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CULTURAL RIGHTS**

# PROPOSED TOPICS FOR THE LIST OF ISSUES: RIGHT TO HOUSING

**7<sup>TH</sup> PERIODIC REPORT OF GERMANY**

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# I. SUBMITTING ORGANIZATIONS

## **Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V.**

The Bundesarbeitsgemeinschaft Wohnungslosenhilfe e.V. (BAG W) is the National Federation of social services and institutions working with people experiencing homelessness or in housing need and the political, professional and public institutions working with and in this field of assistance.

## **Gesellschaft für Freiheitsrechte e.V. (Society for Civil Rights)**

The Society for Civil Rights is a donor-funded organization that defends fundamental and human rights by legal means. The organization promotes democracy and civil society, protects against disproportionate surveillance and advocates for equal rights and social participation for everyone. To that end, the GFF conducts strategic litigation, lodges constitutional complaints against laws that violate fundamental rights and contributes its legal expertise to social debates.

## II. PROPOSED ISSUES

### 1. CREATING AND PRESERVING AFFORDABLE HOUSING UNITS

**Concluding Observation of the [Previous Report: para. 55 \(a\)](#):** “Increase the provision of affordable housing units, especially for the most disadvantaged and marginalized individuals and groups;”

**Questions:**

Which specific measures does the German government intend to take to increase the number of social housing units (after deduction of social housing units that are no longer tied):

- a) through new construction,
- b) by retaining existing housing, for example through a statutory social housing quota for large housing companies, and
- c) by extending or abolishing the commitment period

so that the demand for 2 million social housing units in 2030 is met, and how these measures are to be financed?

**Explanatory Note:**

There is less and less affordable housing in Germany, especially in the metropolitan areas. Although the [previous German government pledged](#) to build 400,000 new homes each year, including 100,000 social housing units, and the “[Coalition for Affordable Housing](#)” presented a [package of measures](#) worth billions for a construction, investment and innovation offensive, these targets were missed by a wide margin. According to the Coalition’s own [2024 balance-sheet report](#), only just [under 300,000](#) homes were built *in total* between 2021 and 2023. According to a [recent study](#) by the alliance of associations „Social Housing“ (Verbandebündnis „Soziales Wohnen“), there is currently a [shortfall of 550,000](#) homes nationwide.

The stock of social housing is also continuing to fall dramatically: every year, [around 55,000 social housing units](#) fall out of the housing stock. Between 2017 and 2023 alone, the stock [fell by 12%](#). In order to meet the demand of at least [two million](#) social housing units by 2030, around [210,000 social housing units](#) would have to be created annually in the remaining six years through new construction, modernization and the acquisition of occupancy rights. However, the funding available for this [has been exhausted](#) far too quickly. In the coalition agreement, the German government announced that it would [expand social housing construction](#) as a key component of the housing supply to stabilize the housing market and gradually [increase investment significantly](#); most recently, it has earmarked [€3.5 billion](#) for the year 2025.

## 2. SOCIAL IMPACT OF SOCIAL HOUSING

**Concluding Observation of the [Previous Report: para. 55 \(a\)](#):** “Increase the provision of affordable housing units, especially for the most disadvantaged and marginalized individuals and groups;”

### **Questions:**

How will the German government ensure that low-income households in particular benefit permanently and effectively from social housing promotion, and will the German government in particular

- a) effectively control the rental prices of price-controlled housing,
- b) ensure effective control of the actual construction and allocation of social housing, and
- c) take measures to identify and address misallocations, for example by introducing a flexible system of binding the total amount of subsidized living space, so that when income limits are exceeded, the rent can be increased and the equivalent amount of price-controlled housing can be secured elsewhere?

### **Explanatory Note:**

Social housing subsidies aim to provide low-income households with suitable housing on a permanent basis. In some cases, however, housing companies that received state subsidies for housing did not adhere to the associated requirements. This led to no social housing being offered or rents being too high (see e.g., [here](#) and [here](#), for example). As a result, the state of Berlin [increased the fines](#) for violating the information requirements and the misappropriating subsidized housing.

