

How can I protect myself against displacement?

Many tenants feel themselves to be unprotected and exposed to the profit-driven processes of the private market. It's time for politicians and the administration to start wielding their influence and making change. But there are also concrete actions that tenants can take to support themselves and one another:

- Start a tenants' group in your building
- Gather some attention (with your politicians and in your neighborhood)
- Join a tenants' association
- Develop alternative models of property management in your building
- Get in touch with other initiatives and tenants' groups

And if you need any support or advice, just contact us!

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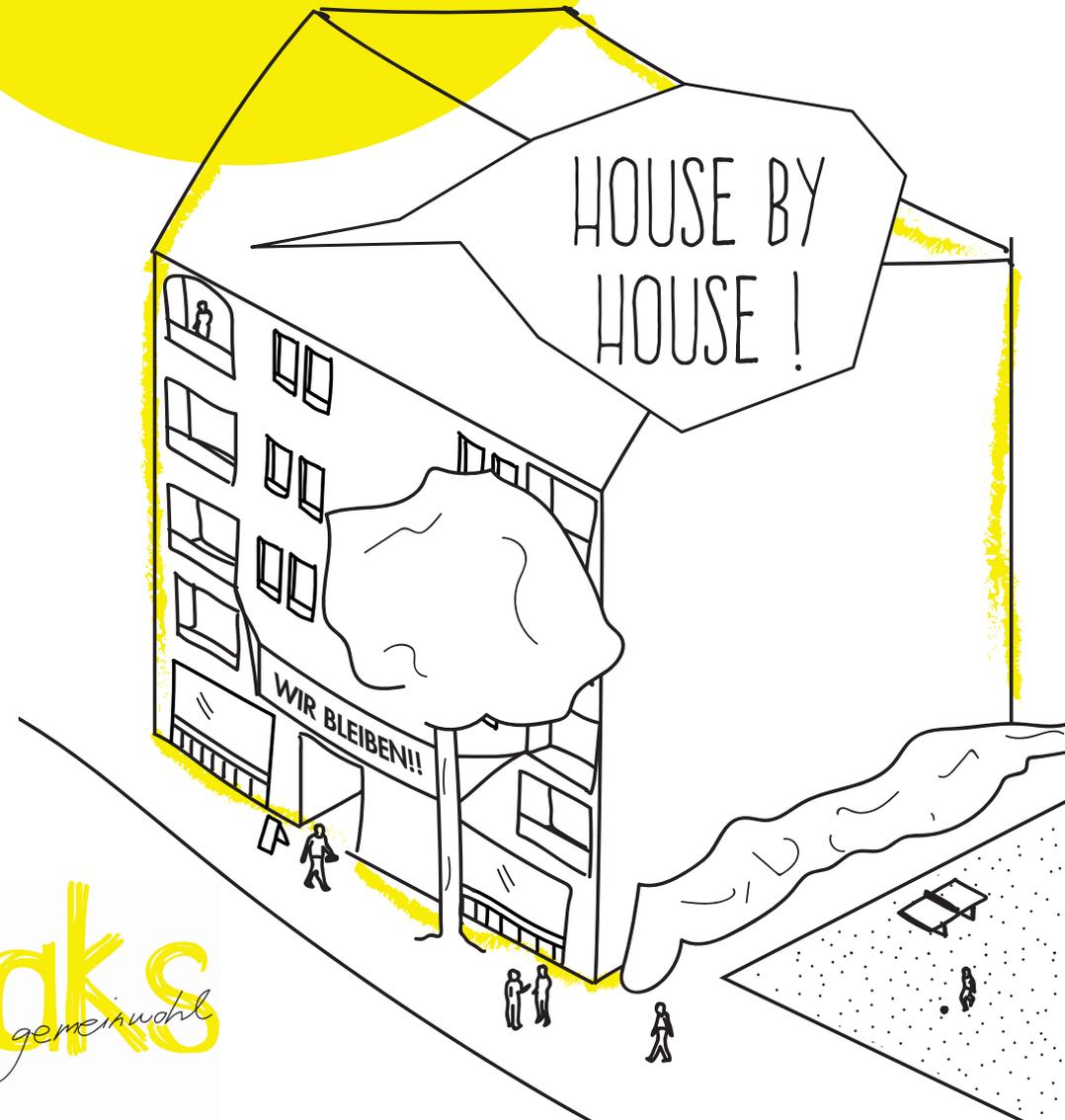
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MUNICIPAL RIGHT OF PREEMPTION



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What is (municipal) right of preemption?

Preemption, or right of first refusal, is an urban instrument for use by municipalities (in Berlin, for the individual boroughs). If a property located in a conservation area (see §172 BauGB) is sold, special authorization is required from the district, and the district authority may intervene in the terms of the sale. In order to preserve the social structure of the area, special stipulations may be determined regarding the use of the property, and in certain circumstances, the district can “reallocate” the sale to an alternate buyer (for example a public housing association). The district authority and the tenant consultancy group “Asum GmbH” will inform you if preemption is being considered for your building.

Step 1: How does the right to preemption come under consideration?

To initiate an assessment of the right to preemption and ensure that the sale of a property is not simply approved, a few criteria have to be fulfilled: The Building...» is used primarily for residential purposes » contains at least eight apartments » has not been converted into individually-owned condominiums » contains a majority of apartments which do not exceed the current average standards for furnishings and equipment in the conservation area, and whose basic net rent does not exceed the neighborhood average rent by more than 10%. More information about social conservation areas can be found at the website of the district authority: berlin.de/ba-friedrichshain-kreuzberg > Search: Milieuschutzgebiet

Step 2: How does the district authority set sale stipulations?

Stipulations relating to the use of the property are summarized in a special prevention agreement that the borough presents to the potential buyer. If he or she agrees to the terms of the agreement and signs it, he or she is able to prevent the use of the right of preemption on the sale. This is the primary purpose of this instrument. If this agreement is not agreed to, the district can exercise the right of preemption for a so-called “third party buyer”.

Step 3: Requirements for Preemption – Who buys the house?

The borough must identify a housing company for whom to exercise the right of preemption. The potential purchaser then assesses the building for its economic viability (see diagram). Public housing agencies (LWU) are typically the preferred purchasers in preemption cases and can often obtain subsidies from the Senate to cover excess costs of buying the building. But other options are also available; residents of the building can suggest alternate buyers, for example, who then contact the district authority to verify via a declaration of commitment that they will fulfill the stipulations of the sale laid out by the district.

If you want to get involved or suspect that your building is being sold, get in touch with us!

