

??? HOW-TO-SURVIVE-ORBIS ???

WICHTIGE INFOS FÜR ORBIS-MIETER // IMPORTANT INFOS FOR ORBIS TENANTS

Dear ORBIS tenants,

a few weeks ago our initiative organised an online legal consultation with a lawyer, addressing various issues around ORBIS flats, such as the limited duration of contracts or the potential violation of the Berlin rent cap. Some 25 people joined this two hour session and we hope they found this helpful.

For those who missed this opportunity, we would like to sum it up here and give you some ideas about how to help yourselves. It's important to understand that in Germany, similar individual legal cases cannot be merged into "group cases", so each and every one of you has to figure this out yourselves. Also: we are just neighbours – not lawyers, so we cannot give you any concrete legal advice, nor will we take responsibility in case that any of the information written here may turn out to be incorrect!

What's the issue?

You all must have heard that Berlin introduced a new law called "Mietendeckel" which caps most of the rents, no matter if a place is furnished or not. It seems pretty obvious that ORBIS are overcharging you for their flats. There are good chances you might be able to get your rent reduced considerably.

The second issue is the time limited nature of your tenancy agreements, and there may be a reasonable chance of getting your temporary sublet converted into a permanent contract. In case ORBIS has already extended your contract, these extensions could be very helpful to prove that the limitation is not legitimate. This argument though can only be raised before the expiry of your contract, which may be in the near future for some of you!

... and there's another catch: Over the past few weeks ORBIS has refused to extend many contracts, claiming that they were planning to end their involvement with our buildings. At the same time they announced to retroactively hand over their business to another company "NM Co-Living GmbH".

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Now what does this mean?

The crucial point here is: This will not affect your contract in any manner! So beware if they ask you to terminate your current contract and offer you a new one instead! This might weaken your position! Always get legal advice first before agreeing to anything that they may ask you to sign!

Regarding the rent cap, it's true when ORBIS tells you that there is still a constitutional court decision pending on whether the rent cap is in conformity with the constitution or not. But that court decision will happen later this year, which means that currently the law is in power. It's not up to ORBIS to interpret the current law to their favour and no one can predict the outcome of that court decision later on.

What should I do?

This is a strategic question that we cannot answer. But if you want to get a chance to permanently stay in your current flat at a much lower rent, then you have to take action now:

If your sublet is ending soon, the first thing to try would be to convince ORBIS to extend your sublet agreement until end of 2021. Some neighbours managed to convince ORBIS to grant them an extension, even though they had already refused earlier. Even after March 1st you could try to negotiate with "NM Co-Living GmbH" about an extension (NOT a new contract!). If you receive an extension, this will give you more time to operate.

What should I NOT do?

You can of course as well remind "NM Co-Living GmbH" to lower the rent according to the rent cap, but in case they refuse, do NOT tell them you will go to court! Don't upset them! First get your extension!

Also, it is NOT advisable to reduce the rent at your own terms. They might immediately evict you! Remember, their plan is to sell the apartments soon! Always get legal advice first!

**WEBERWIESE
MILIEU SIND WIR!**

Initiative gegen Ausverkauf und Verdrängung

flyer#6

To get an idea about the maximum allowed rent, you can calculate it online. Consider the calculator not 100% accurate! DO NOT reduce the rent at your own terms! Always get legal advice first!

<https://mietendeckel.berlin.de/en/mietendeckelrechner/>

Rental cap calculator

Is the apartment...

- publicly sponsored and subject to rent control or
- an apartment of a recognised welfare service provider or
- in a residential home or
- in a new building, which was ready for occupancy for the first time from 01/01/2014 or
- permanently uninhabitable and uninhabited former living space, which is being restored for residential purposes with an effort corresponding to new build, for example, a former abandoned building?

yes **NO!**

Details of the apartment

Road House number Post code

Apartment size (in m²) m² Net cold rent (in euros) € Year in which the building was built

YES! The building has more than two apartments **i**

YES! The apartment has central heating **i**

YES! The apartment has a bathroom

Details of the fitout

NO! The apartment has a fitted kitchen **i** **<<< READ INFO BOX!**

The apartment has a fitted kitchen **i** **<<< READ INFO BOX!**

The apartment has a high-quality bathroom fitout **i** **<<< READ INFO BOX!**

The apartment has high-quality flooring **i** **<<< READ INFO BOX!**

NO! The apartment has an energy consumption value below 120 kWh/m²a **i**

NO! The apartment was modernised after 18/06/2019 **i**

Where can I get help?

- Become a member of **Berlin Tenants' Association** www.berliner-mieterverein.de/sprachen/englisch.htm
Membership includes free legal consultations and a legal expenses insurance.
- For all ORBIS tenants the **Berlin Tenants' Association** is also offering a second free online consultation with a lawyer. If you are interested to join, please let us know **before Feb 28th** >>>> milieu@gmx.de
- **ASUM** is a company that can provide you with a **free lawyer**. They are hired & paid by the municipality in order to help citizens with their housing problems. 030 293 4310 info@asum-berlin.de
- File a **complaint online** – BUT: this will NOT help you converting your contract to permanent <https://service.berlin.de/dienstleistung/330040/> Requires German language skills!
- Directly **consult a lawyer**. In Germany a first consultation can cost up to 190 € plus VAT. Get in touch with us for lawyer recommendations:
>>>> milieu@gmx.de
<https://weberwiese-initiative.com>

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