Due to under-occupancy, apartments in the portfolio do not necessarily benefit the households with the greatest need. Anyone who has moved into social housing once with a housing entitlement certificate does not have to prove their low income again and can remain in the apartment and pay an unchanged rent even with an income that is above the permissible limit for a housing entitlement certificate (WBS). In some cases, the federal states levy a misoccupancy tax (Fehlbelegungsabgabe) (e.g. in [Hessen](#)), although this measure is [controversial](#). However, it would also be possible to adjust the rent to the income in the event of an income overshoot, while fulfilling the obligation to provide price-linked housing by providing it elsewhere. This would enable more effective control of social appropriation without having to terminate existing tenancies.

## 3. DISCRIMINATION IN HOUSING PROVISION

**Concluding Observation of the Previous Report:** n.a.

### **Questions:**

- Which measures does the German government take to combat discrimination on the housing market and will it amend the [General Act on Equal Treatment](#) accordingly?

- How does the German government plan to ensure that the risk of discrimination in the provision of housing is minimized, particularly in publicly owned housing companies?

**Explanatory Note:**

Discrimination extends to all areas of life, but has a particularly massive impact on the [housing market](#). Though the General Act on Equal Treatment also prohibits discrimination in access to housing, it provides for exceptions in [Section 19 \(3\) and \(5\)](#), which greatly weaken the protection against discrimination. Furthermore, many affected persons are [not even aware](#) of the protection afforded by the General Act on Equal Treatment Act. In particular in light of a shortage of affordable housing, [racial discrimination](#) is frequent. However, there are many different effective [measures](#) to combat discrimination, such as reviewing procurement practices as part of quality control and compliance management or training measures to raise awareness of discrimination.

## 4. PUBLIC FUNDING IN THE HOUSING SECTOR

**Concluding Observation of the [Previous Report: para. 55 \(b\)](#):** “Continue to increase the level of public funding in the housing sector;”

**Question:**

How does the German government intend to ensure that sufficient public funding is eventually made available for housing, which will also contribute to reducing homelessness in a targeted manner?

**Explanatory Note:**

The stock of social housing in Germany has been steadily declining over the past decades. In the early 1990s, there were around [3 million social housing units](#); [by 2013, this had dropped to approximately 1.5 million, and currently the number stands at just over 1 million](#). A key reason for this is the time-limited nature of social housing commitments, which means that subsidized housing units are transferred to the open market once the binding period expires.

Recent developments show that there has been a further decline in the number of social housing units: [from 2022 to 2023, the number fell by 14,365 to 1,072,266 units](#), and [in 2024, it dropped further by 26,235 to just 1,046,031 units](#). During the same period, the funds provided by the federal government to the states as federal financial assistance for social housing have increased. Since 2020, this federal funding has [more than tripled](#) since 2020, reaching approximately €3.15 billion in 2024.

This development shows that the current level of support is insufficient to halt the decline or to create the urgently needed new housing. Moreover, the Federal Government includes programs such as “Junges Wohnen” under the broader term of social housing — even though this program, while meaningful, aims to create dormitory places for students and trainees and does not contribute to the construction of traditional social housing.

The new federal government has recently announced plans to support housing construction with €23.5 billion for the period from 2025 to 2029. This would amount to an average of just under €5.9 billion per year, whereas estimates suggest that the actual need is around €11 billion annually.

[There is therefore an urgent need for significantly greater investment in permanently rent-controlled social housing](#) that is accessible to homeless individuals and affordable for people affected by poverty and those with low incomes (publicly funded, municipal, and cooperatively organized housing could make a valuable contribution in this regard).

