

Articles of Association of Mieterverein Köln e.V.

§ 1 – Name and registered office of the organisation

1. The Association bears the name Mieterverein Köln e. V. im Deutschen Mieterbund e. V.
2. Its registered office is in Cologne.
3. The Association is entered in the Register of Associations maintained by Cologne Local Court.
4. The Association is affiliated to Deutscher Mieterbund Nordrhein-Westfalen e.V. and, through it, to Deutscher Mieterbund e.V., whose registered office is in Berlin.

§ 2 – Purpose of the organisation

1. The purpose of the Association is to vigorously protect the interests of its members in matters relating to tenancies and housing. It seeks to unite all tenants in Cologne and the surrounding area in pursuit of the following objectives:
 - the achievement of a socially and environmentally responsible housing and rent policy at municipal, state and federal level, the promotion of a socially and environmentally responsible housing sector and the improvement of housing conditions,
 - the safeguarding of the rights and interests of tenants and leaseholders in all areas of tenancy and housing,
 - the protection of tenants in housing matters and against invalid and unreasonable contractual terms,
 - the non-material promotion of the non-profit housing, settlement and co-operative sectors,
 - the representation of tenants' interests through information and public relations work.
2. The Association is a democratic and pluralistic organisation committed to all tenants, irrespective of their origin, sexual identity or political orientation.
It stands for an open society free from discrimination against particular groups or minorities.

§ 3 – Means for achieving the purpose of the organisation

1. The Association shall primarily bring together tenants in Cologne and the surrounding area and safeguard and represent the interests of its members in all matters relating to tenancies and housing.
2. The Association seeks to achieve its objectives, while observing the free democratic basic order within the meaning of the German Basic Law, by:
 - a. influencing legislative bodies and public opinion in order to promote a socially responsible housing sector,
 - b. representing the interests of members vis-à-vis third parties, public authorities and courts,
 - c. establishing facilities that provide information and support to tenants,
 - d. holding membership in the housing and building co-operative 'Mieterschutz eG'.
3. The purpose of the Association is not directed towards commercial business operations. Party-political and religious activities are excluded.
4. In order to fulfil its duties, the Association may take any measures it deems necessary.

§ 4 – Acquisition of Membership

1. Any person may become a member, in particular tenants, leaseholders and owner-occupiers of flats and houses, provided that they recognise the objectives set out in § 2 and the free democratic basic order within the meaning of the German Basic Law and do not use the Association to pursue their own economic interests arising from letting or leasing.
2. The Executive Board shall decide on admission to the Association.

§ 5 – Contributions

1. Members shall pay an annual membership fee, the amount of which shall be determined by the Advisory Council. In addition to the annual membership fee, a joining fee shall be charged upon admission, the amount of which shall be determined by the Executive Board. Persons who belong to an association affiliated to Deutscher Mieterbund shall not pay a joining fee.
2. The annual membership fee shall be due in advance on 1 January of each year. No separate invoice for the membership fee shall be issued. An administration fee shall be charged if a payment reminder is sent.
3. Voluntary contributions shall be used for the objects of the Association within the meaning of § 2.

§ 6 – Members' Rights

1. Members are entitled to make use of the following services provided by the Association:
 - a. free advice on all questions concerning their tenancy or lease and on matters of housing law. There is no legal entitlement to advice within a specified period,
 - b. the handling of correspondence necessary for the pursuit or defence of legal claims,
 - c. legal expenses cover in tenancy disputes in accordance with, and to the extent provided by, a group insurance contract concluded by the Association for its members with a legal expenses insurer, provided that the membership fee has been paid.
2. If a member is in arrears with payments under § 5, they shall not be entitled to legal expenses cover or advisory services.
3. The Executive Board may specify obligations and duties of co-operation for members making use of advisory services. Compliance with statutory and court-imposed deadlines shall be the responsibility of the member, unless the Association has expressly assumed responsibility for monitoring such deadlines in the individual case. The Association shall be liable to members only for loss caused intentionally or through gross negligence.
4. If a member changes residence, they shall notify the Association of their new address without delay.

