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I N   S E N A T E

(PREFILED)

January 8, 2014

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Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the lien law, in relation to liens on self-service storage facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 7 of section 182 of the lien law, as added by  
2 chapter 975 of the laws of 1983, is amended to read as follows:  
3     7. Enforcement of lien. An owner's lien may be enforced by public or  
4 private sale of the goods that have been removed from the storage space  
5 at a self-service storage facility, in block, or in parcel, at any time  
6 or place and on any terms which are commercially reasonable after DUAL  
7 notice to all persons known to claim an interest in the goods. The  
8 [notice] NOTICES shall include an itemized statement of the amount due,  
9 the description of the property subject to the lien, the nature of the  
10 proposed sale, a demand for payment within a specified time not less  
11 than [ten] THIRTY days from receipt of THE SECOND notification and a  
12 conspicuous statement that unless the claimant pays within that time the  
13 goods will be advertised for sale and sold at public or private sale in  
14 a commercially reasonable manner. The [notice] NOTICES shall further  
15 include the time and place of any public or private sale and it shall  
16 state that any person claiming an interest in the goods is entitled to  
17 bring a proceeding hereunder within [ten] THIRTY days of the service of  
18 the SECOND notice if he disputes the validity of the lien, or the amount  
19 claimed. The [notice] NOTICES shall be personally delivered to the occu-  
20 pant AND TO THE ALTERNATIVE PERSON, or sent by registered or certified  
21 mail, return receipt requested, to the occupant to the last address  
22 provided by the occupant AND TO THE ALTERNATIVE ADDRESS, pursuant to the  
23 occupancy agreement. THE SECOND NOTICE SHALL BE PERSONALLY DELIVERED OR  
24 SENT BETWEEN FIVE AND TEN DAYS AFTER THE FIRST NOTICE HAS BEEN  
25 PERSONALLY DELIVERED OR SENT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 2. Paragraph (c) of subdivision 2 of section 182 of the lien law, as  
2 amended by chapter 975 of the laws of 1983, is amended and a new para-  
3 graph (d) is added to read as follows:

4 (c) Every occupancy agreement as required by this section shall  
5 contain the following conspicuous notice:

6 "Notice: The monthly occupancy charge and other charges stated in this  
7 agreement are the actual charges you must pay. YOUR PERSONAL PROPERTY IN  
8 A LEASED SPACE WILL BE SUBJECT TO A CLAIM OF LIEN AND CAN BE SOLD TO  
9 SATISFY THE LIEN IF YOU DEFAULT OR FAIL TO PAY RENT FOR THE STORAGE OF  
10 PERSONAL PROPERTY ABANDONED AFTER THE TERMINATION OF THE AGREEMENT".

11 (D) EVERY OCCUPANCY AGREEMENT AS REQUIRED BY THIS SECTION SHALL ASK  
12 FOR THE NAME AND ADDRESS OF ANOTHER PERSON TO WHOM THE REQUIRED NOTICES  
13 MAY BE SENT. FAILURE OF AN OCCUPANT TO PROVIDE AN ALTERNATIVE ADDRESS  
14 SHALL NOT AFFECT AN OWNER'S REMEDIES UNDER THIS SECTION OR UNDER ANY  
15 OTHER PROVISION OF LAW.

16 S 3. This act shall take effect immediately.