



Zeitwohnen Update

The Newsletter for the New Form of Housing Mobility



Jan Hase

Jan Hase is the Co-founder and CEO of Wunderflats GmbH, the market leader for flexible housing in Germany. Wunderflats has its headquarters in Berlin.

Dear Readers, Dear Friends of Zeitwohnen,

Berlin thrives on mobility. When international professionals, scientists, students, or people in exceptional personal circumstances need an apartment at short notice, the availability of flexible furnished accommodation is often the deciding factor for our city. This is exactly where Zeitwohnen (long-term flexible housing) comes in, which in practice is clearly geared towards residential use for rental periods of one month or more.

Nevertheless, individual Berlin districts have recently begun treating long-term flexible housing in social preservation areas (Milieuschutzgebiete) as a change of use requiring approval and are refusing to grant this approval across the board. What was intended as a protective measure threatens to become an inconsistent procedure with significant consequences for mobility, integration, and Berlin's attractiveness as a location.

A legal opinion commissioned by us shows why this approach is not legally sound and creates false political incentives. In this issue, we classify this practice and outline solutions that protect tenants without jeopardizing Berlin's open-mindedness. As always, we look forward to your feedback and discussion.

Yours sincerely,

Jan Hase

Housing Market and Temporary Rentals

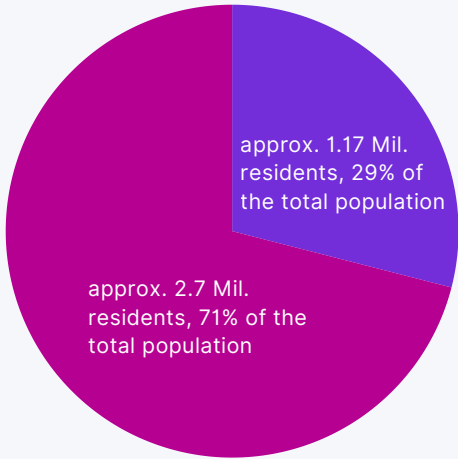
Democratization of housing sustainably eases pressure on conventional housing markets



Social preservation, migration, and the “rent cap effect”

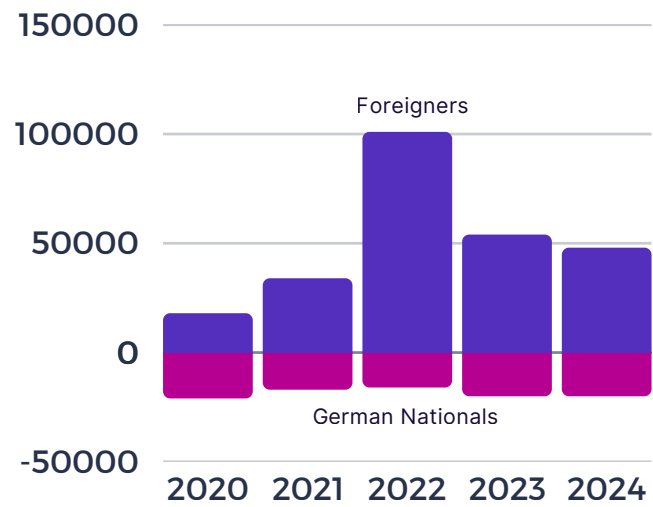
Social preservation areas are no longer a niche instrument, but rather shape the residential reality of a large city: around 1.17 million people, or approximately 29 percent of Berlin's population, live in such areas. This reach shows that administrative practices in preservation areas always have an impact on the city as a whole. At the same time, Berlin is growing rapidly due to immigration. In 2024, migration gains were based exclusively on a positive balance with other countries, while Berlin continued to lose population to surrounding states. The decline in the supply of rental apartments, which has been observed since the introduction of Berlin's “rent cap,” could not be made up for even after it was declared unconstitutional. Consequently, an inadmissible and later revised legislation serves as a negative example of the lasting damage that can be done to a market and should therefore be avoided.

