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## Second Residence Tax (Zweitwohnsitzsteuer) — When It Applies and How to Avoid It

What second residence tax is, who must pay it, and how you can legally avoid it.

**Deutsche Begriffe:** Zweitwohnsitzsteuer | Zweitwohnung | Hauptwohnsitz | Nebenwohnung | Meldepflicht

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### What is Zweitwohnsitzsteuer?

**Zweitwohnsitzsteuer** (also called Zweitwohnungssteuer) is a municipal tax you must pay if you have a **Nebenwohnung** (second residence) in addition to your **Hauptwohnsitz** (primary residence). Not all cities levy this tax — but increasingly more are doing so.

The tax is designed to prevent people from registering in a cheaper municipality as their primary residence while actually living elsewhere. This is because your Hauptwohnsitz determines which municipality receives your **income tax share**.

### Who Must Pay Zweitwohnsitzsteuer?

You pay the tax if you:

- Are registered in a city **as your Hauptwohnsitz** AND
- Have a **Nebenwohnung** in **another city** (that levies this tax)

#### Typical Situations

- **Commuters** — Primary residence with family, second residence at workplace
- **Students** — Primary residence with parents, room in university city
- **Weekend commuters** — Work in one city, family in another
- **Holiday apartment** — Your own holiday residence in a tourist city (even if you rarely live there!)

Exemptions (varies by city)

- **Married persons** — Second residence for professional reasons is **exempt** in many cities (according to 2005 BVerfG ruling)
- **Persons under 18** — no tax in most cities
- **Nursing home residents** — often exempt
- **Low-income students** — some cities offer reductions

## How Much is the Tax?

Zweitwohnsitzsteuer typically amounts to **5-18% of annual net rent**:

City	Tax Rate
<b>München</b>	9% of net rent
<b>Berlin</b>	15%
<b>Hamburg</b>	8%
<b>Köln</b>	10%
<b>Frankfurt</b>	10%
<b>Düsseldorf</b>	10%
<b>Konstanz</b>	18% (one of the highest)
<b>Freiburg</b>	12%
<b>Dortmund</b>	12%

Calculation Example

**Second residence in Berlin**, net monthly rent €600:

- Annual rent:  $600 \times 12 = \mathbf{€7,200}$
- Berlin tax rate: **15%**
- Zweitwohnsitzsteuer:  $7,200 \times 0.15 = \mathbf{€1,080/year}$  (= €90/month)

**For owned property:** Instead of rent, the **imputed rent** (locally comparable rental value) is used.

## Registration and Payment

## When Must I Register?

When you occupy a Zweitwohnung, you must register with the **registration office within 14 days** (Meldepflicht). The registration office then notifies the tax office.

## Tax Assessment Notice

- The tax office sends you a **tax assessment notice**
- The tax is usually levied **annually** or **quarterly**
- Payment via **bank transfer** or **direct debit**

## What Happens if I Don't Register?

- **Fine** for violating Meldepflicht (up to €1,000)
- **Back taxes** for all missed years
- **Tax evasion** if intentional non-registration (criminal consequences)

## How Can I Avoid the Tax?

### 1. Make Your Second Residence Your Primary Residence

Register your Zweitwohnung as your **Hauptwohnsitz** — then no tax applies. **Note:** Your Hauptwohnsitz determines:

- **Competent tax office**
- **Voting rights** (municipal elections)
- **Vehicle registration**
- **Child allowance office**

### 2. Deregister the Apartment

If you no longer need the Zweitwohnung → deregister.

### 3. Request an Exemption

In many cities, you can request an **exemption**:

- For **low income** (below a certain threshold)
- For **professionally required second residence for married persons** (BVerfG ruling)
- For **students** (in some cities, e.g., if parents provide the apartment)

#### 4. Deduct Tax as Business Expenses

If the Zweitwohnung is **professionally required**, you can deduct the tax as **business expenses** on your tax return (dual household, § 9 EStG):

- Requirement: separate **household** at primary residence
- Maximum **€1,000/month** for workplace accommodation deductible
- Also **commuting costs** for weekly trips home are deductible

## Zweitwohnsitzsteuer and Foreigners

### Common Situations

- **New immigrants** — Primary residence in home country, apartment in Germany → Usually no Zweitwohnsitzsteuer, as the German apartment is your **only residence in Germany** and counts as Hauptwohnsitz
- **Family in another city** — Partner in City A, work in City B → Zweitwohnsitzsteuer in City B possible (often exempt for married persons)
- **Foreign students** — Apartment in university city is your **Hauptwohnsitz** → no tax

### Tip

Always register your **first residence in Germany** as your **Hauptwohnsitz**. Only if you later take a **second apartment** in another city does Zweitwohnsitzsteuer become relevant.

## Frequently Asked Questions

### Do I Pay Tax on a Holiday Apartment Too?

**Yes** — if the holiday apartment is in a city that levies Zweitwohnsitzsteuer and you use it for yourself (not rent it out). With **permanent rental** to third parties, the tax usually does not apply.

### What's the Difference Between Hauptwohnung and Nebenwohnung?

Your **Hauptwohnsitz** is the residence you **primarily occupy** (§ 22 BMG). If you spend equal time at two locations, the apartment where your **center of life** is (family, social contacts) counts as your Hauptwohnsitz.

## Can My Employer Cover the Tax?

Theoretically yes, but rarely in practice. Coverage would constitute a **taxable benefit** and must be taxed.

### Tips

- 1. Check before moving** — does the city levy Zweitwohnsitzsteuer?
- 2. Always register on time** — avoid fines and back taxes
- 3. Check exemptions** — especially for professionally required second residence for married persons
- 4. Use your tax return** — deduct Zweitwohnsitzsteuer as business expenses

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