S T A T E O F N E W Y O R K

6201--A

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 7 of section 182 of the lien law, as added by chapter 975 of the laws of 1983, is amended to read as follows:

7. Enforcement of lien. An owner's lien may be enforced by public or private sale of the goods that have been removed from the storage space at a self-service storage facility, in block, or in parcel, at any time or place and on any terms which are commercially reasonable after DUAL notice to all persons known to claim an interest in the goods. The [notice] NOTICES shall include an itemized statement of the amount due, the description of the property subject to the lien, the nature of the proposed sale, a demand for payment within a specified time not less than [ten] THIRTY days from receipt of THE SECOND notification and a conspicuous statement that unless the claimant pays within that time the goods will be advertised for sale and sold at public or private sale in a commercially reasonable manner. The [notice] NOTICES shall further include the time and place of any public or private sale and it shall state that any person claiming an interest in the goods is entitled to bring a proceeding hereunder within [ten] THIRTY days of the service of the SECOND notice if he disputes the validity of the lien, or the amount claimed. The [notice] NOTICES shall be personally delivered to the occupant AND TO THE ALTERNATIVE PERSON, or sent by registered or certified mail, return receipt requested, to the occupant to the last address provided by the occupant AND TO THE ALTERNATIVE ADDRESS, pursuant to the occupancy agreement. THE SECOND NOTICE SHALL BE PERSONALLY DELIVERED OR SENT BETWEEN FIVE AND TEN DAYS AFTER THE FIRST NOTICE HAS BEEN PERSONALLY DELIVERED OR SENT.

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

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

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

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

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

S 3. This act shall take effect January 1, 2016.