

Rent increase with the rent index

What can tenants do in response?

Berlin has had a new rent index since 28.05.2026. Landlords such as Deutsche Wohnen and Vonovia will probably be using this to justify **rent increases** in many cases in the near future. However, it is advisable not simply to accept these rent increases, but to check them carefully. Every unlawful rent increase that is accepted leads to rising rents for us all. This handout gives you **tips on what you can do**.

Topics

- What rent increases are permitted and how can I check them?
- What can I do in response to a rent increase?
- Where can I get advice?

Which rent increases are permitted? And how can I check them?

There is no one-size-fits-all answer to the question as to the amount by which your rent may rise. It always depends on the individual case. As a general rule, the following applies:

- The rent must have **remained unchanged for at least twelve months** between two rent increases (please note: this does not apply to rent increases due to modernisation or adjustments to advance payments of operating costs). The one-year moratorium begins when the latest rent increase takes effect. (Example: A demand for a rent increase made before the end of the one-year period is **invalid**).
- In the event of a rent increase, the so-called **rent cap** must be observed. This means that the rent may be increased by **a maximum of 15 per cent over three years**.

Furthermore, the rent may **only** be increased **up to the local comparative rent**. You can check whether a rent exceeds the local comparative rent here:

- Based on the residential area, the size of the flat and the year of construction, the flat can be assigned to a line in the rent index. It states the average value of the local comparative rent, which is the starting value for the further calculation.
- There are also five feature groups (bathroom, toilet, kitchen, building, living environment) that can influence the rent amount in terms of increasing or decreasing the residential value.



Does the landlord have to justify the rent increase against the rent index?

Unfortunately not. He can also justify the rent increase by referring to three comparable flats. These must be listed in the demand for rent increase and reference must also be made to the values in the rent index. Otherwise, tenants do not need to respond (but should seek legal advice as a precaution). If the specified comparable flats cannot be identified or are not comparable with your flat, resulting in the number of comparable flats falling below three, the request for an increase is not justified and is invalid.

How do I respond to a rent increase?

- The first thing to do is to **keep calm** and **not agree to a rent increase too hastily**: tenants have time until the end of the month after the month following receipt of the rent increase demand to review the rent increase.
- It is advisable to **seek advice on tenancy law as soon as possible** (see below).
- At the same time, you can also **carry out the rent check** yourself here and verify the rent increase.
- It is important to pay attention to the details and, for example, to check whether the landlord has provided correct information about the **furnishings**, location, etc. It has come to light that landlords like Vonovia and Deutsche Wohnen sometimes play tricks here. Landlords repeatedly cite value-increasing features that do not actually exist. Unfortunately, a rent increase does not become invalid simply because landlords applying the upper figure of the rent index value without specifying and weighting the features of the flat.

- **If the rent increase is deemed to be unlawful on the basis of legal advice**, you should inform the landlord of this and that you do not accept the rent increase. If the rent increase is only partially lawful, partial agreement is recommended. In any case, you should inform the landlord of the correct calculation of the rent increase. Last year, some tenants had a bad experience with simply sitting out reminder letters – and in some cases legal action was taken against them to compel acceptance of the rent increase.
- It is possible that the landlord will drop the rent increase after receiving an objection or only partial acceptance.
- However, it may also be that the landlord will react by issuing reminders. Here, too, it is important not to be intimidated: **the landlord is not authorised to terminate the tenancy because you refuse to consent to an impermissible rent increase**. However, if the rent increase is correct, consent must be declared and the rent payment adjusted accordingly, so that you do not fall into payment arrears. The landlord might also try to enforce the rent increase in court. For this reason alone, it is advisable for tenants to be join an organisation like the Berlin Tenants' Association so that they have insurance cover for legal costs (see below).
- Attention: If the higher rent is paid without comment, this is deemed to be consent to the rent increase and withdrawing it is not possible. If you have given the landlord your **consent to payment by direct debit**, it is advisable to cancel this. Otherwise, the landlord will simply collect the higher rent and it will be difficult to get the money back.
- As always: **you can achieve more together than alone**. Organise yourselves in your buildings, hold tenant meetings, exchange ideas and pass on your experiences to neighbours.



Where can I get advice?

A **rent review by the Berlin Tenants' Association (BMV)** is also available to those who are not members of the BMV. You can fill in the questionnaire for this and send it to the BMV by email or post. Further information is available at:



We still recommend that all tenants in Berlin become **members of a tenants' association such as the BMV**. The BMV offers its members free legal advice from the moment they join and also handles correspondence with the property management company if required. What's more: if you join the BMV at least three months before receiving a rent increase, **legal protection insurance** also applies, which protects members against possible legal costs. More information is available at:



All Berlin districts have open tenancy law advice centres that all tenants in the district can use free of charge. However, these do not provide legal representation in court. Further information is available at:

