

STATE OF NEW YORK

1419

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Judiciary

AN ACT to amend the lien law, in relation to requiring notice of enforcement of a lien on goods in a self-storage facility to be sent to the emergency contact designated in the occupancy agreement

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

1 Section 1. Subdivision 1 of section 182 of the lien law is amended by
2 adding a new paragraph (i) to read as follows:

3 (i) "Emergency contact" shall mean any person designated by the occu-
4 pant in the occupancy agreement to receive notice issued pursuant to
5 this section.

6 § 2. Paragraph (i) of subdivision 2 of section 182 of the lien law, as
7 amended by chapter 424 of the laws of 2019, is amended to read as
8 follows:

9 (i) name and address of owner [~~and~~], occupant, and emergency contact,
10 and electronic mail address of owner and occupant should the occupant
11 choose to be contacted via electronic mail;

12 § 3. Paragraph (c) of subdivision 2 of section 182 of the lien law, as
13 amended by chapter 424 of the laws of 2019, is amended to read as
14 follows:

15 (c) Every occupancy agreement as required by this section shall
16 contain the following conspicuous notices: (i) "Notice: The monthly
17 occupancy charge and other charges stated in this agreement are the
18 actual charges you must pay"; (ii) "Notice: You may choose to be
19 contacted for legal matters related to late or lien notices, via elec-
20 tronic mail by providing your electronic mail address in at least two
21 locations within the occupancy agreement"; (iii) "Notice: Keep your
22 occupancy agreement up-to-date with any changes to your address and/or
23 electronic mail address, where appropriate, and the contact information

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

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1 for your emergency contact, to ensure you receive any late or lien
2 notices".

3 § 4. Subdivision 7 of section 182 of the lien law, as amended by chap-
4 ter 424 of the laws of 2019, is amended to read as follows:

5 7. Enforcement of lien. (a) An owner's lien may be enforced by public
6 or private sale of the occupant's goods that remain in the self-storage
7 facility, in block, or in parcel, at any time or place and on any terms
8 which are commercially reasonable after notice to all persons known to
9 claim an interest in the goods. The notice shall include an itemized
10 statement of the amount due, the description of the property subject to
11 the lien, the nature of the proposed sale, a demand for payment within a
12 specified time not less than thirty days from mailing of the notice and
13 a conspicuous statement that unless the claimant pays within that time
14 the goods will be advertised for sale and sold at public or private sale
15 in a commercially reasonable manner. The notice shall further include
16 the time and place of any public or private sale and it shall state that
17 any person claiming an interest in the goods is entitled to bring a
18 proceeding hereunder within ten days of the service of the notice if he
19 disputes the validity of the lien, or the amount claimed. The notice
20 shall be personally delivered to the occupant, or sent by registered or
21 certified mail to the occupant's last known address, or sent by verified
22 mail and electronic mail to the occupant's last known address. Any
23 notice made pursuant to this section and sent by verified mail shall be
24 sent to the last known address provided by the occupant, pursuant to the
25 occupancy agreement. Any notice made pursuant to this section and sent
26 by electronic mail shall only be effective if: (i) the occupancy agree-
27 ment states that the occupant has consented to receive late or lien
28 notices by electronic mail; and (ii) the occupant has provided the occu-
29 pant's electronic mail address in at least two locations within the
30 occupancy agreement. The notice shall also be sent to the emergency
31 contact designated by the occupant, either by personal delivery or sent
32 by registered or certified mail to the emergency contact's last known
33 address, or sent by verified mail and electronic mail to the emergency
34 contact's last known address. Any notice made pursuant to this section
35 shall be sent to the last known address provided by the occupant for the
36 emergency contact, pursuant to the occupancy agreement.

37 (b) Any notice given pursuant to this section is deemed delivered when
38 it is: (i) properly addressed to the last known address of the occupant
39 and the emergency contact, and (ii) either sent by registered, certified
40 or verified mail and evidence of mailing is received, or sent by elec-
41 tronic mail and either a non-automated response to the electronic mail
42 is received or a receipt of delivery to the electronic mail is received.

43 § 5. Owners of self-storage facilities shall obtain emergency contact
44 information for any occupant with an occupancy agreement in place prior
45 to this act taking effect.

46 § 6. This act shall take effect immediately.