

Legal protection for tenants – the earlier, the better

Information about legal protection insurance and tenant organisations

Legal expenses insurance policies from tenants' organisations only cover you if you have been a member for a while. Tenants should take precautions and take out legal protection in good time.

Many Berlin tenants must fear that they will soon be facing trouble. This can include, for example, increased utility bills or drastic rent increases. Tenants can very quickly find themselves in a situation that they can only defend themselves against with legal support.

Organisations such as the Berliner Mieterverein, the Berliner Mietergemeinschaft or the Mieterschutzbund Berlin offer their members legal costs insurance in addition to their advisory services. To this end, they have concluded contracts with legal expenses insurers. Due to these contracts, a so-called waiting period applies to all organisations: Only after a membership period of three months (tenants' association [Mieterverein]), six weeks (tenants' protection association [Mieterschutzbund]) or one month (tenants' community [Mietergemeinschaft]) can members claim legal costs insurance for a legal dispute with their landlord or landlady.

Even so-called smouldering conflicts, i.e. ongoing disputes between tenants and landlords, are not covered by legal expenses insurance after joining a tenants' organisation. That means: If, for example, the rent increase is already on the table, tenants have to pay for their lawyer out of their own pocket. However, if problems arise after the waiting period, members can seek help from the associations, which then recommend lawyers specialising in tenancy law. In any case, the organisations' own legal experts check beforehand whether the tenants' legal concerns are likely to be successful.

An alternative to the services offered by tenant organisations is privately concluded legal expenses insurance. They cost a little more per month than the membership fee for clubs. One advantage of having your own legal expenses insurance is that it covers more areas than tenancy law, such as contract, criminal and traffic law. But here, too, it is important to pay attention to the waiting periods specified by the insurance company. Some legal expenses insurance policies also provide for a deductible for legal disputes, the so-called excess. The Berlin tenants' organisations are not demanding this. Every tenant should check how high this amount is before signing the contract.

Incidentally, all three associations mentioned offer reduced contribution rates for low-income earners. Tenants who receive benefits from the Jobcenter, the Social Welfare Office (Sozialamt) or the State Office for Refugee Affairs (Landesamt für Flüchtlingsangelegenheiten) can contact the relevant offices and register their need for advice. The authorities generally pay the membership fee for certain tenant organisations for a limited period of time if acute problems arise. This contradicts the regulations in the tenants' organisations, according to which "smouldering conflicts" are not covered by legal expenses insurance.

However, the authorities should also comply with tenant-friendly rules. If it is already foreseeable that tenants will soon need to seek advice, they should help the tenants and agree to pay the membership fee. So if you are worried that you will soon have to give notice to terminate your tenancy for personal use, for example, you should contact the person in charge and talk to them about the possible need for advice.