



# Senate

General Assembly

**File No. 833**

January Session, 2019

Substitute Senate Bill No. 693

*Senate, April 29, 2019*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) Upon the request of a  
2 tenant, a landlord shall change the locks to a tenant's dwelling unit  
3 when: (1) The tenant is named as a protected person in (A) a protective  
4 or restraining order issued by a court of this state, including, but not  
5 limited to, an order issued pursuant to sections 46b-15, 46b-16a, 46b-  
6 38c, 53a-40e and 54-1k of the general statutes, that is in effect at the  
7 time the tenant makes such request of the landlord, or (B) a foreign  
8 order of protection that has been registered in this state pursuant to  
9 section 46b-15a of the general statutes, that is in effect at the time the  
10 tenant makes such request of the landlord; and (2) the tenant provides  
11 a copy of such protective order, restraining order or foreign order of  
12 protection to the landlord. A landlord who is required to change a  
13 tenant's locks under this subsection shall do so, or in the alternative  
14 permit the tenant to do so, not later than two business days after the

15 date that the tenant makes such request.

16 (b) If a landlord fails to change the locks, or fails to permit a tenant  
17 to change the locks within the timeframe prescribed under subsection  
18 (a) of this section, the tenant may proceed to change the locks without  
19 the landlord's permission. If a tenant changes the locks without the  
20 landlord's permission, the tenant shall ensure that the locks are  
21 changed in a workmanlike manner, utilizing locks of similar or  
22 improved quality as compared to the original locks. The landlord may  
23 replace a lock installed by or at the behest of a tenant if the locks  
24 installed were not of equal or improved quality or were not installed  
25 properly. If a tenant changes the locks to his or her dwelling unit  
26 under this subsection, the tenant shall provide a key to the new locks  
27 to the landlord not later than two business days after the date on  
28 which the locks were changed, except when good cause prevents the  
29 tenant from providing a key to the landlord within the prescribed time  
30 period.

31 (c) When a landlord changes the locks to a dwelling unit under  
32 subsection (a) or (b) of this section, the landlord (1) shall, at or prior to  
33 the time of changing such locks, provide a key to the new locks to the  
34 tenant, and (2) may charge a fee to the tenant not exceeding the actual  
35 reasonable cost of changing the locks. A tenant's inability to pay the  
36 cost for replacing the locks shall not be the basis for a summary  
37 process action under chapter 832 of the general statutes, but such costs  
38 may be recouped by suit against the tenant or as a deduction from the  
39 security deposit when the tenant vacates the dwelling unit.

40 (d) If a tenant residing in the dwelling unit is named as the  
41 respondent in an order described in subsection (a) of this section and  
42 under such order is required to stay away from the dwelling unit, the  
43 landlord shall not provide a key to such tenant for the new locks.  
44 Absent a court order permitting a tenant who is the respondent in such  
45 order to return to the dwelling unit to retrieve his or her possessions  
46 and personal effects, the landlord has no duty under the rental  
47 agreement or by law to allow such tenant access to the dwelling unit

48 once the landlord has been provided with a court order requiring such  
 49 tenant to stay away from the dwelling unit, and the landlord shall not  
 50 permit such tenant to access the dwelling unit. Any tenant excluded  
 51 from the dwelling unit under this section remains liable under the  
 52 rental agreement with any other tenant of the dwelling unit for rent or  
 53 damages to the dwelling unit.

54 (e) A landlord may not require a tenant who is named as a protected  
 55 person under an order described in subsection (a) of this section to pay  
 56 additional rent or an additional deposit or fee because of the exclusion  
 57 of the tenant who is named as the respondent in such order.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section

**Statement of Legislative Commissioners:**

In Section 1(b), the phrase "permit a tenant to the change of the locks" was changed to "permit a tenant to change the locks" for accuracy; and in Section 1(d) "personal belongings" was changed to "his or her possessions and personal effects" for consistency with other provisions of the general statutes.

**JUD**      *Joint Favorable Subst. -LCO*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill requires specified changes to be made at private dwellings and does not result in a fiscal impact to the state or municipalities.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 693*****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.

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. 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 date 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. 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)