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Checking Operating Costs Statement — Deadlines, Errors, and Objections

Understanding Nebenkostenabrechnung: 12-month deadline, common errors, chargeable costs, and how to file objections.

Deutsche Begriffe: Nebenkostenabrechnung | Betriebskostenabrechnung | Umlagefähige Kosten | Widerspruch | Abrechnungsfrist | Nachzahlung | Guthaben

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 Full, up-to-date guide: Understanding Nebenkostenabrechnung

What is Nebenkostenabrechnung?

Nebenkostenabrechnung (also called Betriebskostenabrechnung) is your landlord's annual statement of the actual operating costs for your apartment. You either receive a **payment due** (you must pay more) or a **credit** (you get money back).

Important Deadline: 12 Months

The landlord must deliver the statement **within 12 months** after the end of the billing period. Example: billing period 01.01–31.12.2025 → statement must arrive by **31.12.2026**.

If the statement arrives late:

- You do **not have to pay** any outstanding balance
- Any credit owed to you remains valid

Umlagefähige Kosten — Which Costs Can Be Charged?

Only certain costs may be passed on to tenants (§ 2 Betriebskostenverordnung):

Allowable Costs

- **Property tax** — municipal tax on the property
- **Water/Wastewater** — fresh water and sewage
- **Heating and hot water** — based on consumption and floor area
- **Waste disposal** — garbage collection
- **Street cleaning and winter services**
- **Building insurance** — fire, storm, water damage
- **Caretaker** — cleaning, garden maintenance
- **Elevator** — maintenance and electricity
- **Common area electricity** — stairwell, basement, exterior lighting
- **Chimney sweep**

Non-chargeable (common errors!)

- **Repairs and maintenance** — landlord's responsibility
- **Administrative costs** — property management, bank fees
- **Vacancy costs** — empty units cannot be charged to other tenants
- **Landlord's legal fees**

Checking the Statement — Step by Step

1. Formal Review

- Is the **billing period** correct (12 months)?
- Is the **deadline met** (max. 12 months after period end)?
- Are **your details** accurate (name, apartment, floor area)?

2. Content Review

- Compare **total costs** with previous year — question deviations over 10%
- Check the **allocation key** — by floor area, number of residents, or consumption?
- Does the stated **apartment size** match your lease?
- Are all items **chargeable**?

3. Right to Inspect Documents

You have the right to inspect **original documents** with your landlord — invoices, contracts, utility statements. The landlord must grant you access upon request.

Filing an Objection

If you find errors, file a **written objection**:

• **Deadline:** 12 months from receiving the statement

• **Format:** Written by **registered mail** (proof required!)

• **Content:** Specifically name which items you dispute

• **Outstanding balance:** Even with an objection, you must initially pay any amount due (under protest)

Sample Wording

> "I hereby object to the Nebenkostenabrechnung dated [date] for the period [period]. I dispute the following items: [specific points]. I request a correction and refund of any overpaid amount."

Tip: Consumer protection organizations offer cost statement reviews from around €35 — often worthwhile for high outstanding balances.