

# California Law Provides Survivors Right to Lock Changes



*Survivors of domestic violence, sexual assault, or stalking may need to change their locks to ensure their safety. California Civil Code Sections 1941.5 and 1941.6 allow victims of abuse who rent their homes to request that their landlords change their locks within 24 hours.*

## 1. What is the law on changing a survivor's locks?

In certain cases, California Civil Code Sections 1941.5 and 1941.6 require landlords to change exterior locks for survivors of domestic violence, sexual assault, or stalking. Section 1941.5 applies in cases where the abuser and survivor do not live together, while Section 1941.6 applies in situations where the abuser and survivor live together.

## 2. When is a landlord required to change a survivor's locks?

The landlord must change a survivor's locks within 24 hours after the survivor provides the landlord with a written request and a court order or police report documenting domestic violence, sexual assault, or stalking. The landlord must change any exterior lock that allows access to the survivor's unit, and give the survivor keys to any new locks.

## 3. How does a survivor make a lock-change request?

A survivor must make a written request to the landlord, along with the required proof of domestic violence, sexual assault, or stalking.

## 4. What proof does a survivor need when making a lock-change request?

The law varies slightly based on whether the survivor and abuser live together. If the abuser and survivor do not reside in the same unit, then the survivor must provide either a court order or police report documenting domestic violence, sexual assault, or stalking to accompany the written lock-change request. The court order or police report cannot be more than 180 days old.

If the survivor and abuser live together, then the survivor must provide a court order excluding the abuser from the unit along with the written lock-change request. This court order cannot be more than 180 days old.

Note that in either situation, a court order issued to protect victims of threatening or harassing conduct beyond domestic violence, sexual assault, and stalking may also be used to obtain a lock change. Advocates should consult the definition of “court order” as defined in Sections 1941.5(d)(1) or 1941.6(f)(1) for more details.

## 5. What if the landlord does not change the locks within 24 hours?

If the landlord does not change the locks within 24 hours, the survivor can do so without the landlord’s permission. The survivor must notify the landlord within 24 hours of having the locks changed. Additionally, the survivor must provide the landlord with keys to any new locks. The new locks must be of “similar or better quality” than the prior locks, and any lock changes must be completed in a “workmanlike manner.”

## 6. What if the lease explicitly states that the tenant cannot change locks?

Under the law, the survivor can change the locks, even if the lease prohibits doing so, if the landlord has not changed locks within 24 hours of receiving notice from the tenant.

## 7. What if the abuser and survivor are co-tenants?

As referenced above, a survivor is entitled to have the locks changed even if the abuser also lives in the unit. The survivor must provide the landlord with a court order excluding the abuser from the home.

## 8. If the abuser and survivor are both on the lease, is the abuser no longer responsible for rent after being locked out?

If the survivor receives a lock change under Section 1941.6, the abuser is still responsible for paying rent even though he or she can no longer access the unit.

## 9. If the abuser and survivor live together, is the landlord liable to the abuser for locking him or her out?

If the landlord changes the locks under Section 1941.6, he or she is not liable to an abuser excluded from the unit.