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**SB-1051 Victims of abuse or violence: lock changes.** (2023-2024)

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**Senate Bill No. 1051**

**CHAPTER 75**

An act to amend Section 1941.6 of, to add Section 1946.9 to, and to repeal and add Section 1941.5 of, the Civil Code, relating to tenancies.

[ Approved by Governor July 02, 2024. Filed with Secretary of State July 02, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1051, Eggman. Victims of abuse or violence: lock changes.

Existing law requires a landlord to change the locks of a protected tenant's dwelling unit upon the protected tenant's written request not later than 24 hours after the protected tenant gives the landlord a copy of a court order or police report that restrains a person who is not a tenant of the same dwelling unit as the protected tenant from contact with the protected tenant. Existing law permits the protected tenant to change the locks if the landlord fails to do so within 24 hours, as provided. For these purposes, existing law defines "protected tenant" as a tenant who has obtained a court order, as defined, or a police report showing that the tenant or the tenant's household member is a victim of domestic violence, sexual assault, or stalking, as specified.

This bill would repeal, recast, and revise these provisions to apply when a person is alleged to have committed abuse or violence against an eligible tenant or the immediate family or household member of an eligible tenant, and the person is not a tenant of the same dwelling unit as the eligible tenant. The bill would define "eligible tenant" for these purposes as either a tenant who is a victim of abuse or violence, as defined, or a tenant whose immediate family member or household member is a victim of abuse or violence. The bill would require a landlord to, at the landlord's expense and upon the eligible tenant's written request, change the locks of an eligible tenant's dwelling unit not later than 24 hours after the eligible tenant gives the landlord specified documentation. The bill would require an eligible tenant's written request to include one of the following forms of documentation, of the tenant's choosing: (1) a copy of a temporary restraining order, emergency protective order, or protective order, as specified; (2) a copy of a written report by a peace officer; (3) specified documentation from a qualified third party, as defined, showing that the tenant, their household member, or their immediate family member is seeking assistance for physical or mental injuries resulting from an act of abuse or violence; or (4) any other form of documentation that reasonably verifies the abuse or violence, as specified. The bill would require a landlord to reimburse the eligible tenant for expenses the tenant incurred if the eligible tenant changes the locks.

Existing law, if a tenant is restrained under a court order from contact with a protected tenant, as defined, of the same dwelling unit, requires a landlord to change the locks of a protected tenant's dwelling unit upon the protected tenant's written request not later than 24 hours after the protected tenant gives the landlord a copy of the court order.

This bill would require the landlord to change the locks at their own expense, and additionally require the landlord to reimburse the protected tenant for expenses the tenant incurred in changing the locks if the landlord fails to change the locks within 24 hours of the tenant providing a written request to the landlord. The bill would make other nonsubstantive changes.

This bill would also prohibit a landlord or landlord's agent from making an adverse action, as defined, based on, among other things, the prospective tenant having previously requested to have their locks changed due to abuse or violence pursuant to the above-described provisions or the prospective tenant, or an immediate family member or household member of the prospective tenant, having been a victim of abuse or violence. The bill would provide that a landlord or landlord's agent who violates this prohibition is liable to the prospective or current tenant in a civil action for actual damages and statutory damages of not less than \$100 and not more than \$5,000.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 1941.5 of the Civil Code is repealed.

**SEC. 2.** Section 1941.5 is added to the Civil Code, to read:

**1941.5.** (a) This section shall apply if a person is alleged to have committed abuse or violence against the eligible tenant or the immediate family or household member of the eligible tenant and the person is not a tenant of the same dwelling unit as the eligible tenant.

(b) A landlord shall, at the landlord's own expense, change the locks of the eligible tenant's dwelling unit upon written request of the eligible tenant not later than 24 hours after the eligible tenant gives the landlord a form of documentation described in subdivision (d) and shall give the eligible tenant a key to the new locks.

(c) (1) If a landlord fails to change the locks within 24 hours, the eligible tenant may change the locks without the landlord's permission, notwithstanding any provision in the lease to the contrary.

(2) If the eligible tenant changes the locks pursuant to this subdivision, the following shall apply:

(A) No later than 21 days after the eligible tenant changes the locks, the landlord shall reimburse the eligible tenant for the expenses the eligible tenant incurred to change the locks.

(B) The eligible tenant shall do all of the following:

(i) Change the locks in a workmanlike manner with locks of similar or better quality than the original lock.

(ii) Notify the landlord within 24 hours that the locks have been changed.

(iii) Provide the landlord with a key by any reasonable method agreed upon by the landlord and eligible tenant.

(3) This subdivision shall apply to leases executed on or after January 1, 2011.

(d) A written request to change the locks pursuant to subdivision (b) shall include one of the following forms of documentation attached to the request:

(1) A copy of a temporary restraining order, emergency protective order, or protective order lawfully issued pursuant to Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, Section 527.6 of the Code of Civil Procedure, or Section 213.5 or 15657.03 of the Welfare and Institutions Code that protects the eligible tenant, household member, or immediate family member from abuse or violence.

