



# The housing entitlement certificate



Social housing in Baden-Württemberg

## WHAT IS SOCIAL RENTED HOUSING?

The state of Baden-Württemberg promotes the construction of social rented housing at great financial expense. The building owners are granted subsidised loans or subsidies for this purpose. In return, the developers, especially housing companies, undertake to observe so-called occupancy and rental commitments for a certain period. The occupancy commitment determines the group of people to whom the housing may be rented. These are persons with a low income. The rental commitment limits the amount of rent, meaning that the rent is lower than that of comparable housing.

## WHO IS ALLOWED TO OCCUPY SOCIAL RENTED HOUSING

Social rented housing may only be allocated to persons **entitled to housing**, i.e. persons with a low income. This housing entitlement is evidenced by a housing entitlement certificate issued in Baden-Württemberg. Only persons **seeking housing** may apply for a housing entitlement certificate.

A person is only deemed to be seeking housing if he or she is staying or intends to stay in Baden-Württemberg on more than a temporary basis. The person seeking housing must actually and legally be able to establish a residence as the centre of his or her vital ties for himself or herself and the members of his or her household for a longer period, while maintaining his or her own household. In principle, minors can only establish residence with the permission of their parents.

Persons seeking housing can also be **persons from other countries**, as long as they are allowed to stay in Baden-Württemberg for longer than one year. The local authority can provide further information.

The **household members** of the person seeking housing, i.e., the persons who are to be added to his or her household, are included in the housing entitlement. Members of the household must live in the accommodation together with the person seeking housing in the form of a community of responsibility and accountability. This means that they are jointly responsible in whole or in part for providing themselves with all the daily necessities of life.

Members of the household are generally the following persons:

- The spouse or life partner of the person seeking housing.
- Grandparents, parents, children, grandchildren and siblings of the persons seeking housing.
- Parents-in-law, stepchildren, brothers-in-law, foster children and foster parents of the person seeking housing.

Household members also include persons who will join the household within the next six months, e.g. birth of children, and persons who are only temporarily absent. For the temporarily absent persons, the household of the person seeking housing must remain the centre of their vital ties.



## WHICH AUTHORITY IS RESPONSIBLE?

The persons seeking housing (applicant) applies for the housing entitlement certificate from the **local authority**, in which they usually reside, i.e. live.

Applicants who do not live in a municipality in Baden-Württemberg can contact the municipality in Baden-Württemberg where they would like to live in the future.

The application form for the housing entitlement certificate is available from the local authority.

## WHEN IS A HOUSING ENTITLEMENT CERTIFICATE ISSUED?

To obtain a housing entitlement certificate, the applicant must meet a certain income limit. The current income limits are published respectively and are known to the local authority.

The local authority determines the total annual income of the applicant and their household members. If the local authority concludes that the income limit is met, it issues the applicant a “General Housing Entitlement Certificate”.

## HOW IS INCOME DETERMINED?

The annual income is determined separately for the applicant and for each of his/her household members and added together to form a total annual income.

When determining the annual income, the income to be taken as a basis is that which is to be expected in the month of application and in the following eleven months.

Changes, e.g. due to the beginning and end of parental leave or the commencement of employment after completion of training, shall be taken into account if they have already occurred or are to be expected with certainty within twelve months after submission of the application and can be traced in their beginning and amount.

If an income forecast is not possible (e.g. in case of heavily fluctuating income), the income of the last twelve months before the application is to be taken as a basis.

The local authority can demand that the applicant proves the information on income determination by own documents (e.g. salary statements) or by confirmations from the employer. This shall also apply to the income determination of household members.

There are **different types of income** for income determination:

- In the case of non-self-employed work, the gross annual earnings (gross salary, gross earnings) less the income-related expenses recognised for tax purposes must be stated.
- In the case of self-employment, also in agriculture and forestry or in a business enterprise, the profit recognised for tax purposes must be declared.
- In the case of renting and leasing as well as capital assets, the excess of income over the income-related expenses recognised for tax purposes must be declared.
- Remuneration from pensions and annuities must be reported less the income-related expenses recognised for tax purposes.
- Unemployment, short-time work, transitional and insolvency benefits, integration assistance and benefits to secure subsistence under the Second Book of the Social Code (“Hartz IV”) are considered income.