§ 7 – Termination of Membership

1. Membership shall end through resignation, expulsion or death. Membership fees already paid shall not be refunded.
2. Resignation may be submitted only in text form, by post or email, giving three months' notice to the end of a calendar year, provided that the membership has existed for at least two years from the date of admission to the end of that calendar year; otherwise, the resignation shall not take effect until the end of the following calendar year.
3. A member may be expelled by resolution of the Executive Board if
 - a. the member's conduct is incompatible with the objectives and purposes of the Association under §§ 2 and 3 of these Articles of Association,
 - b. the member intentionally or through gross negligence acts contrary to the interests of the Association and thereby causes, or is capable of causing, substantial harm to the Association or its governing bodies,
 - c. the member, in dealings with the governing bodies of the Association or its employees,
 - (aa) behaves in an insulting, threatening, sexist, racist or otherwise unlawfully motivated manner,
 - (bb) repeatedly makes offensive, defamatory or harassing statements in writing or orally,
 - (cc) commits a breach of trust or, through their conduct, causes lasting detriment to the objects of the Association, the internal climate of the Association or its reputation,
 - d. the member is in arrears by more than half of the annual membership fee despite having been requested to make payment,

- e. the member has moved without leaving a forwarding address and is in arrears by half of the annual membership fee.

The expulsion shall take effect upon adoption of the resolution by the Executive Board.

4. The member may appeal against the resolution to the Advisory Council within one month of receiving it. The Advisory Council's decision shall be final. Until a decision has been made on the appeal, the member may not exercise their rights and shall have no claims against the Association.

5. Former or expelled members shall have no entitlement to services or to the assets of the Association.

§ 8 – Governing Bodies of the Association

The governing bodies of the Association are:

1. the Executive Board
2. the Advisory Council
3. the General Assembly

§ 9 Executive Board

1. The Executive Board shall consist of the Chair, the First and Second Deputy Chairs and up to five ordinary members.

2. The statutory Executive Board within the meaning of § 26 of the German Civil Code (BGB) shall consist of the Chair and the two Deputy Chairs. Any two of them shall be jointly authorised to represent the Association.

3. The offices on the Executive Board shall be honorary positions.

4. The Executive Board shall be elected by the ordinary General Assembly by a simple majority. Re-election shall be permitted.

5. The term of office of the Executive Board shall be four years. If a member leaves office, a replacement election shall be held by the Advisory Council.

6. The Executive Board shall remain in office until a new Executive Board has been duly appointed.

7. Members of the Executive Board should not simultaneously serve as a District Chair.

§ 10 – Duties of the Executive Board

1. The Executive Board shall be responsible for all affairs of the Association unless they are reserved for the Advisory Council or the General Assembly. It shall determine the policy guidelines of the Association within the framework of § 2 and the resolutions of the General Assembly.

2. The managing director or managing directors appointed by the Executive Board shall attend meetings of the Executive Board in an advisory capacity.

3. The members of the Executive Board shall represent the Association as delegates at the Delegates' Assembly of Deutscher Mieterbund Nordrhein-Westfalen e. V.

4. The Association shall indemnify members of the Executive Board against all claims by the Association and by third parties that are made against them personally as a result of their activities for the Association. This indemnity shall not extend to claims arising from intentional conduct or gross negligence, or to liability for death, bodily injury or damage to health.

5. Minutes shall be taken of resolutions adopted by the Executive Board.

§ 11 – Advisory Council

1. The Advisory Council shall consist of:

- a. the members of the Executive Board,
- b. the District Chairs.

2. The Advisory Council shall perform the duties assigned to it by these Articles of Association, including in particular:

- a. considering the papers intended for the General Assembly,
- b. approving the annual budget to be submitted by the Executive Board,
- c. approving the annual report, the annual financial statements and the auditors' report, and granting discharge to the Executive Board, where no General Assembly takes place in that year,
- d. determining the annual membership fees,
- e. holding a replacement election for a member of the Executive Board who leaves office during their term,
- f. mediating disputes between members of the Association,
- g. electing the delegates to Deutscher Mieterbund Nordrhein-Westfalen e. V., with the exception of the delegates specified in § 10,
- h. deciding on the payment of expense allowances to honorary office-holders upon the proposal of the Executive Board.

3. The Advisory Council shall be convened by the Executive Board. It shall be quorate if more than half of its members are present. It shall adopt its resolutions by majority vote. Minutes shall be taken of its resolutions.

4. Meetings of the Advisory Council shall generally be held in person. By resolution of the Executive Board, a meeting of the Advisory Council may be held as a virtual or hybrid meeting.

§ 12 – Organization of the association

1. The Association shall be divided into districts, the boundaries of which shall be determined by the Executive Board after consulting the Advisory Council.

2. The governing bodies of each district are:

- a. the District Chair,
- b. the District Members' Meeting.

§ 13 – District Chair

1. The District Chair shall be elected by the ordinary District Members' Meeting by a simple majority. Re-election shall be permitted.

