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Rental Law — Your Rights as a Tenant in Germany

Rent brake, termination protection, rent increases, and defects: the most important tenant rights in Germany. Status: March 2026.

Deutsche Begriffe: Mietrecht | Mieterhöhung | Mietpreisbremse | Kündigung | Mieterverein

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Rental Contract — What to Watch For?

- **Base rent + additional costs** must be clearly listed
- **Fixed-term contracts** only allowed for specific reasons (e.g., landlord's own use)
- **Notice period:** 3 months for tenants, 3–9 months for landlords (depending on tenancy duration)
- **Deposit:** Maximum 3 months' base rent, can be paid in 3 installments
- **Cosmetic repairs:** Rigid deadlines in rental contracts are void!

Mietpreisbremse (Rent Brake)

In many cities, rent on new lettings must not exceed the **customary local rent by more than 10%**. Applies in:

- Hamburg, Berlin, Munich, Cologne, Frankfurt, Stuttgart, and many other cities

- Exceptions: New buildings (after October 1, 2014), extensively modernized apartments

Rent Increases — What's Allowed?

Type	Regulation
Comparative rent	Maximum to local level, max. 20% in 3 years (cap)
Modernization	Max. 8% of costs apportionable to annual rent, max. +3 €/m ² in 6 years
Graduated rent	Annual increase stipulated in contract
Index rent	Linked to consumer price index

Defects and Rent Reduction

If your apartment has defects (e.g., heating failure, mold, noise):

- 1. Inform landlord in writing** (with deadline for remedying)
- 2. If not remedied: rent reduction** possible (depending on severity: 5-100%)
- 3. Important:** Only reduce rent after written notice of defect!

Termination by the Landlord

The landlord can only terminate for **important reasons**:

- **Own use** — they want to move in themselves
- **Serious breach of contract** — e.g., significant rent arrears (2+ months)
- **Economic use** — rare, high barriers

Notice period for landlords: 3 months (up to 5 years tenancy), 6 months (5-8 years), 9 months (8+ years).

Tenant Association — Is It Worth It?

Yes, especially as a foreigner. For around 50-100 €/year you get:

- Free legal advice
- Help with rent increases, terminations, utility bill settlements
- Legal protection (attorney costs in disputes)

Well-known associations: **Deutscher Mieterbund**, Mieterverein Hamburg/Berlin/Munich

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