



# AGAINST THE SELLOUT OF THE CITY!

*For the preservation of Hermannstraße 48!*

**Press Statement from December 21, 2023**

**Misappropriation and first eviction suit - we are defending H48 in court: A call for support!**

The first flat share in the factory building has received a cancellation notice and an eviction order. We are reacting with a legal defense. For this purpose and for further legal proceedings we will need financial support. The district of Neukölln is currently investigating whether the vacant rooms on the second floor of the factory building qualify as "protected residential space", which the owner would be legally required to rent for residential use according to Berlin's misappropriation law (Zweckentfremdungsverbots-Gesetz).

It's harsh, but it was only a matter of time: **Our flat share City Chicken has received both termination and eviction notices.** The tenants were asked to leave their home by the 31<sup>st</sup> of October 2023. According to the blatantly threatening letter, the tenants will be held responsible for paying for losses incurred by the owner as a result of non-compliance. City Chicken did not move out and will not do so – they are taking the case to court.

**City Chicken shows us what lies in store for the other flat shares in the factory building: We will need to file lawsuits to defend our right to tenancy. This is the only way to fend off further cancellations. These lawsuits come with financial burdens, which must be carried in solidarity by as many people as possible. [Because of this we have started a donation campaign. Please share it!](#)** Yes, we want H48 to remain our home -- but this is about so much more. H48 is a social contact point for our neighborhood, Schillerkiez, and a space to practice and invent alternative ways of living. In addition, H48 provides a structure for grassroots political organization and has established itself as an independent actor in local politics.

We've been saying it for a long time: The eviction of the factory building, in which people are and have been living in communities for a long time, is clearly an eviction of residential space. This position was confirmed by the district of Neukölln in February 2021, [when they used it to justify their use of the municipal pre-emption right](#) (kommunales Vorkaufsrecht). The district also defended this position in the objection and legal proceedings against the pre-emption notice. The same position was also taken by an external group of supporters in July of this year [when they occupied the vacant rooms on the second floor of the factory building](#). These rooms had been empty since the 14 tenants were evicted approximately 3 years ago. This summer, after the occupiers were removed, the owner hired a security service to install high-security locks on the apartment. The flat has remained empty ever since.



Now the district is investigating whether [the misappropriation law](#) (Zweckentfremdungsverbot-Gesetz) can be used to end the continuous vacancy. If their investigation finds that the space qualifies as “residential space worthy of protection”, the owner may be required to rent the rooms as residential space. If the owner were to repeatedly fail to comply, it may result in high fines or even the forced management of the property by a fiduciary.

In contrast to the district, the property owner has taken the stance that the building is commercial space. In response to an inquiry which we made on the 18<sup>th</sup> of October in the district assembly of Neukölln, the mayor Martin Hikel (SPD) pointed to the running misappropriation investigation. In our view, the evidence that we had already provided to the district as part of the pre-emption review leaves no doubt that this is “residential space worthy of protection”. We ask the district to allow this to be determined by an administrative court, if necessary, if the owner continues to evade her duty.

We welcome the fact that the district is considering the use of the misappropriation law. This law was conceived as a powerful tool against vacancies but is unfortunately rarely used. We hope that the district of Neukölln will make use of this opportunity to set an example for the city.

**Contact**

E-Mail: [presse@h48bleibt.org](mailto:presse@h48bleibt.org)