(2) A copy of a written report by a peace officer employed by a state or local law enforcement agency acting in the peace officer's official capacity stating that the tenant, household member, or immediate family member has filed a report alleging that the tenant, the household member, or the immediate family member is a victim of abuse or violence.

(3) (A) Documentation from a qualified third party based on information received by that third party while acting in their professional capacity to indicate that the tenant, the tenant's immediate family member, or the tenant's household member is seeking assistance for physical or mental injuries or abuse resulting from an act of abuse or violence, which shall contain, in substantially the same form, the following:

Tenant Statement and Qualified Third Party Statement  
under Civil Code Section 1941.5

Part I. Statement By Tenant

I, [insert name of tenant], state as follows:

I, my immediate family member, or a member of my household, have been a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, or a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use of force against the victim or a threat of force against the victim.]

The most recent incident(s) happened on or about:

[insert date or dates.]

The incident(s) was/were committed by the following person(s), with these physical description(s), if known and safe to provide:

[if known and safe to provide, insert name(s) and physical description(s).]

(signature of tenant)(date)

## Part II. Qualified Third Party Statement

I, [insert name of qualified third party], state as follows:

My business address and phone number are:

[insert business address and phone number.]

Check and complete one of the following:

\_\_\_\_ I meet the requirements for a sexual assault counselor provided in Section 1035.2 of the Evidence Code and I am either engaged in an office, hospital, institution, or center commonly known as a rape crisis center described in that section or employed by an organization providing the programs specified in Section 13835.2 of the Penal Code.

\_\_\_\_ I meet the requirements for a domestic violence counselor provided in Section 1037.1 of the Evidence Code and I am employed, whether financially compensated or not, by a domestic violence victim service organization, as defined in that section.

\_\_\_\_ I meet the requirements for a human trafficking caseworker provided in Section 1038.2 of the Evidence Code and I am employed, whether financially compensated or not, by an organization that provides programs specified in Section 18294 of the Welfare and Institutions Code or in Section 13835.2 of the Penal Code.

\_\_\_\_ I meet the definition of "victim of violent crime advocate" provided in Section 1946.7 of the Civil Code and I am employed, whether financially compensated or not, by an agency or organization that has a documented record of providing services to victims of violent crime or provides those services under the auspices or supervision of a court or a law enforcement or prosecution agency.

\_\_\_\_ I am licensed by the State of California as a:

[insert one of the following: physician and surgeon, osteopathic physician and surgeon, registered nurse, psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor.] and I am licensed by, and my license number is:

[insert name of state licensing entity and license number.]

The person who signed the Statement By Tenant above stated to me that the person, or a member of their immediate family, or a member of their household, is a victim of:

[insert one or more of the following: domestic violence, sexual assault, stalking, human trafficking, elder abuse, dependent adult abuse, a crime that caused bodily injury or death, a crime that included the exhibition, drawing, brandishing, or use of a firearm or other deadly weapon or instrument, or a crime that included the use or threat of force against the victim.]

The person further stated to me the incident(s) occurred on or about the date(s) stated above.

(signature of qualified third party)(date)

(B) The documentation may be signed by a person who meets the requirements for a sexual assault counselor, domestic violence counselor, a human trafficking caseworker, or a victim of violent crime advocate only if the documentation displays the letterhead of the office, hospital, institution, center, or organization, as appropriate, that engages or employs, whether financially compensated or not, this counselor, caseworker, or advocate.

(4) Any other form of documentation that reasonably verifies that the abuse or violence occurred, including, but not limited to, a signed statement from the eligible tenant.

(e) An eligible tenant satisfies the documentation requirements under subdivision (d) by providing one of the forms of documentation listed in subdivision (d), of the tenant's choosing.

(f) For the purposes of this section, the following definitions apply:

(1) "Abuse or violence" has the same meaning as defined in paragraph (1) of subdivision (a) of Section 1161.3 of the Code of Civil Procedure.

(2) "Eligible tenant" means either of the following:

(A) A tenant who is a victim of abuse or violence.

(B) A tenant who has an immediate family member or household member who is a victim of abuse or violence, if the tenant is not alleged to have committed the abuse or violence.

(3) "Health practitioner" means a physician and surgeon, osteopathic physician and surgeon, psychiatrist, psychologist, registered nurse, licensed clinical social worker, licensed marriage and family therapist, or a licensed professional clinical counselor.

(4) "Household member" has the same meaning as defined in paragraph (1) of subdivision (h) of Section 1946.7.

(5) "Immediate family member" has the same meaning as defined in paragraph (3) of subdivision (h) of Section 1946.7.

(6) "Locks" means any exterior lock that provides access to the dwelling.

(7) "Qualified third party" means a health practitioner, domestic violence counselor, as defined in subdivision (a) of Section 1037.1 of the Evidence Code, a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, a human trafficking caseworker, as defined in subdivision (c) of Section 1038.2 of the Evidence Code, or a victim of violent crime advocate.

(8) "Tenant" means tenant, subtenant, lessee, or sublessee.

(9) "Victim of violent crime advocate" has the same meaning as defined in paragraph (5) of subdivision (h) of Section 1946.7.

