

[Your building survived the fire, but is it safe?](#)

ABC 7 Eyewitness News

The massive fires destroyed entire communities, but even in these fire zones and nearby, some buildings survived. The question is – are they habitable?

Dana from Pacific Palisades sent us her concerns through Ask 7:

“My landlord is pushing for the tenants to move back March 15 and I feel like it’s not safe yet with all the toxins around the area and possibly in my unit. He says he’s going to start charging rent. How much time should the landlord be giving us to get our stuff out without charging rent?”

“If the place is not habitable, they can’t make you charge rent,” according to Amy Bach From United Policyholders, who says the issue for many who don’t have renter’s insurance is they will feel pressure to move back in.

“There’s a lot of concern about adequate clearing and remediation of smoke damage, and we do worry with housing being in such short supply down there that maybe some landlords are making their places available again when they’re really not clean,” says Bach.

But things are not always so simple. On its website, the county department of consumer and business affairs says if a rental unit suffers only minor damage but is still livable you must continue to pay rent. Alexander Wheeler is a partner with the Parris Law Firm.

“If you go in the unit, and it’s filled with odors of smoke. Does that render the dwelling uninhabitable? It may not, and and it may,” says Wheeler.

Dana told us she does not have renters insurance, and FEMA advised her not to take anything out of the

apartment until they can assess the value of what they need to cover. Wheeler says as a tenant you need to contact the city or county housing authority first.

“Document everything with your landlord, and make sure that if you have a real concern it’s documented, and you have a paper trail of trying to reach authorities to work the issue out,” says Wheeler.

If inspectors then come out and test and clear the building, the tenant would have to go back.

“The default is, if it’s not red tagged, if it’s not burned or severely damaged. In other words. If it’s safe and meets basic living standards, the tenant has to pay the rent,” says Wheeler.