

INFORMATION LEAFLET FOR PROVIDERS OF PRIVATE ACCOMMODATION

Displaced persons living in private housing are entitled to receive a basic allowance, as well as a rent allowance and/or utility allowance, as part of the basic care provision. The support services provided within the framework of basic care for persons residing in private accommodation are always issued directly to the accommodated person(s) and not to the accommodation provider.

Furthermore, displaced persons are covered by the Austrian health insurance system (ÖGK). The application for coverage can be made at the local social district organization (Volkshilfe or Caritas).

Rent allowance:

A rental contract is a prerequisite for the granting of a rent subsidy. Displaced persons are eligible for the following financial support:

- For individuals: up to EUR 150 per month
- For families: up to EUR 300 per month

As an alternative to a rental contract, a contract for the free provision of accommodation can be agreed; in this case, a subsidy may only be granted for the utility costs.

Where, for plausible reasons, it is not possible to provide concrete evidence of the rent and/or the utility costs, the following formula shall be considered as a non-binding guideline for calculating the maximum rent subsidy: EUR 2.06 per m² + 10% + electricity costs

Basic allowance:

In addition to the rent allowance, displaced persons also receive a basic allowance:

- Adults: EUR 215 per month
- Children: EUR 100 per month

The following documents must be provided when applying:

- Registration of residency for each displaced person
- Main rental contract for the accommodation
- Identification documents for each displaced person
- If applicable, a contract for the free provision of accommodation (preferably with a breakdown of the utility costs, so that the application can be processed quickly)

Information in case of (necessary) change of accommodation

Mandatory registration of residency:

Displaced persons are subject to the general mandatory requirement to register their place of residence and must register with the relevant mayor's office (municipal authority) or district authority within three days of moving into their accommodation. Displaced persons will need to show their passport (or other travel document). No fees are charged for registration.

Change of accommodation:

Where providers of private accommodation again need their homes for their own personal use, displaced persons requiring new accommodation can contact the organization from whom they receive their basic allowance. Depending on the district, this is either Caritas or Volkshilfe. These organizations have direct access to the housing database and can therefore locate appropriate and available housing for Ukrainians. This is the only way to ensure a smooth change of housing for displaced persons. Please contact your regional office or district organization:

Volkshilfe Upper Austria

+43 732 34 05

office@volkshilfe-ooe.at

Caritas Upper Austria

+43 732 7610 2020

information@caritas-ooe.at

Providers of private accommodation can also contact the Caritas hotline with general inquiries or problems:

Caritas hotline: 05 1776 1111

Mon – Thu, 9:00-12:30

and 14:30-17:00

Fri, 9:00-13:00

General information on rental contracts and/or the free provision of accommodation

1. Distinction between the rental contract and the free provision of accommodation (*Prekariumsvertrag*)

The prerequisite for a rent subsidy is a rental contract or a contract for the free provision of accommodation. The rental contract must indicate the costs of rent (incl. utility costs); where the accommodation is provided free of charge, only the proven utility costs are taken into account.

a. Rental contract

A rental contract agrees the provision of living space for payment (rent and utility costs). The duration of the rental contract can be indefinite or limited to a specific period. Within the scope of the Rent Act (MRG) the following applies: The minimum rental period is 3 years and this must be stipulated in a contract signed by the landlord/tenant.

- **Letting or subletting agreement:**
Owners of an apartment or a house can rent their property to a tenant. However, where the apartment or house is being rented from the tenant of that property, then you are entering into a subletting agreement. In this case, the tenant must ascertain from their landlord whether a subletting agreement is permitted.
- **Termination of the rental contract:**
Where the Rent Act does not apply, the rental contract can be terminated in accordance with the terms of notice agreed in the contract.
Where the Rent Act applies, landlords are only entitled to legally terminate the rental contract where a reason for termination as stipulated by law is provided.
- **Taxes:**
Rental income is subject to income tax. It must therefore be specified in the income tax return.

b. Free provision of accommodation

Where accommodation is provided free of charge and the right to live in the accommodation can be revoked at any time, this constitutes a *Prekariumsvertrag* where the occupant **does not** have the legal rights of a tenant. Furthermore, the provisions of the Rent Act do not apply. The accommodation is not provided for a specific period and the right to live in the accommodation can be revoked at any time without observing a specific term of notice and without giving reasons.

- **Free of charge:**
The accommodation is deemed as being provided free of charge where the occupant either pays nothing at all, or is only required to cover the ordinary utility costs (these are the utility costs that arise from the use of the housing unit such as electricity, heating, water, waste and sewage), or to pay a nominal charge that is insignificant in relation to the actual value in use (*Anerkennungszins*).
- **Cooperative housing (*Genossenschaftswohnung*)**
In the case of cooperative housing, subletting, or permitting persons other than the registered resident to live in the property, is usually only permissible with the consent of the cooperative.

It should be noted that the rental contract or the free provision of accommodation does not establish any legal claim against the state of Upper Austria. If the rent or nominal charge is not paid by the tenant or occupant, this constitutes a legal dispute between private persons which must be settled through civil proceedings.