STATE OF NEW YORK

3969

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. HYNDMAN, RIVERA, RICHARDSON, CRESPO, GOTTFRIED, DICKENS, SIMON -- read once and referred to the Committee on Judiciary

AN ACT to amend the lien law, in relation to notice for enforcement of a lien against self-service storage facility

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 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 proposed sale, a demand for payment within a specified time not less than [~~ten~~] sixty days from receipt of 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~~] first and second 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~~] sixty days of the service of the first notice if he or she disputes the validity of the lien, or the amount claimed. The [~~notice~~] first and second notices shall be personally delivered to the occupant, or sent by registered or certified mail, return receipt requested, to the occupant to the last address provided by the occupant, pursuant to the occupancy agreement and at least one other address provided by the occupant to the owner, if any. The first notice shall be personally delivered or sent in accordance with this subdivision within thirty days of the event that triggered the enforcement of the lien and the second notice shall be personally delivered or sent in accordance with this subdivision within forty-five days of such event.

§ 2. This act shall take effect immediately.

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

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