## 5. THRESHOLD FOR HOUSING REIMBURSEMENT

**Concluding Observation of the [Previous Report: para. 55 \(c\)](#):** “Increase the threshold for housing reimbursement under the basic social benefits to reflect market prices;”

**Question:**

How does the German government ensure that the guidelines on housing costs (the amount up to which housing costs are covered by basic income support) realistically reflect local housing costs?

**Explanatory Note:**

The Committee’s recommendation to increase the threshold for housing reimbursement has not been implemented or continues to be based on inadequate criteria. There are still considerable regional differences between the rent actually paid and the amount the guideline deemed appropriate. For 2023, the federal government found that the difference between the recognized accommodation costs and the actual current accommodation costs for the 320,000 affected benefit communities (households receiving basic income support) [was around €103 on average](#). People living in housing that is deemed “inadequate” (too expensive) often have no chance of moving to cheaper accommodation.

In addition, complaints brought by benefit recipients before social courts regularly state that the municipal concepts of appropriateness (municipal guidelines on the amount up to which housing costs are covered) [are too low, i.e. unlawful](#). This shows that the guidelines on housing costs do not realistically reflect local housing costs in many places. The last government’s promise to “[make the reimbursement of housing costs more transparent and legally secure](#)” has not yet been fulfilled.

## 6. HOMELESSNESS DUE TO SGB II SANCTIONS

**Concluding Observation of the [Previous Report: para. 55 \(d\)](#):** “Reduce the level of homelessness and ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres;”

**Question:**

How can the German government guarantee that the basic income support institutions, and in particular the Jobcenters, do everything they can to ensure that the people who are dependent on their support do not become homeless?

**Explanatory Note:**

The regulation applicable to recipients of benefits under the SGB II system (Jobcenter), which states that entitlement to the standard benefit amount is suspended if employable beneficiaries deliberately refuse to accept reasonable work, increases the [risk of homelessness](#). (this applies more broadly to any reductions in benefits or sanctions). Although the costs for housing are exempt from this sanction, protection against the loss of housing cannot be guaranteed. Without statutory provisions for additional benefits in cash or in kind, there is a particular risk that those affected will fall into debt to cover their daily needs. In addition to lacking financial means for foodstuffs, they are also unable to pay for electricity, as it is included in the standard benefit rate, and they can no longer meet other ongoing financial obligations. This can lead to a spiral of debt and [rent and energy debts are the most common causes of homelessness](#).

Furthermore, the assumption of rent and energy debts by the Jobcenters is often neither low-threshold nor straightforward. Additionally, such a covering of rental debts according to the SGB II only occurs through loans and hence creates new debts. Lastly, rising housing and energy costs do not result in a corresponding adjustment of benefits by the Jobcenters and hence lead to a shortfall in needs.

## 7. ELIMINATION OF HOMELESSNESS

**Concluding Observation of the [Previous Report: para. 55 \(d\)](#):** “Reduce the level of homelessness and ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres;”

**Questions:**

Which measures will the German government take to ensure that homeless persons have access to their own housing, particularly in view of the more difficult access to the housing market for these people on the one hand and the high competition for demand from other holders of a certificate of eligibility to public housing (Wohnungsberechtigungsschein, WBS) in the housing market in order to eliminate homelessness by 2030, and will it in particular

- a) maintain housing quotas specifically for homeless persons and, if so, to what extent,
- b) establish and implement special nomination and allocation rights specifically for homeless individuals,
- c) establish transparent and binding criteria for the allocation of housing and work towards ensuring that a supposed lack of “housing ability” does not stand in the way and
- d) recognize an enforceable legal entitlement to housing in cases of hardship, such as years of homelessness through no fault of one's own?



**Explanatory Note:**

According to the federal government's [Homelessness Report](#), around 531,600 people were homeless in Germany in 2024, of which around 60,400 people were "concealed homeless", meaning that they live with family members or acquaintances, and around 47,300 people were homeless without any shelter (p. 7). Many [families and young people](#) are now at risk of homelessness. So-called „concealed homeless person“ who alternately stay with friends, acquaintances or strangers are exposed to a considerable [risk of dangerous – for example sexual – interdependency](#). According to the Homelessness Report, 36% of homeless women have been [sexually harassed, assaulted or raped](#) and 14% have been [forced into prostitution](#).

