

FAQs for Landlords¹

Do my tenants have to continue to pay rent if their unit was damaged or destroyed by the disaster?

It depends.

If the unit was completely destroyed, the tenants do not have to pay rent. They also do not have a right to return if the property is rebuilt (unless the unit is located in a rent controlled area, in which case local law may require that the tenant be allowed to return if they wish). You will need to refund any unused portion of the rent, and the security deposit.

If the unit is “red tagged” by local authorities, they do not have to pay rent while the property is not inhabitable. Once a city inspector declares that the unit is habitable, the tenant has the right to return to it, and must pay rent.

If the unit is “yellow tagged” (damaged but not destroyed), the tenant must continue to pay the rent, and has a continued right to occupy the unit. You have the usual obligations to ensure that the unit is habitable. Depending on the severity of the damage, the tenant may have the right to have the rent reduced.

Do I have to repair or replace any furniture or appliances damaged or destroyed in the disaster?

If you bear some responsibility for the damage (for example, sprinklers were required for the building, but you failed to install them), you may be responsible to pay to repair or replace these items, and others belonging to the tenants. If not, however, you only have to repair or replace items provided for in the lease agreement (for example, refrigerator or stove - or furniture if the unit was furnished.)

Where can I get help with all this?

To get legal help, search for a legal aid provider near you using this link:

<https://lawhelpca.org/legal-directory>

¹ Updated October 2019.

Or find a local lawyer referral hotline by using this link:

<https://www.calbar.ca.gov/Public/Need-Legal-Help/Lawyer-Referral-Service>

If the President has declared a disaster with Individual Assistance, then FEMA will open a Disaster Recovery Center (DRC) in the area affected by the disaster. The DRC will have tables staffed by FEMA, the Red Cross, Legal Aid, and many other groups there to help. To find out if an Individual Assistance Disaster has been declared, go to <https://www.fema.gov/disasters>. (If it only says “Fire Management Assistance,” that means the President has not declared Individual Assistance disaster. That could still happen, but has not happened yet.

If the President HAS declared an Individual Assistance disaster, go to <https://egateway.fema.gov/ESF6/DRCLocator> to find a DRC near you.²

² DLAC appreciates the hard work of Legal Aid of Sonoma County, Neighborhood Legal Services of Los Angeles NLSLA, and Legal Services of Northern California for this information in this sheet.