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Understanding a Rental Agreement — Kaltmiete, Warmmiete, Termination and Pitfalls

Reading a rental agreement: Kaltmiete vs Warmmiete, Staffelmiete and Indexmiete, notice periods, repairs, and Mietpreisbremse.

Deutsche Begriffe: Mietvertrag | Kaltmiete | Warmmiete | Staffelmiete | Indexmiete | Kündigungsfrist | Schönheitsreparaturen | Mietpreisbremse

Basic Concepts in Rental Agreements

Kaltmiete vs Warmmiete

- **Kaltmiete** (net rent) — the pure rent for the apartment without additional costs
- **Warmmiete** (gross rent) — Kaltmiete + advance payment for additional costs (heating, water, waste, etc.)
- **Example:** Kaltmiete €700 + additional costs €200 = Warmmiete €900

Attention: Ads often show only the Kaltmiete — your actual monthly payment is the Warmmiete! Additionally, **electricity** and **internet** may be added (not included in additional costs).

Security Deposit

- **Maximum 3 months of Kaltmiete** — the landlord cannot demand more
- Can be paid in **3 equal monthly installments** (first installment upon move-in)
- Must be deposited in a **separate account** (rental deposit account)
- Refund after move-out: within **3-6 months** (after reviewing the statement)

Rent Models

Staffelmiete

Rent increases in **predetermined steps** at specific times:

- Example: €700 in year 1 → €730 in year 2 → €760 in year 3
- **Advantage:** Predictable costs, no surprise increases
- **Disadvantage:** No opportunity to object to rent increases
- Between steps: **minimum 12 months apart**

Indexmiete

Rent is linked to the **consumer price index** (inflation):

- If inflation rises, rent rises
- Adjustment only **once per year** and in writing
- **Advantage:** Transparent and comprehensible
- **Disadvantage:** With high inflation, increases can be significant

Standard Rental Agreement

Without special provisions:

- Rent increase only up to the **customary local comparative rent** (Mietspiegel)
- Maximum **20% in 3 years** (in tight housing markets: 15%, "Kappungsgrenze")

Mietpreisbremse

In areas with **tight housing markets** (most major cities):

- New rent may be maximum **10% above the customary local comparative rent**
- Exceptions: New construction (first occupancy after 01.10.2014), comprehensive modernization
- **Written notice required** — you must inform the landlord in writing of the excess
- Overpaid rent can be **reclaimed from the date of notice**

Notice Periods

For Tenants

- **3 months** — always, regardless of rental duration
- Notice must be **in writing** (letter, not email or WhatsApp)
- Notice must be received by the **3rd business day** of a month (then that month counts)
- Example: Notice on April 2 → rental agreement ends June 30

For Landlords

Notice period increases with rental duration:

Rental Duration	Notice Period
Up to 5 years	3 months
5-8 years	6 months
Over 8 years	9 months

The landlord must have a **justified reason** (personal use, serious breach of contract, economic utilization).

Schönheitsreparaturen

- **Painting, wallpapering, varnishing** at move-out
- Many clauses in rental agreements are **invalid** (e.g., fixed schedules like "paint every 3 years")
- **Federal Court of Justice ruling:** If the apartment was unrenovated at move-in, you don't have to renovate it
- When in doubt: consult a **tenants' rights organization** (membership from about €50-90/year)

Common Pitfalls

- **Minor repair clause** — you pay for minor repairs (max. €75-120 per case, max. €200/year total)
- **Pet clause** — small animals (hamsters, fish) always allowed, dogs/cats can be prohibited
- **Subletting** — only with landlord's permission; if they have a justified interest, they must consent

--- As of: March 2026. All information without guarantee.

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