**Liability in a Rental Fire**

Fires are very scary, and they can cause significant amounts of damage in the form of serious injuries, to personal property, and to buildings and structures. Not only are fires often devastating, but figuring out who will pay for damages after a fire can be especially confusing, specifically when the owner of the apartment/condo/home is *different* than the person living in it. Indeed, this begs the question: Who is liable for damages caused by a fire in a rental unit?

**Liability for Fire Damage: Landlord or Tenant?**

Liability for fire damage depends on which party acted negligently, and therefore whose actions caused the fire (the landlord or the tenant). Consider the following situations in which either party’s negligence may have been the cause of the fire, resulting in that party being held liable:

*A landlord may be held liable for a fire when the fire/damage was caused or contributed to by….*

* A [lack of properly working smoke detectors](http://www.dca.ca.gov/publications/landlordbook/problems.shtml);
* Electrical problems;
* Failure to inspect the premises;
* Failure to repair faulty electrical wires or switches;
* Failure to provide or maintain fire extinguishers;
* Defective heating system; or
* Knowledge of flammable chemicals on the property.

Keep in mind that the landlord is presumed to be liable when a breach of code or law was the cause of the fire, or when the fire originated in an area inhabited/controlled by the landlord.

On the other hand, *a renter may be held liable for a fire* *and related damages* if the renter’s negligence was the cause of the fire, such as leaving candle burning, a stove on, etc. In some cases, a renter could also be held liable if a dangerous, potentially fire-causing problem existed within the renter’s structure and the renter failed to notify the landlord of the condition.

**Turning to Insurance to Pay for Damages Caused by Fire**

Fortunately, landlords carry insurance on the property that can pay for damages sustained to a building, and often to renters as well if the landlord was liable for the fire. Renters also often carry [renters’ insurance](http://www.dca.ca.gov/publications/landlordbook/when-rent.shtml), which protects the renter/tenant from personal liability if their own actions caused an event (such as a fire) that caused property damage, and also protects the renter’s personal items.

**Proving Liability in a Rental Fire**

If you are a tenant who has experienced a fire in your place of rental, it is important to know that you have rights. One such right is to begin an investigation--it is recommended that you hire an expert to do this--into the initial cause of the fire in order to determine whether or not your landlord should be held liable. If your landlord’s actions constitute a breach of code or law, or if the actions of landlord’s employee were the cause of the fire, you have the right to hold the landlord liable for the full extent of your damages.

**Contact Our San Francisco Tenant Lawyers Today**

If you have been in a fire and suffered personal injuries or property damage and have questions about the potential liability of your landlord, contact our [experienced San Francisco tenant lawyers](https://www.bvlawsf.com/contact) today for a free consultation. We investigate all claims thoroughly, and build successful cases.