The number of homeless people has risen rapidly in recent years – even though homelessness is [set to be abolished by 2030](#). While there were [only 4,765](#) homeless people in Berlin in 2011, there were ten times as many in 2024 at around [47,260 people](#). Across Germany, the number rose [from 178,145 in 2022 to 439,465 in 2024](#) (although the figures are only comparable to a limited extent due to new survey methods).

There are various reasons why [access to housing is difficult](#) or even impossible for homeless persons: High rents, a low or no income, a lack of internet access, a lack of a social network, a lack of physical as well as mental strength due to a lack of opportunities to rest and insufficient state aid as well as discrimination on the housing market. State assistance in obtaining housing in accordance with [§§ 67 et seq. of SGB XII](#) is generally limited to support with housing applications; there is no legal entitlement to obtaining housing, even in the case of decades of homelessness and/or particular vulnerability. Homeless persons are therefore particularly dependent on subsidized housing. However, the number of [social housing units continues to fall](#), while at the same time the number of those eligible has increased significantly due to the increase in income limits as part of [the 2023 housing benefit reform](#). In Berlin, [around 60%](#) of the more than [2 million Berlin households](#) are eligible for housing benefits, i.e. more than 1,200,000 households.

Despite intensive efforts, many people do not succeed in finding a home for years. The implementation of the [proven Housing First concept](#) often does not take place to a sufficient extent. The project- or case-based placement of homeless people into housing by social authorities often does not meet the actual demand. There are no standardized and binding criteria for the allocation of housing according to urgency at either state or federal level. The supply is heavily dependent on the available housing stock, leading to [families with several children](#) sometimes being provided for because they are dependent on large apartments that are lacking. However, according to the National Action Plan, [by 2030 every homeless person and person at risk of homelessness should have access](#) to suitable housing as the basis for a self-determined life in dignity.

## 8. ASSISTANCE FOR HOMELESS PERSONS

**Concluding Observation of the [Previous Report: para. 55 \(d\)](#):** “Reduce the level of homelessness and ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres;”

**Question:**

How does the German government justify that a large number of homeless persons in need of support do not receive any assistance from the social authorities, in particular in accordance with §§ 67 et seq. of SGB II, and how will the government ensure access to these benefits in future – also with regard to the necessary personnel resources?

**Explanatory Note:**

Access to assistance in accordance with §§ 67 et seq. SGB XII is not guaranteed nationwide. There are currently [major regional differences](#): While some municipalities do not provide any services at all and therefore do not in fact fulfill the legal entitlement to this assistance, others have a differentiated assistance system.

In addition to the problem that there is not enough housing available, people who are housed in accordance with regulative law [often do not receive the help they need](#) to end their homelessness. Approximately 60% of homeless people are housed for 1 to 2 years or 2 years or longer. The range of assistance available in accordance with §§ 67 et seq. SGB XII must be expanded. People in emergency accommodation need legally guaranteed access to social work (support) services and personal assistance in accordance with SGB XII. According to the National Action Plan, cooperation at the interfaces between [accommodation in accordance to regulative law and assistance](#) under §§ 67 et seq. SGB XII should be improved.