Residential population of Berlin in social preservation areas



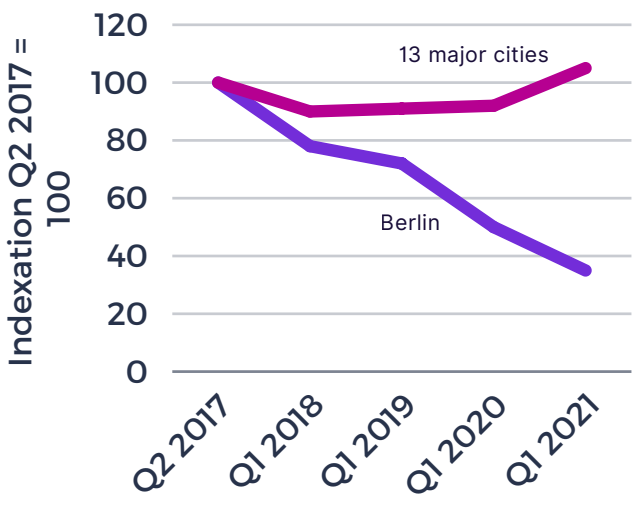
Residents in Social Preservation Areas

Relative share of Berlin's 72 social preservation areas measured by the number of residents in these areas in relation to Berlin's total population.



Migration in Berlin

Comparison of net migration (foreigners) and net emigration (Germans) in Berlin from 2020 to 2024



Development of the rental supply

Comparison of the development of rental supply in Berlin and the 13 next largest cities in Germany following the introduction of the “rent cap” in Berlin in June 2019

Sources: Statista, Statistics Berlin Brandenburg, ifo Institute

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Long-term flexible housing in Berlin social preservation areas: legal certainty instead of de facto bans

Long-term flexible housing is essential for many people in Berlin. Those who come to the city for a professional project, start a research semester, take up a short-term position as a nurse or IT specialist, or need to make a fresh start after a breakup often require a furnished apartment at short notice that is legally compliant and can be rented for a limited period. Such transitional solutions are also relied upon by people looking for refuge at short notice due to water damage or domestic violence. For many international professionals, the first few weeks are decisive in determining whether Berlin will work as their new home. Long-term flexible housing creates a bridge that is not like a hotel, but enables everyday life with your own household, privacy, and the possibility of formally registering your residence (Anmeldung). It is precisely this form of housing that is coming under pressure in some Berlin districts. In social preservation areas, district offices are increasingly classifying the temporary rental of furnished apartments as a change of use requiring approval under § 172 BauGB (German Building Code) and are refusing to grant approval. There are even political considerations in the Senate to make this practice permanent throughout Berlin. This creates new uncertainty for landlords and tenants alike, which not only affects current tenancies but also slows down investment in existing properties, renovation, and the quality of housing supply.

A legal opinion commissioned by Wunderflats and prepared by Prof. Dr. Dr. h.c. Ulrich Battis (GSK Stockmann) concludes that this approach is not legally valid. First, the right of preservation is part of special urban planning law and thus falls under land law, for which the federal government sets the relevant rules. The federal legislature has regulated this matter in the Building Code, so that states and districts cannot independently reinterpret the federal legal concept of change of use.

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Political Recommendations

No special Berlin treatment for long term flexible housing

The state of Berlin should refrain from introducing special regulations under state law that seek to redefine the concept of change of use in preservation law. When political guidelines for long term flexible housing are discussed, this debate belongs at the federal level, because that is where the relevant rules are enshrined. A constitutionally sound approach protects the city from years of legal disputes and prevents stagnation.

Provide clarity

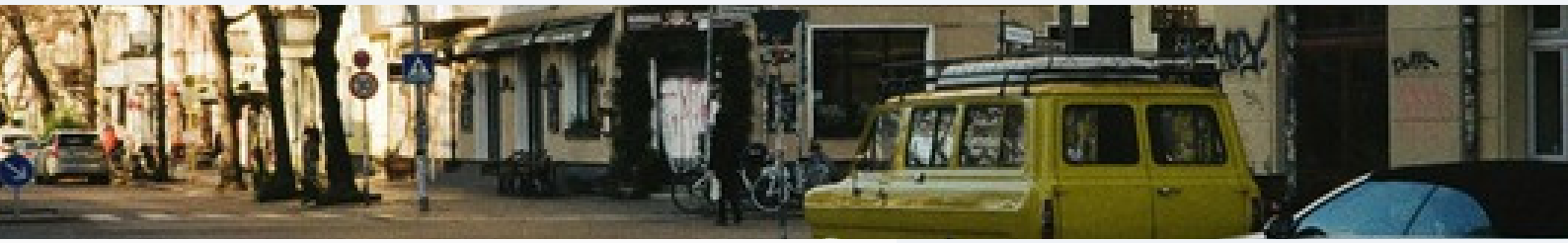
The Berlin Senate or the Senate Department for Urban Development, Construction, and Housing should promptly publish binding interpretation guidelines that classify long term flexible housing in conservation areas as residential use and stop the denial of permits. Pending proceedings should be reviewed, and negative decisions that have already been issued should be reevaluated in a fair process. This will create legal certainty for tenants, owners, and administrators alike.