**Single parents** can deduct the tax relief amount from their income.

**Persons who pay maintenance** can deduct the maintenance payments from their income:

- For child maintenance, up to 3,000 euros annually per child.
- For separation or divorce maintenance, up to 6,000 euros annually.

For **recipients of maintenance payments**, the maintenance is added to their income at the full amount.

The local authority can provide further information on income determination.

## HOW BIG CAN THE FLAT BE?

The person entitled to housing cannot rent all social rented housing. The social rented housing must fit, with regard to the size of the housing and number of rooms.

The housing entitlement certificate therefore contains information on the appropriate and thus suitable housing size for the applicant's household.

The housing size is determined by the **funding year**, in which the social rented housing has been funded, and the **number of household members**.

The following housing sizes are appropriate according to living space and number of rooms:

### A) FOR HOUSING OF THE YEARS OF FUNDING UP TO AND INCLUDING 2008

- Singles: up to 45 m<sup>2</sup> total living space
- Households with 2 household members: up to 60 m<sup>2</sup> total living space or 2 rooms (excluding kitchen, bathroom, hallway).
- Households with 3 household members: up to 75 m<sup>2</sup> total living space or 3 rooms (excluding kitchen, bathroom, hallway).
- Households with 4 household members: up to 90 m<sup>2</sup> total living space or 4 rooms (excluding kitchen, bathroom, hallway).
- Households with 5 household members: up to 105 m<sup>2</sup> total living space or 5 rooms (excluding kitchen, bathroom, hallway).
- For households with more than 5 household members, the living space increases by 15 m<sup>2</sup> or 1 further room for each person.
- **Single parents** receive 1 room more in housing of these funding years, while the total living space remains the same, in order to allow a separate bedroom for the single parent.

## **B) FOR HOUSING OF THE YEARS OF FUNDING FROM 2009**

- Single parents: up to 45 m<sup>2</sup> total living space with up to 2 rooms (excluding kitchen, bathroom, hallway)
- Households with 2 household members: up to 60 m<sup>2</sup> total living space with up to 3 rooms (excluding kitchen, bathroom, hallway).
- Households with 3 household members: up to 75 m<sup>2</sup> total living space with up to 4 rooms (excluding kitchen, bathroom, hallway).
- Households with 4 household members: up to 90 m<sup>2</sup> total living space with up to 5 rooms (excluding kitchen, bathroom, hallway).
- Households with 5 household members: up to 105 m<sup>2</sup> total living space with up to 6 rooms (excluding kitchen, bathroom, hallway).
- For households with more than 5 household members, the living space increases by 15 m<sup>2</sup> or 1 further room for each person.

The specified housing sizes may be exceeded by up to 5 m<sup>2</sup> for each housing, regardless of the funding year.

## **C) SPECIAL CASES**

For a special group of persons and in certain case groups, the appropriate housing size is increased.

Specifically, severely disabled persons belong to this special group of persons. The housing size also increases when moving into assisted senior housing or barrier-free social rental housing. Other cases are, for example, the admission of carers into the home or other cases of hardship. The local authority can provide further information.



# IMPORTANT INFORMATION

The housing entitlement certificate is valid throughout the state and therefore in all municipalities in Baden-Württemberg.

- The housing entitlement certificate is valid for one year.
- The housing entitlement certificate does not entitle you to social rented housing, and the search for social rented housing is not done for you.
- The housing entitlement certificate only offers the possibility to conclude a tenancy agreement for social rented housing.
- The landlord of social rented housing may only rent out the housing if he or she has been presented with a valid and suitable housing entitlement certificate.
- When moving into new social rented housing, an application must be made for a new housing entitlement certificate.





## **PUBLISHER**

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