

Second Home Law

Popular vote

On 11 March 2012 the referendum on the popular initiative "Stop the Incessant Construction of Second Homes!" took place. This limits the construction of second homes to 20 percent of the number of residences in a community. It was approved with 50.6 percent votes in favour.

Ordinance

Consequently, on 22 August 2012 the Swiss Federal Council passed an ordinance that went into force on 1 January 2013. Article 8, Paragraph 1 states that: "Construction permits for new second homes based on a project-related special-use zoning plan may be issued based on hitherto existing law provided the zoning plan a) was legally approved prior to 11 March 2012; and b) regulates the important elements

of the construction permit concerning the situation, position, size and design of the buildings and facilities as well as the type and extent of use."

An identical provision has been included in Article 26 Paragraph 1 of the Swiss Second Home Law. This went into force on 1 January 2016 and thereby superseded the ordinance.

Effect on the project

Based on Article 26 of this law, all holiday apartments being offered for sale by Andermatt Swiss Alps are exempt from the Second Home Law. The Holiday Village Andermatt Reuss is based on an approved special-use zoning plan, the execution of which has been ongoing since 2009.

Lex Koller

Definition

"Lex Koller" is the informal name for the Swiss Federal Law of 16 December 1983 on the purchase of real estate by persons outside Switzerland ("BewG"). It regulates the purchase of real estate by individuals and legal entities in other countries. Basically, persons outside Switzerland must apply for a permit from the responsible cantonal and federal authorities before they may purchase a property in Switzerland.

Exemption ruling

On 22 September 2006 the Swiss Federal Council (federal government) ruled that Holi-

day Village Andermatt Reuss is exempt from the "Lex Koller" permit requirement and on 21 December 2007 reaffirmed this ruling by approving a more extensive request. Regardless whether international buyers are domiciled in Switzerland or not, they may buy apartments and houses in Holiday Village Andermatt Reuss without a permit and without limitation and they may sell with no minimum holding time.

Validity period

Presently, the "Lex Koller" exemption is valid until 2040.

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