



Investment Property Screening

April 2024



At CMS, we specialise in providing top-tier legal services tailored for your real estate projects. A one-stop shop for all areas of law offers you convenience, efficiency, cost savings, and a comprehensive, expert approach to managing the legal aspects of your construction projects. Here are some factors that determine the success of your real estate development project in Austria at a glance:

	yes	no
1. Is the intended/current use consistent with the zoning?		
2. Is the vision for the planned project compatible with the master plan?		
3. Has a final building permit been issued?		
4. Which building law procedure applies to the project to be developed (building notice under section 62 of the Vienna Building Code, simplified building permit procedure, regular building permit procedure)?		
5. Is an environmental impact assessment required?		
6. Has a full notice of completion, including the required annexes and approvals, been issued?		

	yes	no
7. Do any actionable contractual claims arise from the construction of the project (e.g. assignment of warranty claims against contractors, guarantee of essential characteristics of the project property, etc.)?		
8. Which tenancy law provisions (full exemption, partial or full application of the Austrian Tenancy Act) apply to the project to be developed?		
9. Is the property being sold on the basis of a compliant tender procedure or on the basis of an independent expert evaluation obtained prior to negotiations that meets the requirements of the Notice on the notion of State aid?		
10. Have the necessary approvals been granted by the sellers (e.g. resolution of the municipal council, etc.)?		
11. Is a land transfer permit required or can it be obtained by law?		
12. For existing buildings: Is there a risk of an official repairs and maintenance order and do the costs of this need to be factored in?		

* This checklist is intended to provide an overview of questions that may arise during a real estate development project and should not be construed as exhaustive. No liability is assumed for the content or completeness of the roadmap. Individual consultation is recommended on all aspects of this road map.

CMS Law-Now™

Your free online legal information service.

A subscription service for legal articles on a variety of topics delivered by email.

cms-lawnow.com

The information held in this publication is for general purposes and guidance only and does not purport to constitute legal or professional advice.

CMS Reich-Rohrwig Hainz Rechtsanwälte GmbH is a member of CMS LTF Limited (CMS LTF), a company limited by guarantee incorporated in England & Wales (no. 15367752) whose registered office is at Cannon Place, 78 Cannon Street, London EC4N 6AF United Kingdom. CMS LTF coordinates the CMS organisation of independent law firms. CMS LTF provides no client services. Such services are solely provided by CMS LTF's member firms in their respective jurisdictions. CMS LTF and each of its member firms are separate and legally distinct entities, and no such entity has any authority to bind any other. CMS LTF and each member firm are liable only for their own acts or omissions and not those of each other. The brand name "CMS" and the term "firm" are used to refer to some or all of the member firms or their offices.

CMS locations:

Aberdeen, Abu Dhabi, Amsterdam, Antwerp, Barcelona, Beijing, Belgrade, Bergen, Berlin, Bogotá, Bratislava, Brisbane, Bristol, Brussels, Bucharest, Budapest, Casablanca, Cologne, Cúcuta, Dubai, Dublin, Duesseldorf, Edinburgh, Frankfurt, Funchal, Geneva, Glasgow, Gothenburg, Hamburg, Hong Kong, Istanbul, Johannesburg, Kyiv, Leipzig, Lima, Lisbon, Liverpool, Ljubljana, London, Luanda, Luxembourg, Lyon, Madrid, Manchester, Maputo, Mexico City, Milan, Mombasa, Monaco, Munich, Muscat, Nairobi, Oslo, Paris, Podgorica, Poznan, Prague, Reading, Rio de Janeiro, Riyadh, Rome, Santiago de Chile, São Paulo, Sarajevo, Shanghai, Sheffield, Singapore, Skopje, Sofia, Stavanger, Stockholm, Strasbourg, Stuttgart, Tel Aviv, Tirana, Vienna, Warsaw, Zagreb and Zurich.

[Click here
for video](#)



[Click here
for brochure](#)

