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Mietvertrag — Rental Agreement in Germany

How to read a German rental agreement. What it must contain, what to watch out for, and how to protect yourself.

Deutsche Begriffe: Mietvertrag | Kaution | Nebenkosten | Kaltmiete | Warmmiete | Mietpreisbremse | Mietspiegel | Eigenbedarf | Staffelmiete | Schönheitsreparaturen

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Mietvertrag — Rental Agreement

A rental agreement (**Mietvertrag**) is binding from the moment of signing. German law strongly protects tenants (§§535 et seq. BGB) — it's worth knowing your rights before signing.

Basic Concepts

Term	Meaning
Kaltmiete	"Cold" rent (rent only)
Warmmiete	"Warm" rent (rent + utilities)
Nebenkosten	Additional charges (water, waste, cleaning)
Kaution	Security deposit (max. 3× Kaltmiete)

What MUST be in the contract?

□ Landlord and tenant details □ Apartment address □ Kaltmiete □ Nebenkosten □ Deposit amount □ Start date □ Termination conditions

Mietpreisbremse — Rent Price Brake

In regions with tight rental markets (most major cities), rent for new tenancies cannot exceed the **local Mietspiegel by more than 10%**. The brake was extended by law until **December 31, 2029**. If the rent seems excessive — compare it to the Mietspiegel and you can request a reduction (Rüge).

Red Flags and Your Rights

 "Deposit before move-in" — you have the right to pay in **3 installments**. Details: Kaution. Fixed repair schedules (Schönheitsreparaturen) — clauses with fixed schedules are **invalid** according to BGH; with normal wear and tear, you don't repair. "Haustiere verboten" — a complete ban on pets is invalid; small pets are always allowed, larger ones require permission (which cannot be refused without reason). Landlords CANNOT enter without notice. Support: local **Mieterverein / Mieterschutzbund**.

Types of Rent

• **Staffelmiete** — predetermined rent increases in successive years

• **Indexmiete** — rent linked to inflation (statistics office index)

Termination (§573c BGB)

• **Tenant:** always **3 months** (to the 3rd working day of the month → ends 3 months later)

• **Landlord:** longer and only with justification (e.g., Eigenbedarf — personal need): 3 months for up to 5 years tenancy, **6 months** after 5 years, **9 months** after 8 years

• Termination always in writing

Utilities and Registration

Once a year you'll receive a utility statement — check the square footage and line items. Details: Nebenkosten. After move-in you typically have 2 weeks to register (Anmeldung); you'll need a Wohnungsgeberbestätigung from your landlord. Also remember the Rundfunkbeitrag fee (per apartment).

If rent exceeds your budget — check the housing allowance Wohngeld.

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