

Tenant Guide on Senate Bill 610: Repairs After Wildfire

1. What is the landlord's general duty to perform repairs?

Under California law, every residential lease includes an “implied warranty of habitability.” This means that, even if your lease does not clearly say so and so long as you do not have an agreement otherwise, your landlord must make repairs to ensure that your rental unit is “habitable” or safe for you to live in. For example, landlords are required to fix broken plumbing, provide a working refrigerator and stove, and keep common areas safe and sanitary.

2. What damage is a landlord responsible for repairing after a disaster?

In addition to the landlord's general duty to maintain the habitability of a unit, California law SB 610 requires landlords to remove debris and mitigate hazards caused by a disaster, such as soot, ash, smoke, mold, and asbestos.

3. What repairs is a landlord required to make after a disaster?

The law does not say what kind of cleaning or remediation services landlords are required to provide to remove debris after a disaster. However, the presence of disaster related debris is presumed to make the unit uninhabitable unless and until a government inspector (such as a county public health or local building code inspector) has determined that the debris is not toxic. A landlord is required to remediate disaster related debris and hazards and follow any and all cleaning protocols issued by government officials, including contracting with licensed remediation companies where required.

4. What if our unit was completely destroyed by a disaster?

Although landlords are required to repair disaster-related damage, the law is clear that landlords are not required to rebuild or repair a building or unit that has been *completely* destroyed by a disaster. However, your landlord must refund your security deposit and any prepaid rent to you within 21 days.

5. What can I do if my landlord refuses to make repairs after a disaster?

Repair and Deduct: If your landlord does not make repairs, including removing disaster debris, in a “reasonable time” you can take on the repair yourself and reduce the amount of rent you pay the following month by that amount.

However, you should beware of these risks and requirements:

- Before using “repair and deduct” you should communicate, preferably in writing, to your landlord about the exact repairs you are requesting and provide them with some time to respond or address the issue. Generally, it is recommended you wait thirty (30) days after your communication before you make the repair, but if the damage is more severe then you may make repairs sooner.
- The repair cost may not be more than one month’s rent and you can only “repair and deduct” twice in a year.
- Your landlord may try to evict you based on your failure to pay the full amount of rent. At that point, it will be up to a court to determine whether you rightfully deducted the repair costs from your rent.

Small Claims Court

If you believe that your landlord owes you a refund on rent or costs for making repairs yourself, you can bring a claim against your landlord to recover the amount in Small Claims Court. The amount must be equal to or less than \$12,500. For more information about small claims court, visit lafla.org/get-help/tenant-small-claims.

Requesting Inspections

If your landlord is refusing to make repairs or is claiming that your unit was not damaged by the disaster, you may want to request an inspection from a public agency to confirm the damage and whether your landlord needs to make repairs. Below is a list of cities most affected by the 2025 Los Angeles Wildfire Disaster and contact information for available agency inspections for each city:

Location of Damage	Inspection Agency	Contact Information
Pacific Palisades	Los Angeles Housing Department	Website: housingapp.lacity.org/reportviolation/ Phone: (866) 557-7368
Malibu	City of Malibu Code Enforcement	Website: malibucity.org Phone: (310) 456-2489
	Los Angeles County Department of Public Health	Website: ehservices.publichealth.lacounty.gov Phone: (888) 700-9995
Altadena	Los Angeles County Department of Public Health (Rental Housing Habitability Program)	Website: publichealth.lacounty.gov/eh/about/rental-housing-habitability-program.htm Phone: (888) 700-9995
Pasadena	Pasadena City Service Center (Code Compliance Division)	Website: cityofpasadena.net/city-service-center Phone: (626) 744-8633

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Disclaimer: The information provided in this document is for informational purposes only and does not constitute legal advice. You should consult with a qualified attorney for advice regarding your specific circumstances.

For more information and resources, visit LAFLA.org/fires.