2. The term of office shall be four years. If the District Chair leaves office during the term, the Executive Board shall be entitled to appoint a member of the Association as acting District Chair until a replacement election is held.

3. The District Chair shall conduct the affairs of the district in accordance with these Articles of Association and the resolutions of the governing bodies of the Association.

§ 14 – District Members' Meetings

1. District Members' Meetings shall be convened by the District Chair at least once every four years. Their purpose shall be to receive the organisational report, elect delegates to the General Assembly, and provide information and discuss submissions and motions addressed to the Executive Board, the Advisory Council or the General Assembly. The District Chair or a member of the Executive Board shall chair the meeting. The District Members' Meeting may adopt resolutions only within the framework of these Articles of Association. Financial obligations for members are not permitted.

2. Delegates shall be elected for four years. Re-election shall be permitted. The number of representatives to the General Assembly shall be determined by the number of members (one delegate for every 750 members or part thereof). No delegate may hold more than three votes.

3. All ordinary members who are not in arrears with their membership fees, have been members for at least one year and have their principal residence in the district shall be entitled to vote. Voting rights are not transferable.

4. District Members' Meetings shall generally be held in person. By resolution of the Executive Board, a District Members' Meeting may be held as a virtual or hybrid meeting.

§ 15 – General Assembly

1. The General Assembly shall consist of the delegates and the members of the Advisory Council. It shall be chaired by the Chair of the Executive Board or by a Deputy Chair.

2. The ordinary General Assembly shall take place every four years and should be convened by 30 June. Written notice shall be given at least four weeks in advance.

3. General Assemblies shall generally be held in person. By resolution of the Executive Board, a General Assembly may be held as a virtual or hybrid meeting.

4. Motions must be submitted to the Executive Board in writing at least two weeks in advance (District Chairs, the Advisory Council and the Executive Board shall be entitled to submit motions).

5. The General Assembly shall be responsible for:

- a. approving the annual report,
- b. approving the annual financial statements and the auditors' report,
- c. granting discharge to the Executive Board (unless the Advisory Council is responsible),
- d. electing the Chair, the two Deputy Chairs, the ordinary members of the Executive Board and at least two auditors,
- e. amending the Articles of Association, and
- f. dissolving the Association.

6. Extraordinary General Assemblies shall be convened by resolution of the Executive Board or the Advisory Council.

7. Provided that it has been duly convened, the General Assembly shall always be quorate and shall adopt resolutions by a simple majority.

8. Voting shall be decided by a majority of the votes cast; in the event of a tie, the motion shall be deemed rejected.

9. Any member may attend as an observer, subject to the availability of space.

10. Resolutions shall be binding on all members.

Minutes of the proceedings shall be taken and signed.

§ 16 – Eligibility for Election

1. Only members of the Association may be elected to the Executive Board; they must have been members for at least one year.

2. Only members of the Association may be elected as District Chair or auditor; they must have been members for at least one year.

3. Only members of the Association may be elected as delegates; they must have been members for at least one year.

4. All offices in the governing bodies of the Association shall be honorary positions.

§ 17 – Auditors

The auditors shall be required to audit the accounts by inspecting the business and cash books and the supporting documents. The result of the audit shall be recorded in writing and presented to the Advisory Council or the General Assembly, as applicable.

§ 18 – Amendments to the Articles of Association

1. An amendment to the Articles of Association may be adopted only by a General Assembly with a two-thirds majority of the delegates present.

2. The Executive Board is authorised to make adjustments to the wording of the Articles of Association where these are necessary for registration in the Register of Associations in accordance

with the requirements of the registry court. The Executive Board's authority to make amendments shall extend only to changes that do not materially alter the substance of the relevant provision of the Articles of Association.

§ 19 – Dissolution of the Association

1. The dissolution of the Association shall require a resolution of a General Assembly convened specifically for this purpose. The meeting shall be quorate if two-thirds of all members are present. Dissolution may be resolved only by a two-thirds majority of those present.
2. If this requirement is not met, a second General Assembly shall be convened with the same agenda no more than eight weeks later. Irrespective of the number of members present, this meeting may resolve to dissolve the Association by a two-thirds majority.
3. Upon dissolution, the assets of the Association shall pass to the housing and building co-operative 'Mieterschutz eG' in Cologne.

§ 20 – Place of Performance and Jurisdiction

The registered office of the Association shall be the place of performance and jurisdiction for all claims.

These Articles of Association were adopted by the General Assembly on 10 March 2026, amending previous versions, and are entered in the Register of Associations maintained by Cologne Local Court under number 4605.