

# STATE OF NEW YORK

11097

## IN ASSEMBLY

November 6, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. L. Rosenthal) -- read once and referred to the Committee on Judiciary

AN ACT to amend the lien law, in relation to adding certain notice requirements for enforcing liens on goods in self-storage facilities and prohibiting enforcement of such liens during the COVID-19 state disaster emergency

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

1 Section 1. Subparagraph (i) of paragraph (a) and paragraph (c) of  
2 subdivision 2 of section 182 of the lien law, as amended by chapter 424  
3 of the laws of 2019, are amended to read as follows:

4 (i) name and address of owner and occupant and electronic mail address  
5 of owner and occupant should the occupant choose to be contacted via  
6 electronic mail and the telephone number of the occupant should the  
7 occupant choose to be contacted via telephone;

8 (c) Every occupancy agreement as required by this section shall  
9 contain the following conspicuous notices: (i) "Notice: The monthly  
10 occupancy charge and other charges stated in this agreement are the  
11 actual charges you must pay"; (ii) "Notice: You may choose to be  
12 contacted for legal matters related to late or lien notices, via elec-  
13 tronic mail or via telephone by providing your electronic mail address,  
14 and/or telephone number in at least two locations within the occupancy  
15 agreement" ; (iii) "Notice: If you choose to provide your telephone  
16 number, the owner must attempt to contact you by telephone to notify you  
17 of the mailing of any legal matters related to late or lien notices".

18 § 2. Paragraph (a) of subdivision 7 of section 182 of the lien law, as  
19 amended by chapter 424 of the laws of 2019, is amended and a new para-  
20 graph (c) is added to read as follows:

21 (a) An owner's lien may be enforced by public or private sale of the  
22 occupant's goods that remain in the self-storage facility, in block, or  
23 in parcel, at any time or place and on any terms which are commercially  
24 reasonable after notice to all persons known to claim an interest in the  
25 goods. The notice shall include an itemized statement of the amount due,  
26 the description of the property subject to the lien, the nature of the

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

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1 proposed sale, a demand for payment within a specified time not less  
2 than ~~thirty~~ sixty days from mailing of the notice and a conspicuous  
3 statement that unless the claimant pays within that time the goods will  
4 be advertised for sale and sold at public or private sale in a commer-  
5 cially reasonable manner. The notice shall further include the time and  
6 place of any public or private sale and it shall state that any person  
7 claiming an interest in the goods is entitled to bring a proceeding  
8 hereunder within ten days of the service of the notice if he disputes  
9 the validity of the lien, or the amount claimed. The notice shall be  
10 personally delivered to the occupant, or sent by registered or certified  
11 mail to the occupant's last known address, or sent by verified mail and  
12 electronic mail to the occupant's last known address. Any notice made  
13 pursuant to this section and sent by verified mail shall be sent to the  
14 last known address provided by the occupant, pursuant to the occupancy  
15 agreement, provided further, that if the occupancy agreement states that  
16 the occupant has chosen to be contacted via telephone as set forth in  
17 subdivision two of this section, such notice shall not be effective  
18 unless the owner makes reasonable attempts to contact the occupant via  
19 telephone to notify the occupant of the mailing of such notice. Any  
20 notice made pursuant to this section and sent by electronic mail shall  
21 only be effective if: (i) the occupancy agreement states that the occu-  
22 pant has consented to receive late or lien notices by electronic mail;  
23 and (ii) the occupant has provided the occupant's electronic mail  
24 address in at least two locations within the occupancy agreement.

25 (c) Notwithstanding any provision of law to the contrary, no owner  
26 shall take any action with respect to the enforcement of an owner's lien  
27 and no owner's lien shall be enforced by public or private sale of an  
28 occupant's goods during the COVID-19 state disaster emergency declared  
29 pursuant to executive order number two hundred two of two thousand twen-  
30 ty.

31 § 3. This act shall take effect immediately.