

Tenants' rights and duties

As the Goethe Welcome Centre tries to allocate accommodations to our international researchers, we maintain close contacts to local landlords. From these we receive feedback about observations they have made or even complaints regarding intercultural misunderstanding as to tenants' and landlords' rights and duties.

Therefore Goethe Welcome Centre has compiled some information we would kindly ask you to read carefully. Our aim is to inform you about local standards, so that you know what to expect and landlords will feel comfortable. Definitely we depend on good relations with landlords, so that they will continue accommodating visiting scholars of Goethe University.

We want to point out that this information is not legally binding and Goethe Welcome Centre shall not be liable for any misunderstanding arising from this guideline!

1. If you use a commercial agent to find a flat: the provision

If you use a private agent to find a flat for you, and the agent was successful, you have to pay a provision fee to the agent. Normally this will amount to the price of two times the cold rent for your new flat. This usually works out to be expensive, but worthwhile if you look for something of higher quality for a long-term period.

Alternatively, you can find a flat on the private market in the newspaper or on private online offers.

2. Deposit (*Kaution*)

It is a standard procedure in Germany for the landlord to ask a deposit from you before you move into your flat. This is normally 2-3 times the cold rent. Different from the provision, this money is *refundable* when you move out again. It is kept in a separate account by the landlord as a security, should there be any liabilities caused by the tenant. The deposit cannot be touched by either party during your rental agreement. Once you have left the flat and everything is in order, you will receive your deposit back.

3. Extra costs (*Nebenkosten*)

In most advertisements on the housing market the so called 'cold rent' (*Kaltmiete*) will be indicated. This is the rent for the flat without any of the compulsory services in Germany.

When looking for a suitable flat, you need to take the extra costs of heating, electricity, waste removal, premises cleaning service, taxes and water into account. In average (depending on your consumption habits), this amounts up to approximately a third of your cold rent. These services are calculated on an individual basis and therefore vary.

Also not included in the cold rent are expenses for TV license (*GEZ*), telephone and Internet which you have to organize yourself after consent of the landlord.

4. Notice period (*Kündigungsfrist*)

Irrespective of the terms and agreed lease period in your contract, the tenant has the right to *terminate a contract with a three months notice period.*

On the other hand the landlord has the right to terminate a contract with due reasons only, i.e. he/she needs the flat him/herself or for close family, or unruly tenant behaviour. The three months notice period still applies in this case.

Such notice periods do not apply to short term rentals that come with individual notice periods according to the contract.

5. Tenant's rights

The landlord is obliged to fix any defects in the house regarding the walls, heating, electricity, windows, water supply and drainage. Landlords have to keep the house in a liveable condition. Should this not be the case, the tenant has the right to detain part of the rent according to the damage's impact on his quality of living. Whether this amount is appropriate, is often legally settled by lawyers in hindsight.

6. Tenant's duties

It is the tenant's responsibility to keep the property maintained in the same state as when moving in. Damages caused by the tenant due to neglect, wrong heating and airing behaviour must be paid by the tenant and might be deduced from the deposit.

Please read the following guidelines on proper tenant behaviour carefully to avoid problems with your landlord. The Goethe Welcome Centre has compiled this guideline because we know by experience, that many German renting conventions are not internationally applicable and therefore knowledge about these rules cannot be taken for granted.

Airing/Heating

Often drastic damages occur unnoticed due to unsuitable airing and heating habits (e.g. mould). Therefore we strongly recommend opening all windows widely *at least once a day* for about three minutes to fully air every room; even in winter. This is necessary for an exchange of humid air from inside and fresh and dry air from outside. To save energy you should not leave the windows ajar during the heating season. Especially when using the shower you should make sure to air the bathroom sufficiently. While airing radiators have to be turned off.

Heating costs

With ever rising fuel prices heating costs should be kept in check. Especially when leaving the flat for a couple of days, you should adjust the heating to maintain only a minimum temperature of 10°C (level 1 or 2). Don't let the heating run on maximum while you are away or at night. After your return, the heating will warm the rooms adequately within very short time.

Drying of laundry

If the house you are living in does not have a separate room for drying the laundry, you will have to dry your laundry in your apartment. The room which you use for drying has to be aired regularly. The temperature in this room should be at least 20°C.

If you do not air and heat this room properly, you will risk mouldy walls and a major problem with the landlord. Mould attacks wallpaper and even walls quickly which leads to high renovation costs. These costs might be deducted from your deposit.

If your bathroom doesn't have a window, please use the extractor regularly and keep the door open to allow circulation of air.

