

STATE OF NEW YORK

2651

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. HYNDMAN -- 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:

1 Section 1. Paragraph (a) of subdivision 7 of section 182 of the lien
2 law, as amended by chapter 424 of the laws of 2019, is amended to read
3 as follows:

4 (a) An owner's lien may be enforced by public or private sale of the
5 occupant's goods that remain in the self-storage facility, in block, or
6 in parcel, at any time or place and on any terms which are commercially
7 reasonable after notice to all persons known to claim an interest in the
8 goods. The notice shall include an itemized statement of the amount due,
9 the description of the property subject to the lien, the nature of the
10 proposed sale, a demand for payment within a specified time not less
11 than [~~thirty~~] sixty days from mailing of the notice and a conspicuous
12 statement that unless the claimant pays within that time the goods will
13 be advertised for sale and sold at public or private sale in a commercially
14 reasonable manner. The [~~notice~~] first and second notices shall
15 further include the time and place of any public or private sale and it
16 shall state that any person claiming an interest in the goods is entitled
17 to bring a proceeding hereunder within [~~ten~~] sixty days of the
18 service of the first notice if he or she disputes the validity of the
19 lien, or the amount claimed. The [~~notice~~] first and second notices shall
20 be personally delivered to the occupant, or sent by registered or certified
21 mail to the occupant's last known address, or sent by verified mail
22 and electronic mail to the occupant's last known address, and at least
23 one other address provided by the occupant to the owner, if any. The
24 first notice shall be personally delivered or sent in accordance with
25 this subdivision within thirty days of the event that triggered the

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

LBD06730-01-1

1 enforcement of the lien and the second notice shall be personally deliv-
2 ered or sent in accordance with this subdivision within forty-five days
3 of such event. Any notice made pursuant to this section and sent by
4 verified mail shall be sent to the last known address provided by the
5 occupant, pursuant to the occupancy agreement. Any notice made pursuant
6 to this section and sent by electronic mail shall only be effective if:
7 (i) the occupancy agreement states that the occupant has consented to
8 receive late or lien notices by electronic mail; and (ii) the occupant
9 has provided the occupant's electronic mail address in at least two
10 locations within the occupancy agreement.
11 § 2. This act shall take effect immediately.