

Wohnungsaufsicht

If there is a non-structural defect in your apartment, if there is less than 9 square meters of living space available for people or if the owner has not carried out repairs, you can report this to the housing inspectorate.

Competent Department

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Basic information

In principle, owners have a vested interest in maintaining and improving their residential property in a usable condition.

Unfortunately, however, it is repeatedly observed that owners neglect the maintenance and care of rented accommodation and thus fail to fulfill their obligation to maintain the accommodation and adapt it to certain minimum requirements. As a result, there are considerable defects (deficiencies) in the condition of the living space, which significantly impair its use for residential purposes.

The Bremen Housing Supervision Act (BremWAG) was passed by the Senate to enable the authorities to counteract this.

As part of housing supervision, residential buildings, apartments and living spaces are inspected by the authorities in order to be able to take any necessary measures in accordance with the BremWAG.

Significant deficiencies for residential use (deficiencies) exist if, for example

- there is insufficient natural lighting and ventilation,
- ceilings, walls, floors, roofs, windows and doors do not provide adequate protection against moisture and the effects of the weather.
- energy, water supply and drainage connections are not available or cannot be used,
- the functionality of the central heating system, electricity or water supply is not ensured
- a heating system or fireplace is not available, usable or functional
- water connections, toilets or bathrooms cannot be used properly or are not available
- there is no connection for a kitchen or kitchenette
- the entrances to the residential buildings from the outdoor facilities are not usable
- inner courtyards and children's play areas are not functional or usable

Procedure

The municipality of Bremen has the task of working towards the fulfillment and repair of minimum requirements and the proper use of living space.

However, before the authority takes action, it is advisable for residents themselves to first give the apartment owners the opportunity to remedy the deficiencies. For this purpose, a written request should be made to the owner, a copy of which should be kept. If this does not bring about an improvement, the grievance can be reported to the Bremen Public Order Office.

To report the grievance, please send a written notification and the above-mentioned copy (separate letter to the owner). Please use the form provided for this purpose.

After notification of the deficiencies, an inspection of the living space will be carried out in consultation with the residents and the procedure for remedying the deficiencies will then be examined and, if necessary, initiated.

Before proceedings are initiated against the owner to rectify the defects, the owner is given the opportunity to rectify the defects themselves within a reasonable period of time. If no improvement is made by the owner, appropriate measures will be taken.

More information

The Housing Inspection Act is aimed at housing protection and tenant protection.

It serves, among other things, to maintain the minimum equipment of the dwelling and not to upgrade it (modernisation works).

How long does it take to process

This cannot be said as a general rule, as on-site appointments and deadlines must be set individually.

What are the costs?

There are no costs for the reporting of the grievances or the on-site visits.

Fines of up to EUR 50,000 may be imposed in the event of breaches of the BremWAG (cf. § 12 BremWAG).

Frequently asked Questions

- **Does the law apply to any type of neglected housing?**

The law applies to residential buildings, apartments and individual living spaces that are actually and legally suitable for permanent residential use and are intended for this purpose.

The essential criterion here is that it is a matter of living space that is made available for third-party use.

Accommodation facilities, institutions for public execution (detention), caravans, construction trailers, residential ships or hotels and boarding houses are not residential space according to this law.

- **Which authority is responsible for housing supervision?**

The responsible housing supervisory authority in the municipality of Bremen is the Ordnungsamt Bremen.

- **Can the authority only act at the request of the tenants?**

No, even without a report from the tenant, the authorities can take action on the basis of information received in a different way.

- **Do tenants have a right to action by the authorities?**

As the competent authority, the Ordnungsamt (public order office) checks whether action is necessary within the scope of its discretion.

However, tenants do not have a claim to intervention by the authorities.

- **Is every defect in the apartment a case for the housing inspector?**

No, the role of the Housing Inspectorate is to remove neglect and blight as defined in the Housing Inspectorate Act, and thus to restore the proper use of housing.

- **What is a grievance and what is neglect for purposes of the Housing Authority Act?**

A grievance exists if the use for residential purposes is significantly impaired.