**SEC. 3.** Section 1941.6 of the Civil Code is amended to read:

**1941.6.** (a) This section shall apply if a person who is restrained from contact with a protected tenant under a court order is a tenant of the same dwelling unit as the protected tenant.

(b) A landlord shall, at the landlord's own expense, change the locks of a protected tenant's dwelling unit upon written request of the protected tenant not later than 24 hours after the protected tenant gives the landlord a copy of a court order that excludes from the dwelling unit the restrained person referred to in subdivision (a). The landlord shall give the protected tenant a key to the new locks.

(c) (1) If a landlord fails to change the locks within 24 hours, the protected tenant may change the locks without the landlord's permission, notwithstanding any provision in the lease to the contrary.

(2) If the protected tenant changes the locks pursuant to this subdivision, both of the following shall apply:

(A) No later than 21 days after the protected tenant changes the locks, the landlord shall reimburse the protected tenant for the expenses the protected tenant incurred to change the locks.

(B) The protected tenant shall do all of the following:

(i) Change the locks in a workmanlike manner with locks of similar or better quality than the original lock.

(ii) Notify the landlord within 24 hours that the locks have been changed.

(iii) Provide the landlord with a key by any reasonable method agreed upon by the landlord and protected tenant.

(3) This subdivision shall apply to leases executed on or after January 1, 2011.

(d) Notwithstanding Section 789.3, if the locks are changed pursuant to this section, the landlord is not liable to a person excluded from the dwelling unit pursuant to this section.

(e) A person who has been excluded from a dwelling unit under this section remains liable under the lease with all other tenants of the dwelling unit for rent as provided in the lease.

(f) For the purposes of this section, the following definitions shall apply:

(1) "Court order" means a court order lawfully issued within the last 180 days pursuant to Section 527.6 of the Code of Civil Procedure, Part 3 (commencing with Section 6240), Part 4 (commencing with Section 6300), or Part 5 (commencing with Section 6400) of Division 10 of the Family Code, Section 136.2 of the Penal Code, or Section 213.5 of the Welfare and Institutions Code.

(2) "Locks" means any exterior lock that provides access to the dwelling.

(3) "Protected tenant" means a tenant who has obtained a court order.

(4) "Tenant" means tenant, subtenant, lessee, or sublessee.

**SEC. 4.** Section 1946.9 is added to the Civil Code, to read:

**1946.9.** (a) For the purposes of tenant screening, a landlord or a landlord's agent shall not make an adverse action based on any of the following:

(1) An allegation that the prospective tenant breached a lease or rental agreement if the alleged breach stemmed from an act of abuse or violence against a tenant, a tenant's immediate family member, or a tenant's household member, and the prospective tenant is not alleged to have committed the abuse or violence. The landlord shall accept any form of documentation evidencing abuse or violence against the tenant, the tenant's immediate family member, or the tenant's household member, as provided by subdivision (d) of Section 1941.5, as sufficient for the purposes of this paragraph.

(2) The prospective tenant having previously requested to have their locks changed pursuant to Section 1941.5 or 1941.6, regardless of whether the request was granted.

(3) The prospective tenant, or an immediate family member or household member of the prospective tenant, having been a victim of abuse or violence. A landlord or the landlord's agent may request that a prospective tenant provide documentation described in subdivision (d) of Section 1941.5 to establish if a prospective tenant, or an immediate family member or household member of the prospective member, has been a victim of abuse or violence for the purposes of this paragraph. If the prospective tenant provides documentation described in subdivision (d) of Section 1941.5, the landlord shall accept the documentation as sufficient to establish that a prospective tenant, or an immediate family member or household member of the prospective member, has been a victim of abuse or violence for the purposes of this paragraph.

(4) The prospective tenant, or a guest of the prospective tenant, having previously summoned law enforcement assistance or emergency assistance, as, or on behalf of a victim of abuse, a victim of crime, or an individual in an emergency, as provided in Section 1946.8.

(b) A landlord or agent of a landlord who violates this section shall be liable to the prospective or current tenant in a civil action for both of the following:

(1) The actual damages sustained by the prospective or current tenant.

(2) Statutory damages of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000).

(c) The remedies provided by this section shall be in addition to any other remedy provided by law.

(d) For the purposes of this section, the following definitions apply:

(1) "Abuse or violence" has the same meaning as defined in paragraph (1) of subdivision (a) of Section 1161.3 of the Code of Civil Procedure.

(2) "Adverse action" means either of the following:

(A) Denial of a prospective tenant's rental application.

(B) Approval of a prospective tenant's rental application, subject to terms or conditions different and less favorable to the prospective tenant than those included in any written notice, statement, or advertisement for the rental unit, including written communication sent directly from the landlord or landlord's agent to a prospective tenant.

(3) "Household member" has the same meaning as defined in paragraph (1) of subdivision (h) of Section 1946.7.

(4) "Immediate family member" has the same meaning as defined in paragraph (3) of subdivision (h) of Section 1946.7.

(5) "Tenant" means tenant, subtenant, lessee, or sublessee.

(6) "Tenant screening" means any process used by a landlord or landlord's agent to evaluate the fitness of a prospective tenant.