



Housing Policy in Germany

Sources:

<https://www.mieterbund.de/startseite.html>

<https://www.eu-gleichbehandlungsstelle.de/resource/blob/192932/339560/2e219307076a61c3d3d8d18be14af979/muster-wohnungsmietvertrag-data.pdf?download=1>

<https://rentberry.com/blog/rental-laws-in-germany>

<https://www.expatica.com/de/housing/renting/rent-in-germany-103803/>

Lease-signing

- Agreements that burden the tenant unreasonably aren't binding even if signed
- A written lease contract is only required when a property is rented for a fixed time¹

Local housing authority²

- Wohnungsamt, housing office in all municipalities
- Assists with preventing/reducing homelessness, tenancy law advice, prevents excessive rents, grants housing benefit
 - Can determine whether evictions are justified before someone is evicted in order to prevent homelessness

Eviction

- A landlord has the right to evict a tenant for not paying rent for 2 months, but the eviction process can be slow
- Social Clause
 - If the landlord gives notice of the excision and has reasons, the tenant can still defend themselves with the Social Clause, which allows the tenant to object to the³ eviction due to hardship, like social roots, health conditions, etc. ⁴
- Notice to evict
 - If you've lived within these time ranges at a location, then the landlord must give you these months amount of notice
 - < 5 years: 3 months
 - 5-8 years: 6 months
 - 8 years +: 8 months in advance⁵

¹ <https://www.mieterverein-muenchen.de/englische-informationen/>

² <https://www.familienhandbuch.de/unterstuetzungsangebote/beratung/wohnungsamt.php>

³ <https://www.mieterbund.de/mietrecht/irrtuemer-und-fallen.html>

⁴ <https://www.expatica.com/de/housing/renting/rent-in-germany-103803/>

⁵ <https://www.mieterverein-muenchen.de/englische-informationen/>

- Section 543⁶ - Eviction without notice
 - “Each party to the contract may terminate the lease for cause without notice for a compelling reason. A compelling reason is deemed to obtain if the party giving notice, with all circumstances of the individual case taken into account, including without limitation fault of the parties to the contract, and after weighing the interests of the parties, cannot be reasonably expected to continue the lease until the end of the notice period or until the lease ends in another way.”
 - Reasons include
 - Neglect to the property
 - Lessee isn’t allowed to use the leased property as stated in the contract
 - The less has missed 2 successive rents or has missed more than 2 months worth of rent

Repairs

- Mold, issues with windows, or issues with heating/water supply occur, the tenant should ask the landlord to fix this in writing⁷
- Section 536C
 - If the lessee fails to report defects in the property during the lease period, then they’re liable to the lessor for damage

Rent

- Utilities are not usually included in the rent, but should be laid out in tenancy agreement
 - Kaltmiete - cold rent without utilities
 - Warmmiete - includes utilities in rent
- Rent in Berlin used to have max increases of 15% every three years, but this only applied to pre-existing contracts, newer ones could face higher rent rises⁸
- When there’s a defect like broken AC or bad heating, and the tenant has reached out to the landlord and they have not fixed the problem, the tenant can reduce the rent without court approval, but only small deductions in rent will not be disputed⁹

Tenant Organizing

- German Tenants Association, *Deutscher Mieterbund*¹⁰
 - Umbrella organization for over 300 local tenant associations in Germany
 - 15 regional associations that form this federal group
 - Not publicly funded
 - Non-partisan
 - Focus is to protect and politically represent tenants
 - Speaks on issues of tenant protection, rent, housing benefits, renewable energy, and design of the living environment
 - Releases a bi-monthly newspaper and has a rental law journal

⁶ https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#p0027

⁷ <https://www.berliner-mieterverein.de/sprachen/englisch.htm>

⁸ <https://www.jacobinmag.com/2019/04/berlin-housing-referendum-tenant-organizing>

⁹ <https://rentberry.com/blog/rental-laws-in-germany>

¹⁰ <https://www.mieterbund.de/startseite.html>

- Berlin Tenants Association
 - Operating since 1888
 - Supports reasonable rents and development of social/affordable housing
 - Housing is a human right
- These organizations require membership fees for their services

News

- Top German court dismisses motion against Berlin rent cap¹¹
- Rents in Berlin will be frozen/lowered for the next five years to halt change in city's demographic - effort to keep in old and low income residents¹²
 - This rent freeze is legally known as Law on the Revision of Legal Provisions regarding Rent Limitation
 - Caps rents at 2019 levels and limits how much landlords can charge for based on utilities
 - Rent price from 7/28/2019 will remain that for 5 years

¹¹

<https://www.reuters.com/article/germany-realestate-court/top-german-court-dismisses-motion-against-berlin-rent-cap-idUKL8N2HK4YM>

¹² <https://www.nytimes.com/2020/01/31/world/europe/berlin-gentrification-rent.html>