Cooking

If your flat is not equipped with a fume hood, you need to take special care to allow for airflow while cooking. We recommend closing the kitchen door, using lids on your pots and opening the kitchen windows after cooking to allow the fumes, vapour and smells to leave the kitchen.

Please do take extra cleaning care when using spices that might stain the kitchen equipment (e.g. curcuma and curry).

In certain instances there are also regulations about how often you are allowed to have a barbecue (never inside the flat or on the balcony) with regards to the smell of charcoal and roasting meat.

Saving electricity

You can save electricity by buying a multiple-outlet power strip that has one button to switch off several devices at the same time. This you can switch off at night for instance. Avoid leaving gadgets like TV and computer on standby as this mode nevertheless consumes electricity.

Saving water

If you do not use an electrical dish washer you can save water by doing the dish-washing inside a sink filled with hot water instead of washing it under running water. Toilets normally come with a two stages flushing system for you to choose how much water you want to send down the drain.

Separation of rubbish

In Germany, there are strict laws and general standards on recycling. Each house provides facilities for different kinds of rubbish to varying extents. As a rule, paper, glass, tins, toxic

waste like batteries and medicine, and degradable food leftovers should not go into the general black bin.

- There are collecting stations for **one-way bottles** (glass), **paper** and **clothes** all over the city.
- All **other bottles** (glass and plastic) can be given back at the supermarket where you will get a refund.
- **Batteries** can be handed back at most supermarkets, and **medicine** can be taken back by pharmacies.
- Many houses provide brown bins (*Biomüll*) for **degradable/biological waste** like peels and leftovers. Here you should not add leftover meat. This goes into the regular black bin (*Restmüll*).
- It is your duty to collect the yellow bags (*Gelber Sack*) at the Residents' Registration Office (Rathaus or Bürgeramt) for any kind of **plastic packaging and aluminium foil**.

Noise

The general rule in Germany is no noise Mon. to Fri. after 8.00 pm and before 7.00 am (*Abend- und Nachtruhe*). On Sat. the *Nachtruhe* lasts until 8.00 am and starts at 7.00 pm. On Mon. – Fri. from 1.00 to 3.00 pm you have to respect the mid-day silence (*Mittagsruhe*). On Sundays and any other holidays you have to spend the whole day without doing any noise (*Hausruhe*).

Noise generally includes music, using loud gadgets like drillers, mixers etc., hosting many guests, celebrating outside etc. If you occasionally have a party (also officially no noise after 10.00 pm), please inform your neighbours either by talking to them or with a small written note. This will be considered polite and could avoid unpleasant visits by the local police.

Maintenance

Some houses require the tenants to do housekeeping duties, like sweeping the staircase or shovelling snow in winter. Normally, these duties are shared between all parties living in the house and your turn might be once a month only. Please check with your landlord about the regulations in your house. If you don't fulfil your duty in snow shovelling, you will be liable in case somebody drops and gets hurt.

Moreover, your landlord expects you to clean the accommodation regularly. This is a prerequisite for being able to hand over your accommodation in the same state you have first entered it.

Vacuuming the carpets, cleaning windows, cleaning the tiled walls in bathrooms, cleaning bathtubs and toilets, cleaning of the kitchen, wiping the floors and sweeping dust from furniture will also be expected from single males. If you don't have experience in cleaning, ask either the team of Goethe Welcome Centre or your landlord for information. Hiring cleaning personnel is not as common in Germany as it is in other parts of the world. Thus you might want to get acquainted with the secrets of domestic cleanliness before moving into any room or flat in Germany.

Please note that toilet paper has to be thrown into the toilet and that the toilet brush (*Klobbürste*) has to be used regularly to erase all traces.

Painting the walls

Usually you leave the flat in the same condition you entered it. If the walls were freshly painted, you will be expected to paint them before you move out. If the walls were not painted, you need not paint them when moving out. Yet, many landlords handle this issue leniently and you can have a different agreement with the tenant coming after you as well, but please be aware that painting the walls white might be required from you.

Residential tenant walk-through

Most landlords use a walk-through protocol when they hand over the keys to the tenant. Together, tenant and landlord walk through the accommodation and list the present state of the apartment and existing damages and faults. Both sign the protocol from which the tenant receives a copy. This gives both sides a valid appraisal in which condition the accommodation was rented and in which condition it has to be handed back by the tenant.

Walk-throughs may be requested by the land lord at any time during the rental period.

Last up-date 08.04.2013