## 9. DURATION AND CONDITIONS OF EMERGENCY ACCOMMODATION

**Concluding Observation of the [Previous Report: para. 55 \(d\)](#):** “Reduce the level of homelessness and ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres;”

**Questions:**

How does the German government justify that

- a) the conditions in the emergency shelters do not meet the criteria for adequate housing under Article 11 of the UN ICESCR, even though people have to live there for months and years,
- b) there is no specific legal basis for accommodation lasting months and years, and
- c) people from other EU countries are often not accommodated,

and how does the German government intend to ensure that

- d) a sufficient number of accommodation places are financed and created for the increasing number of homeless persons,
- e) human rights-compliant minimum standards and the shortest possible stay in the shelters are guaranteed,
- f) the new, but not legally binding federal recommendation on accommodation conditions are actually taken into account by the responsible municipalities or even made legally binding,
- g) women\* are protected from gender-specific violence in mixed-gender emergency shelters,
- h) appropriate accommodation and care is available for people with disabilities or people discharged from hospital,
- i) the UN Convention on the Rights of the Child is complied with when accommodating children in emergency shelters, and
- j) that all people accommodated have the possibility of digital participation through free internet access?

#### **Explanatory Note:**

People without a home are regularly housed in emergency shelters in Germany. This accommodation under regulative emergency law (not social law) is intended to avert immediate danger to the life and well-being of homeless people for the transitional period of a few months until they move into a new home. In 2024, around [531,600 people were homeless in Germany](#), of which around [439,5000 people were housed](#) in emergency accommodation. However, there is [not enough accommodation](#) and persons from other [EU countries are often turned away](#).

Allocations to emergency accommodation are usually limited to a few months to a maximum of one year. In reality, however, people housed in emergency accommodation regularly remain there not only temporarily but, according to the Federal Government's Homelessness Report, [on average for over two years](#), sometimes for more than ten years or until the end of their lives without any prospect of obtaining their own accommodation again.

The accommodation conditions are often precarious; there are [no minimum legal requirements](#) for room sizes, sanitary facilities, play facilities for children, common rooms or [protection against violence for women\\*](#) and particularly vulnerable homeless people because the accommodation is not intended to meet housing standards due to its temporary purpose. People in emergency accommodation regularly live in very cramped sleeping and living conditions without peace and privacy; a lack of hygiene and a high potential for violence and threats mean that [many homeless people avoid emergency accommodation](#). The German Institute for Human Rights found that in many shelters, the basic and human rights of those affected – such as the [right to housing, the right to protection from violence or the right to family life](#) – [are not guaranteed](#) and [calls for minimum standards](#). Women\*, families with children, people with disabilities or mental illnesses and queer people in particular [receive little protection](#). According to the National Action Plan, [the aim is to work towards human rights-compliant minimum standards and the shortest possible stay](#). Guidelines for accommodation are currently being drawn up for the federal government, but these will not be legally binding.

## 10. PROTECTION AGAINST TERMINATION AND EVICTION

**Concluding Observation of the [Previous Report: para. 55 \(d\)](#):** “Reduce the level of homelessness and ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres;”

### Questions:

How does the German government ensure that

- a) social authorities are informed immediately in the event of imminent evictions,
- b) in the case of evictions from rental housing, effective protection against impending homelessness is ensured and that no evictions lead to homelessness,
- c) tenant protection regulations are complied with even in the absence of legal defense options, for example in the case of default judgments,
- d) people who have been released from prison do not become homeless?

### Explanatory Note:

Protection against loss of housing is not sufficient. Rent debts or the subsequent termination of the rental apartment are the most prevalent reason for loss of housing and homelessness, accounting for around [37% of cases](#). [In 85% of cases](#), rent debts and rent payment difficulties are cited as the main reason for homelessness that has not yet occurred but is imminent. According to [jurisprudence](#), the legal validity of the termination and eviction is not necessarily precluded if the rent overdue was caused by the authorities. The so-called grace period payment, which renders an extraordinary termination due to late payment ineffective if payment is made within two months, does not apply to ordinary termination, meaning that the loss of accommodation is delayed but not averted. According to the coalition agreement, the grace period payment [should also be able to avert ordinary termination](#) in future, but only in the event of a one-off payment default. Other reasons for the loss of living space include, in particular, termination for personal use, whereby [personal use is often simulated](#).