Missing cosmetic repairs or so-called minor damage, such as missing baseboards, scratches in the flooring or holes in room doors or walls, do not fall under the concept of grievance, as the use for residential purposes is not significantly impaired.

Neglect is the precursor to a state of disrepair. If, therefore, necessary maintenance work is continually omitted and this could result in a state of disrepair, this is referred to as neglect.

- **Must a grievance already have occurred for the agency to take action?**

No, the authority can intervene at an earlier stage. If there are signs of neglect, initial measures can be taken to influence the owner(s) and prevent the occurrence of a deplorable condition at an early stage.

- **The owner knows that there are problems, but does nothing. Can tenants turn to the housing inspectorate?**

Yes, the authority will check the relevant facts. It is helpful if a copy of the correspondence that has already taken place with the owner is also submitted. In this way, it can be more quickly recognized how often the grievance has already been pointed out and in what period of time no improvement has been initiated by the owner.

- **Can tenants contact the housing inspectorate directly in the event of neglect or abuse?**

The owner can only take action against a defect if he/she has become aware of it. It is therefore always advisable to first seek contact and work towards an improvement.

If this does not result in an improvement, even after a written request, tenants are welcome to contact the housing inspectorate directly.

- **Do tenants have to enforce their rights in court against the owner before the authorities can take action?**

No, tenants do not have to enforce their rights in court before the competent authority can take action. The intervention of the Housing Inspectorate is detached from civil disputes between tenants and owners.

- **Is mold infestation also a case for the housing inspector?**

In the case of mold, a distinction must be made between mold caused by the building and mold caused by incorrect ventilation and/or heating behavior on the part of the tenant.

If the mold infestation is caused by the tenant, the authority cannot intervene.

- **My apartment has only a basic living standard. Can the housing inspectorate do anything about this?**

No, the authority can demand maintenance and repair from owners within the framework of housing supervision in the event of neglect or deplorable housing conditions, but not modernization measures.

- **Are site inspections conducted as part of the housing inspection process?**

Yes, in order to get an impression of the existing grievances, the employees of the Bremen Public Order Office also carry out site inspections. For this purpose, an appointment is made with the residents, to which the owner is usually also invited.

Deviations from this regulation are possible.

- **May the competent authority inspect the apartment at any time?**

With the consent of the residents concerned, the competent authority may in any case inspect the property and the living quarters, but only at reasonable times of day and after prior notice.

If there are indications of overcrowding or use despite the order of uninhabitability, the competent authority may also inspect the property and the living quarters without prior notice or the consent of the residents.

- **Am I entitled to a report after a site visit and can I use the results of the site visit as an expert opinion in private law proceedings?**

No, the authority carries out the site inspection as part of the clarification of the facts in accordance with the Administrative Procedure Act. The assessment of an expert is clearly distinguished here, which is why the results of the housing inspection cannot be used as an expert opinion.

Although there is a right to information regarding the state of affairs vis-à-vis the residents concerned, this is usually satisfied verbally and not in writing.

There is no right to the status report.

- **Can the housing supervision procedure be carried out only as long as I am also tenant:in the apartment?**

No. If the procedure has been started, it can be continued even after the residents have moved out.

- **How do I find a new apartment if my apartment has been declared uninhabitable?**

The authority can order the owner(s) to provide suitable replacement housing. In addition, before an uninhabitability is declared, close cooperation is established with the central housing office so that new housing can be found quickly.

- **When is there overcrowding of living space?**

A dwelling is considered overcrowded if it falls below the minimum living space defined in the Bremen Housing Supervision Act.

For each child up to 6 years of age a minimum living space of 6 sqm is estimated, for all other residents a minimum living space of 9 sqm.

- **Does a large family now have to worry about being required to move to a larger apartment as part of the housing inspection process?**

No, the aim of the regulation on overcrowding is to counteract exploitation by rogue owners who take advantage of people's plight. As long as healthy living conditions exist and people are content with small living space, there is no need to fear intervention by the authorities.

- **Does the law also help owners to take action against their tenants?**

No, the Housing Supervision Act was designed as an instrument to protect tenants and housing. Owners must assert their rights under civil law. This is also possible in parallel with the housing supervision procedure.