
OLR Bill Analysis

sSB 48

AN ACT CONCERNING ADDITIONAL HOUSING PROTECTIONS FOR VICTIMS OF FAMILY VIOLENCE OR SEXUAL ASSAULT.

SUMMARY

This bill establishes conditions under which a landlord must change the locks to a tenant's dwelling unit, or allow the tenant to change the locks, if the tenant is named as a protected person in a civil restraining or protection order. Under the bill, the landlord is subject to certain requirements when changing the locks, including providing the tenant with keys. The landlord may choose to assess the tenant a fee to recover the cost for doing so. The bill also authorizes a landlord to reprogram a digital or electronic lock with a new entry code to comply with these requirements.

The bill allows a tenant to change the locks without the landlord's permission if the landlord fails to change them or refuses to permit the tenant to do so within a specified timeframe. The bill similarly establishes requirements for tenants changing the locks, including providing the landlord with keys to the new locks within a specified timeframe.

Additionally, the bill prohibits landlords from providing a key or any access to the dwelling unit to any tenant named as the respondent or defendant in the court order under certain circumstances. It also prohibits landlords from charging a tenant protected by a court order additional rent, deposits, or fees due to the exclusion of the tenant named as the respondent or defendant in the order. Under the bill, a landlord who denies a tenant access to the unit is immune from civil liability for adhering to this prohibition.

The bill also makes a conforming change.

EFFECTIVE DATE: October 1, 2021

LOCK CHANGES FOR TENANTS UNDER PROTECTIVE ORDERS

Circumstances Requiring Lock Change

The bill requires landlords to change a dwelling unit's locks or allow a tenant to do so upon a tenant's request when:

1. the tenant 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 registered in Connecticut that is in effect when the tenant requests to change the locks (see BACKGROUND);
2. the order requires the respondent or defendant to stay away from the tenant's home or stay a minimum distance away from the tenant; and
3. the tenant provides a copy of the order to the landlord.

No later than six hours after receiving a request, a landlord must let the tenant know if the landlord will change the locks or allow the tenant to do so. A landlord who agrees to make the change must do so no later than 48 hours after receiving the request.

Requirements for Lock Changes Performed by the Landlord

Under the bill, if the landlord uses a professional locksmith or contractor to change the locks for the above reasons, the landlord is responsible for paying for the service. The landlord may charge the tenant a fee not to exceed the "actual reasonable cost" of changing the locks (i.e., the cost of the lock mechanism along with the fee the landlord paid for professional contractor or locksmith services). If the tenant fails 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 because of his or her failure to pay for the lock replacement.

The landlord must provide the tenant with a key to the new locks before or at the time of the lock change.

Requirements for Lock Changes Performed by the Tenant

The bill allows the tenant to change the locks if the landlord (1) has informed the tenant that he or she is responsible for changing the locks, (2) fails to change the locks, or (3) fails to allow the tenant to do so within six hours 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 originals, and (2) give 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 or defendant 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 unless a court order allows the tenant to return to retrieve his or her possessions and personal effects. Additionally, the bill maintains the tenant's liability under the rental agreement for rent or damages to the dwelling unit.

Under the bill, a landlord or his or her agent who denies such a tenant access to the unit is immune from civil liability for adhering to this prohibition, as long as the landlord or agent complies with the bill's provisions and any applicable court order.

The bill also prohibits landlords from requiring a tenant who is named as a protected person under such an order to pay additional rent or an additional deposit or fee because of the exclusion of the tenant who is the named respondent or defendant in the order.

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 by 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 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. These orders apply in cases that include stalking and harassment. 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 a court of 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

Housing Committee

Joint Favorable Substitute
Yea 15 Nay 0 (03/11/2021)