



**TENANTS TOGETHER**  
California's Statewide Organization  
for Renters' Rights  
[www.tenantstogether.org](http://www.tenantstogether.org)

## Frequently Asked Questions (FAQs) for Tenants after Natural Disasters: Fires

This flyer is designed to aid tenants who have been affected by recent wildfires. Special thanks to Fair Housing Napa Valley for help with this fact sheet.

### **1: I have been displaced by wildfires in our area. Where do I start?**

Here are some helpful resources for tenants displaced by wildfires.

- The Red Cross: **(855) 891-7325** for emergency shelter and assistance.
- The California Emergency Management Agency; [www.calema.ca.gov](http://www.calema.ca.gov) or **(916) 845-8510**.
- The California Attorney General's Office for price gouging, including rent increases over 10% following the fires. Tenants can file complaints by calling the AG's Public Inquiry Unit by phone at (916) 210-6276 or toll free at (800) 952-5225, or online at <https://oag.ca.gov/contact/consumer-complaint-against-business-or-company>.
- Bay Area Legal Aid Disaster Relief Line: (800) 551-5554, press option 7.
- Bay Area Resilience Collaborative Legal Hotline: (415) 575-3120 (available to individuals impacted by the fires in 7 Northern CA counties regardless of income.)
- 211 Bay Area: Dial 2-1-1 or visit <http://www.211bayarea.org/> for referrals regarding various services in Napa and Solano
- Tenants Together Tenant Rights Hotline: **(888) 495-8020** or search online using our [directory of tenant organizations](#).

### **2: Do I still need to pay rent if I can't use the unit?**

Whether you need to pay rent will depend on the extent of the damage.

*a. The unit is completely destroyed:* If the unit is completely destroyed, your lease will terminate. The landlord cannot demand or collect rent from you and you no longer have the right to live there. This is because the subject of the agreement between you and your landlord, the apartment, no longer exists so he or she is no longer able to rent it to you. (Cal. Civ. Code §1933).

*b. The unit isn't destroyed but it is has been redtagged:* Your lease is not terminated because the landlord will be able to rent the unit to you once it has been repaired. (*Erlach v. Sierra Asset Servicing, LLC*, 226 Cal. App. 4<sup>th</sup> 1281 (2014)). However, your landlord cannot demand or collect rent from you while you are unable to use the unit. Once a City Inspector declares the unit to be safe for habitation again, you have the right to continue occupying the unit according to the terms of your lease. At that time, you will need to resume paying rent to your landlord.

### **3: I was displaced by the fire – am I entitled to relocation payments?**

Although the California Health & Safety Code provides that landlords are generally responsible for providing relocation benefits when a building becomes red tagged, *landlords are exempt*

*from providing benefits in the event of a “natural disaster”.* (Health & Safety Code § 17975.4). This means that your landlord is not obligated by state law to provide you with relocation benefits because of the fires. While most municipalities do not have specific relocation acts, the state of California permits them to provide additional relief to displaced tenants in the event of an emergency. Check with your local county to see if any relocation payments are available.

Note that if you have renters insurance, you may be able to recover for some of your relocation costs. However, many insurance providers affirmatively exclude natural disasters from policy coverage. Contact your renters’ insurance provider directly or look at your policy to determine whether you are able to recover for damage.

#### **4: My building was red tagged. Can I reenter the building to get my belongings?**

Whether you may reenter the building to get your belongings will depend on the extent of damage done to the building. Contact your local Building Department or City Inspector to find out if and when you may reenter the building. For Napa residents, contact the Napa Building Division at (707) 257-1063. Please do not enter the building without first speaking to the appropriate officer.

#### **5. Can I get compensated if my possessions were destroyed by fire?**

Unless the loss of your possessions is somehow the result of the landlord’s negligence, the landlord is generally not liable for reimbursing the cost of your destroyed possessions. That said, if you have a renters’ insurance policy, you may be able to recover those costs. As noted above, many insurance providers affirmatively exclude natural disasters from policy coverage, so you will need to contact your renters’ insurance agent and look at your policy to determine whether you are able to recover for damage.

#### **6. What happens to my security deposit if the unit is destroyed by fire?**

If fire has destroyed your rental unit, the lease is terminated. The landlord must refund unused portions of rent and return security deposits. See Cal. Civ. Code §§ 1933, 1935. The landlord cannot apply your security deposit towards repairs for fire damage that you did not cause.

#### **7: I’m trying to find a new place to stay and the prices are crazy. Are there any limits on what property owners can charge for rent in the aftermath of these fires?**

Yes. State law prohibits price gouging after a natural disaster. (See CA Penal Code Section 396.) The Governor has declared a state of emergency in nine counties because of wildfires, triggering the state price gouging law. Therefore, landlords, hotel owners and other housing providers are barred from raising prices by over 10%, unless they can prove that the increased price is directly attributable to increases in costs. If you believe you are the victim of price gouging in violation of the penal code, please contact the resources listed above, as well as your local district attorney. Price gouging is a crime. Local cities and counties can also declare emergencies that trigger price gouging protections. You can contact your local city officials to find out if your city has made such a declaration.