From 2020 to 2022, around [30,000 evictions](#) took place throughout Germany (with the exception of Schleswig-Holstein), and in 2023, over [32,500 evictions](#) were carried out (throughout Germany). The social welfare authorities often find out about an impending eviction too late because the courts' [notification obligations](#) are not mandatory. Even protection against termination under § 574 BGB or, at the procedural level, granting of an eviction period under § 721 ZPO and the protection against enforcement under § 765a ZPO do not provide sufficient protection against forced eviction into homelessness. The requirements are high and protection is often only granted for a limited period of time. Forced evictions are also usually enforced on the basis of a [default judgment](#), which means that in these cases, procedural protection options have little or no effect.

Homelessness among persons released from prison constitutes a particular problem. Between 2021 and 2023, a [high share of people with no permanent residence](#) were released from prison in several federal states – in Berlin, for example, the proportion was up to 43%, in Mecklenburg- West Pomerania up to 27% and in Saxony up to 17%. Homelessness poses a considerable [threat to resocialization](#) of those released from prison.

## 11. EXCLUSION OF HOMELESS PERSONS FROM PUBLIC SPACE

**Concluding Observation of the [Previous Report: para. 55 \(d\)](#):** “Reduce the level of homelessness and ensure adequate provision of reception facilities, including emergency shelters and hostels, as well as social rehabilitation centres;”

### **Questions:**

How does the German government justify the fact that

- a) homeless persons are increasingly being displaced from public spaces through the issuance of dispersal orders,
- b) individuals are prohibited from begging and thereby denied the opportunity to ask for help, with monetary fines being imposed in such cases,

and what concrete measures will the Federal Government take

- c) to ensure education and protection for homeless persons from health risks associated with heat and other extreme weather conditions,
- d) to strengthen the protection of homeless persons from violence, and

according to the German government,

- e) do homeless and houseless individuals have sufficient opportunities to remain in public urban spaces, particularly near support services, including the possibility to rest in a lying position during the day, and if not, what measures does the German government intend to take in this regard?

### **Explanatory Note:**

Homeless persons are particularly reliant on the use of public space due to the lack of a private place of retreat. Many emergency shelters that provide overnight accommodation require people to leave early in the morning. A place to stay during the day — although legally required according to court rulings — is not always available. For personal hygiene, individuals are dependent on using public sanitary facilities (many of which charge fees) or visiting support centres. They are unable to prepare meals and must rely on expensive ready-to-eat food. [The cost of living on the streets is high](#).

At the same time, homeless people often live in a state of constant alertness. They are frequently exposed to [violence](#) and face repression by public order authorities. Increasingly, and especially in connection with large public events, [dispersal orders](#) are issued to homeless persons, which are often unlawful. [Municipal begging bans](#), which in some cases now even [prohibit verbal solicitation](#), are

increasingly used to push people in need of help out of public spaces. This stigmatisation further increases the vulnerability of homeless persons. Fines imposed for violations only worsen the already precarious financial situation of those affected. Furthermore, their state of health is often poor. Homeless persons have very limited access to healthcare and are unprotected from extreme weather conditions. According to the National Action Plan, [education and protection of homeless and houseless individuals from health risks due to heat and other extreme climate impacts](#) are to be improved.

## 12. EXCESSIVELY HIGH RENTS

**Concluding Observation of the [Previous Report: para. 55 \(f\)](#):** “Take appropriate measures to counteract the impact of speculation in urban residential accommodation on access to affordable housing.”

### **Questions:**

What specific measures will the German government take

- a) to effectively punish unlawful rent increases in accordance with § 5 WiStG,
- b) to curb the rental of temporary furnished accommodation,
- c) to strengthen the effectiveness of the rent freeze,
- d) to strengthen the effective enforcement of tenancy protection with regard to the structural power relationship between tenants and landlords as a whole?

