



Know Your Rights: Protect Your Safety by Having Your Locks Changed

California Civil Code Sections 1941.5 and 1941.6

Are you a victim of domestic violence,
violent threats, sexual assault, or
stalking?

Do you need to have the locks on your
home changed to protect your safety?

**California Civil Code Sections
1941.5 and 1941.6 may help you.**

The Right to Have Your Locks Changed to Protect Your Safety

1. What are California Civil Code Sections 1941.5 and 1941.6?

Civil Code Sections 1941.5 and 1941.6 are laws that require landlords to change locks within 24 hours for tenants who have a restraining order or a police report.

The laws apply to victims of:

- Domestic violence or violent threats,
- Sexual assault, OR
- Stalking.

2. What is the law's purpose?

Victims of domestic violence, sexual assault, or stalking may be in danger from someone who has a key to their home. This law requires that landlords change locks within 24 hours of being notified that a tenant has been abused.

3. When can I use this law?

You can use the law if you:

- Rent your home.
- Have a restraining order or police report.
- Want your locks changed because you are a victim of domestic violence, sexual assault, or stalking.

4. How can I ask my landlord to change my locks?

You must tell your landlord in writing that you were a victim of domestic violence, sexual assault, or stalking, and that you want the locks changed within 24 hours. You also must give your landlord a copy of a restraining order or police report.

5. What if my landlord doesn't change the locks within 24 hours?

If your landlord does not change the locks within 24 hours, you can change them yourself. You must give your landlord a copy of the new key within 24 hours of changing the locks. The new locks must be the same or better quality than the old locks.

6. What type of proof do I need?

You must give your landlord either:

- A restraining order, OR
- A police report showing that you were the victim of domestic violence, sexual assault, or stalking.

7. How old can the proof be?

The police report or restraining order can be no more than 180 days old.

8. What if I live with the abuser?

If you live with the abuser, you can have the locks changed only if you have a restraining order that orders the abuser to leave the home. The abuser is still jointly responsible for paying rent to the landlord.

9. What if I do not have a police report or restraining order?

The law requires that you have either a police report or restraining order. If you don't have these documents, ask a domestic violence agency or legal aid to help you talk to your landlord. These agencies also can help you get a restraining order.

10. What if my lease says I'm not allowed to change the locks?

If you signed your lease after January 1, 2011, and you follow the steps described in this flyer, the law allows you to change your locks even if the lease says you cannot.

11. What if I need help to use the law?

If you believe your landlord isn't following the law, contact a legal aid attorney, fair housing agency, or domestic violence agency.



**Conozca sus
derechos: Cambie las
cerraduras para
proteger su seguridad**

**Artículos 1941.5 y 1941.6 del
Código Civil de California**

¿Es víctima de violencia doméstica,
amenazas violentas, ataque sexual o
acecho?

¿Necesita cambiar las cerraduras de su
casa para proteger su seguridad?

**Los artículos 1941.5 y 1941.6 del
Código Civil de California pueden
ayudarlo.**

El derecho a cambiar las cerraduras para proteger su seguridad

1. ¿Qué son los artículos 1941.5 y 1941.6 del Código Civil de California?

Los artículos 1941.5 y 1941.6 del Código Civil de California son leyes que exigen a los arrendadores que cambien las cerraduras en el plazo de 24 horas para los inquilinos que tengan una orden de restricción o un informe policial.

Las leyes se aplican a las víctimas de:

- Violencia doméstica o amenazas violentas
- Ataque sexual, O
- Acecho

2. ¿Cuál es el objetivo de la ley?

Las víctimas de violencia doméstica, ataque sexual o acecho pueden estar en peligro porque alguien tiene una llave de su hogar. Esta ley exige que los arrendadores cambien las cerraduras en el plazo de 24 horas después de ser notificados que un inquilino ha sufrido un abuso.

3. ¿Cuándo se puede usar esta ley?

Puede usar la ley en los siguientes casos:

- Si alquila su casa.
- Si tiene una orden de restricción o un informe policial.
- Si desea cambiar las cerraduras porque es víctima de violencia doméstica, ataque sexual o acecho.

4. ¿Cómo puedo pedirle al arrendador que me cambie las cerraduras?

Debe informarle al arrendador por escrito que fue víctima de violencia doméstica, ataque sexual o acecho y que desea que le cambie las cerraduras en el plazo de 24 horas. También debe darle al arrendador una copia de una orden de restricción o de un informe policial.

5. ¿Qué hago si el arrendador no cambia las cerraduras en el plazo de 24 horas?

Si el arrendador no cambia las cerraduras en el plazo de 24 horas, puede cambiarlas usted mismo. Debe darle al arrendador una copia de la nueva llave en el plazo de 24 horas de cambiar la cerradura. Las nuevas cerraduras deben ser iguales o de mejor calidad que las cerraduras anteriores.

6. ¿Qué tipo de prueba necesito?

Debe proporcionarle al arrendador lo siguiente:

- Una orden de restricción, O
- Un informe policial en el que se especifique que usted fue víctima de violencia doméstica, ataque sexual o acecho.

7. ¿Qué antigüedad puede tener la prueba?

El informe policial o la orden de restricción pueden tener hasta 180 días de antigüedad.

8. ¿Qué sucede si vivo con el agresor?

Si vive con el agresor, puede cambiar las cerraduras solo si tiene una orden de restricción en la que se ordene que el agresor abandone el hogar. El agresor sigue siendo responsable conjuntamente de pagar el alquiler al arrendador.

9. ¿Qué sucede si no tengo un informe policial o una orden de restricción?

La ley exige que tenga un informe policial o una orden de restricción. Si no tiene estos documentos, pida a una agencia de violencia doméstica o a un asesor legal que la ayuden a hablar con el arrendador. Estas agencias también ayudan a obtener una orden de restricción.

10. ¿Qué sucede si en mi contrato de alquiler dice que no puedo cambiar las cerraduras?

Si usted firmó su contrato de alquiler después del 1º de enero de 2011 y sigue los pasos descritos en este folleto, la ley le permite cambiar las cerraduras aun cuando en el contrato de alquiler diga que no puede hacerlo.

11. ¿Qué sucede si necesito ayuda para aplicar la ley? ¿Qué sucede si necesito ayuda para aplicar la ley?

Si considera que el arrendador no respeta la ley, comuníquese con un abogado de asesoramiento legal, una agencia de vivienda justa o una agencia de violencia doméstica.

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. The law applies to leases signed after January 1, 2011.

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.