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:

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

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

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

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

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

LBD17554-01-0

proposed sale, a demand for payment within a specified time not less than [~~thirty~~] **sixty** days from mailing of the notice 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 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 days of the service of the notice if he disputes the validity of the lien, or the amount claimed. The notice shall be personally delivered to the occupant, or sent by registered or certified mail to the occupant's last known address, or sent by verified mail and electronic mail to the occupant's last known address. Any notice made pursuant to this section and sent by verified mail shall be sent to the last known address provided by the occupant, pursuant to the occupancy agreement**, provided further, that if the occupancy agreement states that the occupant has chosen to be contacted via telephone as set forth in subdivision two of this section, such notice shall not be effective unless the owner makes reasonable attempts to contact the occupant via telephone to notify the occupant of the mailing of such notice**. Any notice made pursuant to this section and sent by electronic mail shall only be effective if: (i) the occupancy agreement states that the occupant has consented to receive late or lien notices by electronic mail; and (ii) the occupant has provided the occupant's electronic mail address in at least two locations within the occupancy agreement.

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

§ 3. This act shall take effect immediately.