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## OLR Bill Analysis

**sSB 693 (File 833, as amended by Senate "A")\***

### ***AN ACT CONCERNING ADDITIONAL HOUSING PROTECTIONS FOR A VICTIM OF FAMILY VIOLENCE OR SEXUAL ASSAULT.***

#### **SUMMARY**

This bill requires a landlord to change a dwelling unit's locks upon the tenant's request if the tenant (1) is named as a protected person in a court-issued civil restraining or protection order, family violence protective order, criminal protective order, or foreign order of protection (see BACKGROUND) and (2) produces for the landlord a copy of the court order that is in effect at the time of the request. Under the bill, the landlord must follow certain procedures relating to providing keys and assessing fees when changing the locks.

It also permits such tenants to change the locks without their landlord's permission if the landlord fails to change them or refuses to permit the tenant to change them within a specified timeframe. Under the bill, the tenant must follow certain procedures relating to installing locks and providing keys when changing the locks.

Additionally, the bill prohibits landlords from providing a key or any access to the dwelling unit to any tenant named as the respondent in the court order under certain circumstances. It also prohibits landlords from charging a tenant who is the protected party additional rent, deposits, or fees due to the exclusion of another tenant whom the court order names as the respondent.

\*Senate Amendment "A" defines the costs that landlords may charge tenants for these types of lock changes and grants civil immunity to landlords who deny dwelling unit access to tenants ordered to stay away from the premises by the court.

EFFECTIVE DATE: October 1, 2019

## **LOCK CHANGES FOR TENANTS UNDER PROTECTIVE ORDERS**

### ***Performed by the Landlord***

The bill requires landlords to change the locks upon request from a tenant who is a named protected person in a civil restraining or protection order, family violence protective order, criminal protective order, or foreign order of protection. The landlord must do so, or allow the tenant to do so, within two days after the tenant's request. If the landlord installs the locks, he or she must provide the tenant with a key to the new locks at or before the time they are changed.

Under the bill, the landlord may charge the tenant a fee for the service that does not exceed the "actual reasonable cost" of changing the locks, which means the cost of the lock mechanism along with any fee paid by the landlord for professional locksmith services. If the tenant is unable to pay the fee, the landlord may recoup the costs by either bringing suit against the tenant or deducting the amount from the tenant's security deposit when the tenant vacates the unit. The bill prohibits the landlord from starting eviction proceedings against the tenant on the basis of his or her inability to pay for the lock replacement.

### ***Performed by the Tenant***

Alternatively, the bill allows the tenant to change the locks without the landlord's permission if the landlord either fails to change them or fails to allow the tenant to change them within two days after the tenant's request. Under these circumstances, the tenant must (1) ensure that the locks are changed in a workmanlike manner, using locks of similar or better quality than the original locks, and (2) provide the landlord a key to the new locks within two business days after the locks were changed or at a later time for good cause.

The bill allows the landlord to replace a lock installed by or at the request of a tenant if the lock was not properly installed or was not of similar or better quality compared to the original.

## **DWELLING UNIT ACCESS**

The bill prohibits landlords from providing a key or any access to

the dwelling unit to any tenant who is required to stay away from the unit as the named respondent in the court order. It specifies that the landlord has no duty under the rental agreement or by law to allow such a tenant to access the dwelling unit, absent a court order allowing the tenant to return to retrieve his or her possessions and personal effects. Under the bill, a landlord who denies such a tenant access to the unit is immune from civil liability for adhering to this prohibition. Additionally, the bill maintains such tenants' liability under the rental agreement for rent or damages to the dwelling unit.

## **BACKGROUND**

### ***Civil Restraining or Protection Order***

A family or household member may apply for a civil restraining order for relief from physical abuse, stalking, or a pattern of threatening from another family or household member (CGS § 46b-15).

A victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for the restraining order described above (CGS § 46b-16a).

### ***Family Violence Protective Order***

At the recommendation of the family relations office or the State Attorney's Office, a court may issue a family violence protection order in family violence cases to protect a victim from threats, harassment, injury, or intimidation. This order is issued at the time of arraignment during a criminal proceeding (CGS § 46b-38c).

### ***Criminal Protective Orders***

Courts may independently issue, on behalf of a victim, a (1) protective order after a person is arrested for certain crimes or (2) standing criminal protective order after a person is convicted of certain crimes. The statutes governing these orders do not require a victim to apply for the order (CGS §§ 54-1k and 53a-40e).

### ***Foreign Order of Protection***

A foreign order of protection is an injunctive or other court order issued by another state; the District of Columbia; a U.S.

commonwealth, territory, or possession; or an Indian tribe in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection from (1) violence, threatening acts, or harassment or (2) contact, communication with, or physical proximity to another person (CGS § 46b-15a and 18 U.S.C. § 2266(5)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 32 Nay 7 (04/10/2019)