



## **Tenant Habitability after a Megafire**

In California, the "implied warranty of habitability" requires landlords to maintain rental units in a safe, clean, and livable condition, and tenants have the right to a habitable dwelling.

Here's a breakdown of California's tenant habitability laws:

### **What is the Implied Warranty of Habitability?**

- It's a legal principle that ensures rental units meet certain minimum standards of safety, sanitation, and livability.
- Landlords have a responsibility to ensure their properties are habitable and safe for tenants.
- This law cannot be waived in rental agreements or leases.

### **What does "habitable" mean in California?**

- A rental unit must be structurally sound, sanitary, and safe.
- It must comply with state and local building and health codes.
- **Examples of conditions that make a unit uninhabitable:**
  - Structural issues: Unprotected roof and exterior walls, broken windows or doors.
  - Utilities: No working plumbing, including hot and cold water, no working sewage disposal, faulty electrical wiring or equipment, no heating.
  - Sanitation: Accumulation of debris, filth, rubbish, garbage, rodents, or vermin.
  - Safety: Lack of working smoke detectors, unsafe fire or emergency exits, lack of operable locks.
  - ***Toxins: Presence of mold, lead, or asbestos.***

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After the Fire USA is an initiative of Rebuild Northbay Foundation, a registered nonprofit (501c3 & 501c4). We help communities navigate wildfires across the American West. We collaborate with public officials (regional, state and federal), private sector, nonprofit community, and support community led and designed recovery.

## Tenant Rights and Responsibilities

- **Right to a Habitable Dwelling:** Tenants have the right to a safe and livable residence.
- **Landlord's Duty to Repair:** Landlords are responsible for repairing and maintaining a rental unit in a habitable condition.
- **Notification of Issues:** Tenants should notify their landlord in writing about any habitability issues and keep a copy of the notice and any response.

If a tenant believes their rights have been violated under the 2024 California Tenant Protection Act, they have several options for seeking recourse. These include:

**Filing a Complaint:** Tenants can file a complaint with local housing authorities or the [California Department of Fair Employment and Housing \(DFEH\)](https://www.dfeh.ca.gov/) if they believe their landlord has engaged in illegal eviction practices or violated rent control laws.

**Seeking Legal Assistance:** Tenants can consult with an experienced tenants' rights attorney who can help them navigate the legal process and protect their rights. Many legal aid organizations offer free or low-cost services to low-income renters.

**Pursuing Legal Action:** In some cases, tenants may need to file a lawsuit against their landlord to enforce their rights under the 2024 California Tenant Protection Act. An attorney can help tenants determine the best course of action based on their specific situation.

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