

STATE OF NEW YORK

5626

2017-2018 Regular Sessions

IN SENATE

April 21, 2017

Introduced by Sen. HELMING -- 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 reasonable late fees included in a lien on the goods in a self-service storage facility

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 6 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 6. Lien. (a) The owner of a self-service storage facility has a lien
4 upon all personal property stored at a self-service storage facility for
5 occupancy fees, reasonable late fees or other charges, present or
6 future, in relation to the personal property and for expenses necessary
7 for its preservation or expenses reasonably incurred in its sale or
8 other disposition pursuant to law and any other charges pursuant to the
9 occupancy agreement. The lien provided for in this section is superior
10 to any other lien or security interest. The lien attaches as of the date
11 the personal property is brought to the self-service storage facility.

12 (b) Subject to paragraph (c) of this subdivision, a reasonable late
13 fee may be imposed and collected by an owner for each month that an
14 occupant does not pay occupancy fees when due under an occupancy agree-
15 ment. However, no late fee shall be imposed or collected if the occupant
16 makes a monthly occupancy payment in full by the tenth day after the due
17 date under the occupancy agreement.

18 (c) No late fee may be collected pursuant to paragraph (a) of this
19 subdivision unless the amount of the late fee and conditions for impos-
20 ing the late fee are stated in the occupancy agreement. No late fee may
21 exceed the greater of twenty dollars or twenty percent of the monthly
22 occupancy charge. For purposes of paragraphs (a) and (b) of this subdi-
23 vision, a late fee of the greater of either twenty dollars or twenty
24 percent of the monthly occupancy agreement is deemed reasonable and does
25 not constitute a penalty.

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

LBD10785-01-7

1 § 2. This act shall take effect immediately.