

# RENT CAP RULING: INFORMATION ON DEADLINES, OBLIGATIONS AND AID

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The 2nd Senate of the German Federal Constitutional Court (Bundesverfassungsgericht) ruled on March 25, 2021 that the law on rent limitation in housing in Berlin (Gesetz zur Mietenbegrenzung im Wohnungswesen in Berlin, MietWoG Bln) is not compatible with the German Constitution (Grundgesetz) and is therefore void.

## WHAT DOES THIS MEAN FOR BERLIN RESIDENTS?

In principle, it means that tenants must immediately pay the contractual rent to the landlord. The term “contractual rent” refers to the rental amount agreed with the landlord i.e. without taking into account any restrictions pursuant to the MietWoG Bln (such as the prohibition of excessive rents).

Tenants whose rent was reduced when the second stage of the rent cap came into effect on November 23, 2020, may be confronted with claims for back payment by the landlord. Tenants who have signed so-called shadow rental contracts may also have to pay the difference between the upper rent limit provided for in the MietWoG Bln and the contractually agreed rent.

In order to clarify the contractual situation, tenants and landlords should get in touch with one another as quickly as possible. In case of doubt, however, in order to avoid legal disputes over the back payment of the difference, tenants should not wait for the landlord’s request, but should transfer the outstanding amount immediately – if necessary, subject to a review under civil law.

## IS THERE ANY AID AVAILABLE?

- Are you receiving **state benefits** such as unemployment benefit II (Arbeitslosengeld II), basic income support (Grundsicherung) or asylum seeker benefits, and have you received a claim for back payment from your landlord? You will then be reimbursed for the expenses as a one-off cost for accommodation and heating.

Submit the request to your assigned job centre, social welfare office or the State Office for Refugee Affairs ([Landesamt für Flüchtlingsangelegenheiten](#)). The difference will be taken into account in full when calculating your benefits, as is the case with an arrears payment.

**Are you ineligible for state benefits, yet unable to respond to a back payment claim from your landlord on your own behalf within the required timeframe?**

Apply for the Secure Housing Grant (**Sicher-Wohnen-Hilfe**)! All households with an income of up to 280 percent of the federal income limit are eligible. This means, for example, an annual income limit of €33,600 net for a one-person household. You can apply to the Senate Department for Urban Development and Housing (**Senatsverwaltung für Stadtentwicklung und Wohnen**) for the grant. It must be repaid within twelve months. You must submit a copy of your identity card or registration certificate, your rental agreement, proof of rent payment for the last three months and a letter/back payment claim from your landlord (if available). The application documents and all other information can be found online at [mietendeckel.berlin.de](https://mietendeckel.berlin.de).

**WHERE CAN YOU FIND OUT MORE?**

– **Do you have questions about the Secure Housing Grant?**

If you have any questions, you can contact the Senate Department for Urban Development and Housing by phone on **+49 (0)30 90 19 39-444** and by email at [mietendeckel@sensw.berlin.de](mailto:mietendeckel@sensw.berlin.de) from Monday to Friday between 9 am and 12 noon and between 1 pm and 4 pm. You can also find information on the Secure Housing Grant at [sicher-wohnen@sensw.berlin.de](mailto:sicher-wohnen@sensw.berlin.de).

– **Do you have any further questions about your rental agreement, back payment claims, protection against unwarranted eviction etc.?**

In this case, contact a public tenant advisory service in your area. All Berlin districts provide access to a tenant advisory service that all tenants in the district can use free of charge. You can find their addresses at [stadtentwicklung.berlin.de/wohnen/mieterberatungen.shtml](https://stadtentwicklung.berlin.de/wohnen/mieterberatungen.shtml).

**ALL INFORMATION ON THE RENT CAP RULING AND THE SECURE HOUSING GRANT can be found at [mietendeckel.berlin.de](https://mietendeckel.berlin.de).**