### **Explanatory Note:**

Due to the lack of effective regulation of the housing market, affordable housing is becoming a scarce resource in Germany – with far-reaching consequences. Even according to the German government, the housing market is – though not the only factor – a [significant one](#) influencing the extent of homelessness. Nevertheless, the government has not responded to the Committee's request to take appropriate measures to counter the effects of speculation on the urban housing market on access to affordable housing.

At 52.8%, Germany is the country in the EU with the [highest tenant rate](#). [12% of the population](#) are overburdened by housing costs because they spend more than 40% of their disposable income on housing. Among the EU member states ([8.2% on average](#)), this rate is only higher in Greece and Denmark. Based on the concept of housing poverty, [21.2% of the population are considered poor](#) because they have an income of less than 60% of the median income, adjusted for housing costs. In addition, [11.5% of people live in overcrowded](#) housing. Due to the lack of housing, people are often unable to escape [domestic violence](#); experts warn of increasingly [dramatic conditions](#).

Net rents have risen [by 64% across Germany since 2010](#). [Rents on offer have risen](#) nationwide; in the [metropolitan areas](#) – except for existing rents – they have risen at a rapid speed. In Berlin, for example, rents offered have risen [by 36.4% in the last two years](#) alone (from EUR 11.54/m<sup>2</sup> to EUR 15.74/m<sup>2</sup>). Over the past [10 years, there has been an increase of around 85%](#). The increase in subsidies for persons in need through housing benefits, for example, is lucrative for many landlords. In many places, the increase in housing benefit, which was primarily planned to be tenant-friendly, has led to

a dysfunctional situation in which landlords have [continuously increased rents](#). The significant increase in [household expenditure on housing benefit](#) as a result of the Housing Benefit Plus Reform 2023 is therefore subsidizing high rents.

Illegally high rents are not punished effectively. The introduction of the exorbitant rent app on 12.11.2024 led to a - [in some cases significant](#) - increase in reports of violations under § 5 WStG, which is subject to fines and is investigated ex officio, rather than tenants having to enforce their rights themselves. Despite many reports, however, the violations are hardly ever punished.

Rent control does not regulate rents effectively either. There are [various reasons](#) for this, ranging from a lack of willingness on the part of cities to monitor rents to a lack of willingness on the part of tenants to report them. Violations are also not subject to fines and are therefore practically risk-free for landlords. The previous federal government [failed to implement effective reforms](#), and the current federal government has so far [only extended the duration](#) of the rent control by three years until the end of 2029. This means that it is still easy for landlords to circumvent the current rent caps - for example, by renting out apartments for a [limited period of time or furnished](#) in order to invoke an [exception to the rent control](#) and demand high furnishing surcharges. However, according to the [coalition agreement](#), violations of the rent control are to be subject to fines in future. Besides, furnished and short-term rentals are to be restricted in particularly tight housing markets designated by ordinance.

## 13. MISUSE OF HOUSING SPACE

**Concluding Observation of the [Previous Report: para. 55 \(f\)](#):** “Take appropriate measures to counteract the impact of speculation in urban residential accommodation on access to affordable housing.”

### **Questions:**

How will the German government ensure systematic action against the misuse of housing space, how will it investigate information from the public, and will it in particular

- a) procure and use the available digital tools, and
- b) create the legal framework for online platforms to be obliged to disclose the contact details of landlords as part of the monitoring of violations of the ban on misappropriation?

### **Explanatory Note:**

The misuse of housing, in particular by [renting out apartments as vacation homes](#), is one reason for the shortage of housing. Many, but not all, local authorities ban such misuse. Nevertheless, there is a lack of effective monitoring of such violations. In Berlin, for example, the State Court of Audit [criticizes the inadequate action](#) taken against the misuse of housing by illegal vacation apartments (p. 253) because automated procedures are not used and information from the public is not consistently followed up. Authorities justify the lack of investigation by stating that the use of scraping software does not guarantee the successful prosecution of unauthorized misuse of housing spaces because the online [platforms do not help to identify the contact](#) details of those offering vacation apartments.