

a conversion must be approved if the owner agrees to offer the apartment for sale exclusively to its tenants over a period of seven years. Ownership by tenants is not precluded during the seven-year period.

When houses are sold, the district may exercise the **Vorkaufsrecht (right of preemption) in the social conservation area.**

The sale of a residential building often marks the beginning of upgrading measures, at the end of which many existing tenants may no longer be able to afford the rent. Therefore, it is the declared aim of the district office of Friedrichshain-Kreuzberg to limit speculative sales and thus protect existing tenants from displacement. Using the instrument of the municipal right of pre-emption (also known as right of first refusal), the district office has the possibility to counteract these negative developments. If the buyer wants to avert the exercise of the districts right of preemption, he/she has the opportunity to sign an averting agreement. In this agreement, the purchaser agrees to refrain from construction measures that imperil the aim of maintaining the composition of the residential population. For more information on the municipal right of preemption, please check the following link (leaflet only available in German): <https://www.asum-berlin.de/info-vorkaufsrecht/>.

The organization AKS Gemeinwohl offers a short English overview of the municipal right of preemption. Download the leaflet from <https://aks.gemeinwohl.berlin/download/> (look for the document "Vorkaufsrecht Flyer AKS-ENGLISCH").

Which rent increases cannot be influenced by **Erhaltungsrecht (conservation law)**?

A social conservation ordinance can only influence modernization-related rent increases but cannot prevent other rent increases under the German Civil Code (BGB).

A social conservation ordinance has no influence on:

▲ basic rent increases pursuant to Section § 558 of the BGB. In Berlin, increases of 15 percent within three years are possible, up to a maximum of the local comparative rent (rent index).

▲ rent levels for new leases.

Due to a federal rent control law called Mietpreisbremse (rent "break"), which has been introduced by the federal government in June 2015, rents on re-letting may not exceed ten percent above the local comparative rent, exceptions: new buildings and extensively modernized apartments.

▲ Modernization apportionments in accordance with Section § 559 of the German Civil Code (BGB), if only the contemporary standard is established or minimum requirements under building regulations are met.

If you have questions about your apartment

The tenant' advisory service *asum* provides all tenants with free, individual tenancy law counselling on behalf of the district office. Here, you may clarify housing-related questions such as operating costs, rent increases, deficiencies, subsidized apartments, heating costs, rental agreements, cosmetic repairs and terminations.

In addition, you can obtain information on whether the upcoming modernization is eligible for approval under *Erhaltungsrecht* (conservation law). However, even if measures are approved by the district office, this does not necessarily mean that you have to fully tolerate the planned measures. Do not hastily agree to a modernization announcement or a rent increase. Make an appointment with the tenant' advisory service *asum* and make use of your rights!

Exchange information with your neighbours, join together to form house communities! This might help to ensure that modernization measures take place in a socially acceptable manner.

Publisher

Friedrichshain-Kreuzberg District Office

Yorckstrasse 4-11, 10965 Berlin
- Urban Development Office, Conservation Areas Group - www.berlin.de/ba-friedrichshain-kreuzberg/politik-und-verwaltung/aemter/stadtentwicklungsamt/stadtplanung/gruppe-erhaltungsgebiete/

erhaltungsgebiete@ba-fk.berlin.de
phone: (030) 902 98-25 71 or (030) 902 98-35 20

Here you will find support

Free tenants' counseling by *asum* GmbH for all residents in Friedrichshain-Kreuzberg



You may set an appointment by calling the phone number 030 - 29 34 31 0 or by sending an e-mail to info@asum-berlin.de.

On the website of the tenant' advisory service *asum* you will find all locations and office hours: www.asum-berlin.de

Main location of *asum* GmbH
Thaerstrasse 30d, 10249 Berlin

AKS Gemeinwohl

phone: 0176 55 85 08 61
e-mail: kontakt.aks@gemeinwohl.berlin
website: aks.gemeinwohl.berlin



AKS Gemeinwohl offers assistance for tenants in preemption-processes, e.g. in networking with non-profit housing actors.



text: Jens Seifmann | cover photo: Sabine Schuster | design: Susanne Nöllgen | status: May 2021

