

When does the administration help tenants?

1. If your landlord or landlady has not informed you by 23/04/2020.
2. In all cases in which landlords or landladies give no or false information.
3. If your landlord or landlady demands a rent from you that is too high (prohibited).
4. From 23/11/2020, if your rent is excessive and is not lowered.

What applications can I submit and where?

Services for tenants, online and locally:

- Determination and enforcement of the allowable rent amount (at the district authority)
- Enforcement of a landlord's or landlady's duty of disclosure (at the district authority).
- From 23/11/2020: Enforcement of the ban on excessive rents (at the Senate Department for Urban Development and Housing)
- Application for rent subsidy after receiving notification of recognition as a hardship case (at the Investitionsbank Berlin) by the landlord or landlady.

Online service for landlords or landladies

- Notification of modernisation (at the Investitionsbank Berlin)
- Application for recognition as a hardship case (at the Investitionsbank Berlin)

Addresses

All important addresses (housing offices, tenant organisations, landlord associations, etc.) can be found online at stadtentwicklung.berlin.de/wohnen/adressen.

Also visit the central rental cap website to find out more on the topic. The page is updated continuously: mietendeckel.berlin.de. Or scan the QR code with your smartphone to access the web page directly. There you can also check whether and how you are affected by the rental cap, among other things.



Electronic applications and forms have been available since the beginning of March at service.berlin.de/dienstleistungen

Different courts are currently examining the Act. If this affects the applicability of the Act, you will find up-to-date information at mietendeckel.berlin.de

Information correct as of 15/03/2020

Senatsverwaltung
für Stadtentwicklung
und Wohnen



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What does the rental cap mean for you?

Answers to the most frequently asked questions

Senatsverwaltung
für Stadtentwicklung
und Wohnen



What is the rental cap?

The rental cap limits rents for five years. The Act came into effect on 23/02/2020. These dwellings are excluded from the rental cap:

- Dwellings in publicly funded housing (social housing),
- Dwellings that have been repaired or modernised with public funds and already have controlled rents,
- Dwellings in residential homes,
- Dwellings of welfare service providers (for example, assisted living)
- and new build dwellings (ready for occupancy for the first time from 2014) or dwellings in permanently uninhabitable living space restored with cost and effort corresponding to new build (for example, a former unfinished or abandoned building).

How high may my rent be?

Were you already renting the dwelling on 18/06/2019? Then, from 23/02/2020, the maximum rent your landlord or landlady can demand from you is the rent already agreed between you on 18/06/2019. A higher rent is prohibited by law.

Did you rent the dwelling after 18/06/2019, but before 23/02/2020? Then your landlord or landlady may not increase the agreed rent.

Did you rent the dwelling after 22/02/2020? The rent agreed with a tenant (also a former tenant) on 18/06/2019 applies to the dwelling. But this may not exceed the legally defined upper rent limit.

How is the relevant upper rent limit determined?

The upper rent limit can be calculated with the help of the rent table. Different aspects are important for calculating the upper rent limits, e.g.: When was the dwelling ready for occupation for the first time? Does the dwelling have a bathroom and central heating? Is the dwelling fitted out to a modern standard? Is the living space located in a building with no more than two dwellings? The upper rent limit determined in this way may not be exceeded upon re-letting.

From 23/11/2020, the location (simple, medium or good) must be taken into consideration for the determination of excessive rents. The housing location classification according to the Berlin Rent Index 2019 can be used initially for the classification in a residential location.

What must landlords or landladies note?

1. You can submit a hardship application to the Investitionsbank Berlin, e.g. if a rent reduction necessary under the Act endangers the building fabric.
2. Modernisations are still possible. However, they may not increase the rent for the modernisations specified in the Act by more than 1.00 euros per square metre. The Investitionsbank Berlin must be notified of the rent increase.
3. You cannot increase the rent by an inflationary adjustment until 01/01/2022, and then the maximum is 1.3%, provided this does not cause the rent to then exceed the upper rent limits.

When do landlords or landladies have a duty to inform?

You must have informed your tenants by 23/04/2020, of the relevant circumstances used to calculate the upper rent limit: When was the dwelling ready for occupation for the first time? Does the dwelling have a bathroom and central heating? Is the dwelling fitted out to a modern standard? Is the living space located in a building with no more than two dwellings?

Landlords or landladies also have a duty to inform their tenants about the following:

- the relevant circumstances for calculating the upper rent limit and the rent due on the key date, before a dwelling is let,
- the rent due on the key date at the request of the tenants and
- the cut-off date rent amount at the request of the tenants and at the request of the district authority, if the claim for hardship provision has been approved.

How can risks be avoided?

Different courts are currently examining the Act. At present, however, neither their content nor the corresponding court decisions are available and they cannot be predicted. The advisory services for tenants and for landlords or landladies (see: “all important addresses”) provide advice on these topics and possible courses of action.