Information for tenants on the granting of state benefits in case of non-payment of rent due to the effects of the COVID-19 pandemic

1. Context

In order to reduce the effects of the COVID-19 pandemic, the German Bundestag has passed a law that stipulates that rent agreements cannot be terminated on the grounds of unpaid rent due to the COVID-19 pandemic. However, this regulation does not discharge you from your duty to pay your rent. Rent arrears from the time period 1 April to 30 June 2020 must be settled by 30 June 2022. In case of dispute, tenants must prove that the non-payment of their rent is due to the effects of the COVID-19 pandemic.

Therefore, the law has an effect that is limited in time and includes the duty to retrospectively pay the rent that has not been paid in the time period 1 April and 30 June 2020.

In case of payment difficulties, the following applies:

Apply as soon as possible for state benefits to support your rent payments.

2. What state security-systems are available?

Security systems offered by the state include, first, housing benefits (Wohngeld), and, second, benefits according to SGB II (subsistence income – "Hartz 4"). Housing benefits have priority.

3. Housing benefits

When am I eligible for housing benefits?

People who cannot afford adequate living space on the housing market on their own, receive subsidies by the state for their rental costs, which aim at guaranteeing adequate, family-friendly housing. These subsidies are called housing benefits (Wohngeld).

Who can apply for housing benefits?

All people who rent and whose total household income is below a certain income threshold are eligible for housing benefits. For example, a one-person household in Munich with a gross income of € 1,700 per month can receive low housing benefits. The eligibility of pensioners should be examined irrespective of their place of residence if their pension is around € 1,000.

Recipients of income support (Sozialhilfe), unemployment benefits II (Arbeitslosengeld II) or the student grant BAföG are not eligible for housing benefits, as their housing costs have already been considered in their benefits.

Where do I apply for housing benefits?

You can apply for housing benefits at the housing benefit office of your district, city or town council, or municipal or district administration. Inform yourself who is in charge for housing benefits in your municipality. You will find the application forms on the website of the council office in charge.

Has the application procedure been simplified on account of the current situation?

Several federal states offer simplified procedures when it comes to applications and plausibility tests.

For an original application, the housing benefit offices will always need:

- Proof of rent
- Proof of income (at least the last pay slip)
- In case of short-time allowance (Kurzarbeitergeld): ideally the first pay slip that considers the short-time allowance; or else at least the company agreement on short-time allowance

How are housing benefits calculated?

The amount of the housing benefits depends on the number of household members, the rent – in case of owners: on the mortgage – as well as on the total income. Members of the household are: spouses or civil partners, persons who live with the recipient of housing benefits or are prepared to take responsibility for each other.

Housing benefits are calculated on the basis of so-called rent levels (Mietenstufen). Municipalities and districts are classified in levels I to IV according to the local average amount of rent. This means that a pre-set maximum amount, which depends on the rent levels, may be considered in the calculation instead of the rent that you actually pay. The total income means your gross income. Depending on the payment method, taxes, health and long-term care insurance contributions, and pension insurance contributions are deducted from this amount.

You can find free housing benefit calculators on the internet that give you an approximate idea of the amount you are eligible for: for example on the website of the Federal Ministry of the Interior, Building and Community https://www.bmi.bund.de/DE/themen/bauen-wohnen/stadt-wohnen/wohnraumfoerderung/wohngeld/wohngeldrechner-2020-artikel.html (in German) or www.wohngeld.org (in German).

From when and for how long will the housing benefits be paid?

Housing benefits will be paid from the month of the application and generally for a period of 12 months. Afterwards, a new application will be necessary. If you receive

housing benefits already, a new application is not necessary. However, this is only applicable during the so-called grant period as well.

4. Costs of accommodation

When am I eligible for costs of accommodation (KdU)?

The target group are people/households who do not generate an independent income and do not receive unemployment benefits (ALG I) either. In the current situation, this group may also include self-employed people who are losing their income with immediate effect due to COVID-19.

Where can I apply for benefits covering costs of accommodation?

Persons who are affected can apply for subsistence income and the coverage of their total housing costs at their job center in charge.

Has the application procedure been simplified on account of the current situation?

Yes.

Original applications can be done informally in writing, without personal appointment (by posting it in the internal mailbox of the job center), or via phone. It is recommended to apply in writing, since the job centers are currently hard to reach via the usual phone numbers. It may be useful to get an attest for the written application as proof.

You can apply here: https://www.arbeitsagentur.de/arbeitslosengeld-2/arbeitslosengeld-2-beantragen (in German).

In short, the following applies until further notice:

- **Simplified procedure for access to social security.**
  No time-consuming wealth test: For benefits whose period of approval **starts between 1 March 2020 and 30 June 2020 wealth** will not be considered in the calculation for a period of 6 months. It is assumed that the applicants do not have considerable wealth. A statement of the applicant is sufficient.

- **No adequacy test**:
  As of April 2020, there will be no adequacy tests for original applications. The actual costs for accommodation and heating will be considered adequate/will be covered **for the following 6 months**. **The usual space restrictions that are adapted to the social housing subsidies do not apply either. The actual costs for the actual living space are considered.**