STATE OF NEW YORK

41--B

Cal. No. 404

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT in relation to enacting the "pandemic self-storage act"; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Short title. This act shall be known and may be cited as the "pandemic self-storage act".

§ 2. Definitions. 1. For the purposes of this act, the terms "occupancy agreement," "occupant," "owner," "personal property," and "self-storage facility" shall have the same meanings as those terms are defined in section 182 of the lien law.

2. The term "hardship declaration" means the following statement, or a substantially equivalent statement in the occupant's primary language, in 14-point type, published by the office of court administration, whether in physical or electronic written form:

"NOTICE TO SELF-STORAGE FACILITY OCCUPANT: If you have lost income or had increased costs during the COVID-19 pandemic, and you sign and deliver this hardship declaration form to the owner of the self-storage facility in which you have personal property pursuant to an occupancy agreement, the owner cannot enforce a lien held upon your personal property by public or private sale until August 31, 2021 for non-payment of occupancy fees or other charges.

If the owner of a self-storage facility has provided you with this form, the owner must also provide you with a mailing address and e-mail address to which you can return this form. You can return this form to

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

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the facility owner at any time prior to the public or private sale. You should keep a copy or picture of the signed form for your records.
You will still owe any unpaid occupancy fees or other charges owed pursuant to law or the occupancy agreement to the owner of the self-storage facility. You should also keep careful track of what you have paid and any amount you still owe.

SELF-STORAGE FACILITY OCCUPANT'S DECLARATION OF HARDSHIP DURING THE COVID-19 PANDEMIC

I am an occupant of a self-storage facility under an occupancy agreement at (address of self-storage facility).

I am experiencing financial hardship, and I am unable to pay the occupancy fees or other financial obligations under the occupancy agreement in full because of one or more of the following:

1. Significant loss of household income during the COVID-19 pandemic.

2. Increase in necessary out-of-pocket expenses related to performing essential work or related to health impacts during the COVID-19 pandemic.

3. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member during the COVID-19 pandemic have negatively affected my ability or the ability of someone in my household to obtain meaningful employment or earn income or increased my necessary out-of-pocket expenses.

4. Other circumstances related to the COVID-19 pandemic have negatively affected my ability to obtain meaningful employment or earn income or have significantly reduced my household income or significantly increased my expenses. To the extent that I have lost household income or had increased expenses, any public assistance, including unemployment insurance, pandemic unemployment assistance, disability insurance, or paid family leave, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of household income or increased expenses.

I understand that I must comply with all other lawful terms under my occupancy agreement. I further understand that all lawful fees, penalties or interest for not having paid occupancy fees in full or met other financial obligations as required by my occupancy agreement may still be charged or collected and may result in a monetary judgment against me. I further understand that the owner of the self-storage facility may be able to enforce a lien against my personal property by public or private sale after August 31, 2021, and that the law may provide certain protections at that time that are separate from those available through this declaration.

Signed:

Printed Name:

Date Signed:

NOTICE: You are signing and submitting this form under penalty of law. That means it is against the law to make a statement on this form that you know is false."

§ 3. Pending lien enforcements by public or private sale. Any notice that has been delivered pursuant to subdivision 7 of section 182 of the lien law for a public or private sale that has not occurred as of the effective date of this act shall be void and an owner seeking to enforce a lien shall deliver a new notice pursuant to subdivision 7 of section 182 of the lien law with a date for a public or private sale that is at least thirty days after the effective date of this act. Owners shall attach a copy of the hardship declaration to any notice required by

subdivision 7 of section 182 of the lien law that is delivered after the effective date of this act.

§ 4. Prohibition on lien enforcement by public or private sale. If the owner or an agent of the owner receives a hardship declaration from an occupant prior to lien enforcement by public or private sale against the occupant, there shall be no lien enforcement by public or private sale against the occupant until at least August 31, 2021. An owner that knowingly enforces or attempts to enforce a lien upon an occupant's personal property by public or private sale prior to August 31, 2021 after receiving a hardship declaration from such occupant shall be considered to have forfeited their entitlement to claim a lien upon occupant's personal property in any special proceeding pursuant to subdivision 9 of section 182 of the lien law.

§ 5. Translation of hardship declaration. The office of court administration shall translate the hardship declaration, as defined in section two of this act, into Spanish and the 6 most common languages in the city of New York, after Spanish, and shall post and maintain such translations and an English language copy of the hardship declaration on the website of such office beginning within 15 days of the effective date of this act. To the extent practicable, the office of court administration shall post and maintain on its website translations into such additional languages as the chief administrative judge shall deem appropriate to ensure that tenants have an opportunity to understand and submit hardship declarations pursuant to this act.

§ 6. This act shall take effect immediately, and shall expire and be deemed repealed August 31, 2021.