STATE OF NEW YORK

2216

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. SOLAGES, TAYLOR, DICKENS, D'URSO, MOSLEY, COOK, JAFFEE, GOTTFRIED, BARRON, HYNDMAN, McDONOUGH, LAWRENCE -- Multi-Sponsored by -- M. of A. DenDEKKER, RAMOS -- read once and referred 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:

Section 1. Subdivision 6 of section 182 of the lien law, as added by chapter 975 of the laws of 1983, is amended to read as follows:

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

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

(c) No late fee may be collected pursuant to paragraph (a) of this subdivision unless the amount of the late fee and conditions for imposing the late fee are stated in the occupancy agreement. No monthly late fee shall exceed the following amounts: (i) ten dollars for a monthly occupancy charge of fifty dollars or less; (ii) fifteen dollars for a monthly occupancy charge between fifty and one hundred dollars; (iii)

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

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twenty dollars for a monthly occupancy charge between one hundred and two hundred dollars; and (iv) thirty dollars for a monthly occupancy charge of two hundred dollars or greater. For purposes of paragraph (a) and (b) of this subdivision, a late fee that does not exceed the amounts as defined in this paragraph for the relevant amount of monthly rent is deemed reasonable and does not constitute a penalty.

§ 2. This act shall take effect immediately.