Distinction from touristic accomodation

Berlin needs clear criteria to distinguish between long term flexible housing and short-term touristic accomodation. A minimum rental period, a self-contained apartment, and the possibility of registering are practical starting points.

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Secondly, the division of powers in tenancy law also argues against such a practice if it is effectively aimed at rent control, because tenancy law is regulated by federal law in the Civil Code and deviations from this under state law are prohibited under constitutional law.

Above all, however, the following applies in this case: long-term flexible housing is also residential use. Case law describes housing as permanent domesticity, independent housekeeping, and voluntary residence. Fixed-term leases fulfill these characteristics as long as they do not involve short-term, hotel-like stays. With a minimum lease term of one month and a self-contained apartment with its own household, there is therefore no new type of use, but rather continued residential use. Because the term “change of use” is to be understood uniformly in the Building Code, there is no additional permit requirement even in social preservation areas.

Political restraint is therefore called for. An administrative practice that makes long-term flexible housing more difficult across the board affects not only providers, but above all those who need temporary accommodation, from students to skilled workers and families in transitional situations. At the same time, Berlin would lose its open-mindedness if mobility and immigration were controlled in practice by bureaucratic hurdles.

If you want to protect tenants and prevent displacement, you should instead make consistent use of the instruments designed for this purpose, such as effective enforcement of rent controls and regulations against excessive rents, strong housing supervision against overcrowding, and clear rules to ensure that social housing remains earmarked for its intended purpose when sublet. Transparency about the components of inclusive rent enables prospective tenants to make better comparisons and thus leads to fairer pricing by the market. Legal certainty for long-term flexible housing and targeted market supervision go hand in hand, because only in this way can protection and attractiveness be achieved in equal measure.

Political Recommendations

Consistently enforce existing regulations

Instead of inventing new regulations, Berlin should consistently apply existing instruments against illegal rentals. These include a well-staffed rent control office, effective procedures for enforcing rent controls, stringent enforcement of relevant regulatory standards, and the reintroduction of the misallocation charge in social housing. Targeted controls protect tenants better than a general mistrust of long-term flexible housing.

Create reliable data

Political decisions on long-term flexible housing should be based on reliable data and not, as has been the case to date, on inadequate evaluations of individual online portals that provide a distorted picture of only a fraction of the market. Berlin should therefore establish a transparent monitoring system that anonymously records and regularly evaluates the scope, rental periods, and regional distribution. Platforms can contribute voluntarily as partners if data protection and legal compliance are guaranteed.

Make arrival easier

For Berlin as a center of business and science, long-term flexible housing should be seen as part of the infrastructure for new arrivals. The Senate, universities, and employers should work together to develop programs that make it easier for international professionals and students to get started.

The Wunderflats Team

Shape the future of housing with us



Join us on the road to the future of housing

Wunderflats is a digital platform for flexible housing that brings together the demand and supply of landlords and tenants.

While vacation rentals take away housing space from cities, long-term flexible housing helps relieve the pressure on the traditional housing market. This is because specialists, project workers, and highly specialized experts often request apartments that are rented out temporarily in a manner that conforms to the intended use, but are not currently available to the permanent housing market.

At the same time, long-term flexible housing is still too little known in terms of its importance and the many opportunities it offers, among other things, for a fair housing market and its contribution to economic promotion by solving the shortage of skilled workers.

Therefore, it is necessary to create a framework that recognizes long-term flexible housing as a pillar of support and a solution to the problem.



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As a digital scale-up from the heart of Berlin, Wunderflats welcomes any dialogue on digital and housing policy issues.

