expenditure for the project. The accumulation rules of article 8 GBER must be observed.

The beneficiary is obliged to inform the granting authority whether and if necessary the amount he or she receives in additional resources from other funding programmes or donations.

10

Remaining period for fixed assets funded in accordance with this guideline

(Number 7.10 of the *North Rhine-Westphalia Reconstruction funding guideline*)



A period of five years remains with the beneficiary for the equity benefit granted for fixed assets in accordance with the *Reconstruction aid for private households and companies in the housing industry*. This does not apply to owner-occupiers and private landlords.

11

Projects that have already been funded

(Number 7.11 of the *North Rhine-Westphalia Reconstruction* funding guideline)

Previously granted public funding for the same project does not rule out the granting of equity benefits for measures in the context of this guideline. If projects that were already funded were totally or partially destroyed before completion of the project or within the appropriation period, when exercising discretion there should be no revocation of the grant notification and demand to return it, unless the grant recipient is entitled to compensation payments from a third party.

The beneficiary must notify the granting authority of the projects that have been funded previously, which were completely or partly destroyed before the project was completed or within the appropriation period.

12

Data processing and data transmission

(Number 7.13 of the *North Rhine-Westphalia Reconstruction* funding guideline)

The granting authorities and the offices involved in the application procedure are authorised to record and process the data required for the purpose of the application procedure from the applicant, as long as this is needed to fulfil the tasks under this guideline. The granting authorities and the payout office are also authorised to collect the data required via enquiries made at public offices, in particular under the responsibility of the municipalities, land registry offices and offices responsible for the commercial register.



Electronic implementation

The application procedure and the approval procedure are normally carried out electronically in accordance with the North Rhine-Westphalia E-Government Act of 8 July 2016 (GV. NRW. p. 551) in the currently valid version.

FAQs

In what form do I have to prove I have used the funding I have received? >> **The proof of use consists of a factual report and a final list of documents in support.**

It must be submitted to the granting authority no later than six months after the project is completed. As a private individual, you must keep the **original receipts** you receive (such as tradesmen's invoices) for five years and as a private landlord or company in the housing industry for ten years. No proof is required for the use of the household effects lump sum benefit.

Details are included in the general ancillary provisions for reconstruction, which are enclosed with the notice of benefits.

If the final damage turns out to be less than estimated at the time I applied, do I have to repay the funds I have received? >> **Yes.** Please inform the granting authority without delay if you notice that the final damage turns out to be less.

The details will be announced in a fund recovery order.

Is interest due on funds to be repaid? >> A reimbursement claim is generally subject to annual interest of five percentage points above the base rate.



Legal basis

Reconstruction Act 2021 **Aid** [http://www.babl.de/xaver/babl/start.xav?startbk=Bundesanzeiger BGBI&iumpTo=babl121s4147.pdf](http://www.babl.de/xaver/babl/start.xav?startbk=Bundesanzeiger%20BGBI&iumpTo=babl121s4147.pdf)

Reconstruction Ordinance 2021 **Aid** [http://www.babl.de/xaver/babl/start.xav?startbk=Bundesanzeiger BGBI&iumpTo=babl121s4214.pdf](http://www.babl.de/xaver/babl/start.xav?startbk=Bundesanzeiger%20BGBI&iumpTo=babl121s4214.pdf)

Administrative agreement between the states and the federal government https://www.mhkba.nrw/sites/default/files/media/document/file/2021-09-09_stk_an_landtag_verwaltungsvereinbarung_zur_aufbauhilfe.pdf

Reconstruction Act 2021 North Rhine-Westphalia **Aid** https://www.recht.nrw.de/lmi/owa/br_vbl_detail_text?anwnr=6&vd id=19752&menu=0&sa=0&keyword=Wie-deraufbau

North Rhine-Westphalia Reconstruction funding guideline https://www.recht.nrw.de/lmi/owa/br_vbl_detail_text?anwnr=7&vd id=19755&menu=0&sa=0&keyword=Wie-deraufbau



5 Advice and other support services

Do you have any questions about the application for the *Reconstruction aid for private households and companies in the housing industry*?

- **Phone service of the state government of North Rhine-Westphalia**

The state government of North Rhine-Westphalia has also set up a North Rhine-Westphalia reconstruction hotline for individuals and companies that have suffered damage.

From 14 September 2021, the hotline staff will answer general questions about the procedure when applying for reconstruction aid.

The *North Rhine-Westphalia Reconstruction* phone service is available Monday to Friday from 8.00 am to 6.00 pm, Saturday from 10.00 am to 4.00 pm and Sunday from 11.00 am to 1.00 pm.

☎ 0211/4684-4994

- **Local advice in the districts and towns affected by the heavy rain and flood disaster in July 2021**

Numerous districts and urban municipalities provide local advice on the application process as part of the *Reconstruction aid for private households and companies in the housing industry*.

>> You can find more detailed information on the website of your district or city.

It is advisable to set up an account on the online funding portal in advance. Please have your login details ready (user name and password) for your consultation.

If you don't have your own email address and cannot get access to an email account via a person you trust or if you are unable to log in to the system for any other reasons, please let us know so you



If we are unable to answer all your
questions immediately...

>> We thank you for your patience Every case of
damage is different and new ones keep
appearing along with other questions.

>> Our staff in the state of North Rhine-
Westphalia, at the granting authorities and in the
cities, districts and municipalities work with great
commitment to support you in repairing the
damage and in reconstruction.

Other support services

The Kreditanstalt für Wiederaufbau (KfW) and the state's own bank, NRW.Bank, have set up support programmes for those who suffered damage due to the heavy rain and flood disaster in July 2021.

The funding banks' support programmes

**Kreditanstalt für
Wiederaufbau (KfW)**

<https://www.kfw.de/inlandsfoerderung/KfW-Hochwasser-Hilfe/2redirect=668416>

**Landeseigene
Förderbank,
NRW.Bank**

<https://www.nrwbank.de/de/die-nrw-bank/dafuer-stehen-wir/unwetterhilfe/?gclid=EAlaIQobChMlxfSA3sD58gIVwQvLCh0oNw3ZEAYASAAEg-KIVfD BwE>



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