Social conservation area „Boxhagener Platz“

Information for residents

Dear residents of the Boxhagener Platz,

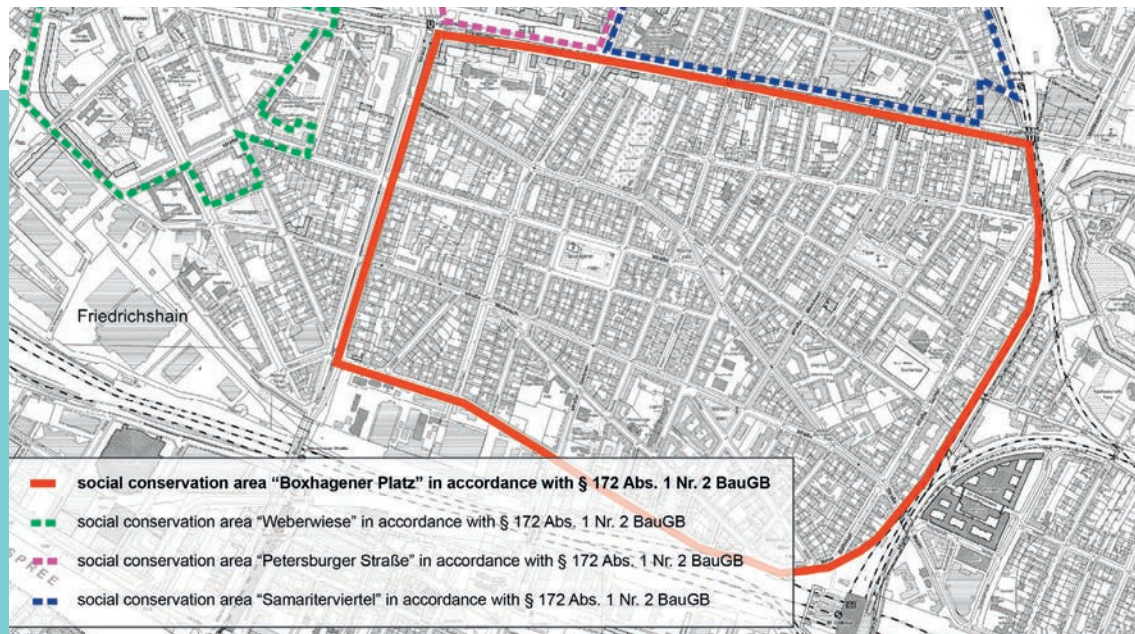
Since 1999, a social conservation ordinance is set in place for the residential area “Boxhagener Platz” in accordance with § 172 paragraph 1 sentence 1 No. 2 of the Baugesetzbuch (*Building Code*). On the 24th of April 2021, this ordinance has been renewed. Due to the recent renewal, even more parts of your neighbourhood fall under the protection of the social conservation ordinance.

The social conservation ordinance is also known as *milieu* protection. The aim of the ordinance is to protect the residential population from displacement caused by modernisation measures or similar construction measures and to prevent negative social and urban developments. The district office uses all legal means to ensure that many people in Friedrichshain-Kreuzberg have a perspective to remain in their neighbourhood.

In social conservation areas, certain extensive modernization measures as well as the conversion of rental apartments into condominiums (*freehold-flats*) can be restricted by the district office. Further, the district office may exercise its right of pre-emption to curb real estate speculation and thus protect the residential population from displacement.

With this leaflet, we inform you about the regulations in the social conservation area.

Sincerely Florian Schmidt
District Councilor for Building, Planning and Facility
Management



The social conservation area

The Boxhagener Platz is one of several social conservation areas in Friedrichshain-Kreuzberg. Around 42,300 people live here. Due to its inner-city location and its diverse offerings, the neighbourhood around the Boxhagener Platz is highly sought-after as a place to live. The residents of the area are exposed to high rent pressure. Particularly after expensive modernization work, many people in the area are being asked to pay rents that they cannot afford. In addition, more and more rental apartments are converted into condominiums and therefore disappear from the local market. The social conservation ordinance aims to ensure that residents are not forced out of their neighbourhoods by these developments.

What may be achieved by the social conservation ordinance?

The district can prevent excessively expensive modernization in the social conservation area.

Extensive modernization measures drive up rents. Many tenants may no longer be able to afford their apartments and therefore lose the perspective to stay in their neighbourhoods. That is why so-called luxury modernizations are prohibited in social conservation area.

The following measures, among others, *must not* be approved by the district office in social conservation areas:

- ▲ changes to floor plans that are not necessary
- ▲ combining or dividing apartments
- ▲ addition of balconies, loggias or terraces with a floor area of more than four square meters
- ▲ addition of a second balcony, loggia or terrace
- ▲ installation of a second bathroom or toilet, tub and shower, bathroom renovations above the contemporary equipment standard
- ▲ the change of use from residential to commercial (for example, to commercially operated vacation homes)

However, modernization measures that solely establish the „contemporary amenity standard of an average apartment in the area“ must always be approved. Nevertheless, this does not necessarily mean that you have to tolerate every measure. The district has commissioned the tenant’ advisory service *asum*, which may help tenants to clarify the question of toleration in each individual case (see last page).

The following measures, among others, *must* be approved by the district office in social conservation areas:

- ▲ first installation of a central heating system with hot water supply
- ▲ first installation of a bathroom
- ▲ addition of contemporary equipment to an existing bathroom
- ▲ basic installation of plumbing, water, electrical, antenna, cable TV and intercom (audio) systems
- ▲ renewal of existing windows in accordance with the Building Energy Act
- ▲ obligatory energetic renovations
- ▲ attic conversion and new construction

The addition of elevators will be examined by the district office on a case-by-case basis.

Conversions of rental apartments into condominiums are regulated by the district in the social conservation area.

The conversion of rental apartments into condominiums has been booming for several years. Tenants are under particularly high pressure due to this development: In preparation for the sale of the condominiums, the apartment buildings are often renovated in a particularly elaborate manner and are sometimes even completely „de-rented“.

Since the Senate issued a conversion ordinance in March 2015, the districts are able to restrict this conversion in social conservation areas. The subdivision of a rental building in the Grundbuch (*land register*) can be prohibited. However,