STATE OF NEW YORK

8590

IN SENATE

February 16, 2024

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the lien law, in relation to requiring notice of enforcement of a lien on goods in a self-storage facility to be sent to the emergency contact designated in the occupancy agreement

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

Section 1. Subdivision 1 of section 182 of the lien law is amended by adding a new paragraph (i) to read as follows:

(i) "Emergency contact" shall mean any person designated by the occupant in the occupancy agreement to receive notice issued pursuant to this section.

§ 2. Paragraph (i) of subdivision 2 of section 182 of the lien law, as amended by chapter 424 of the laws of 2019, is amended to read as follows:

(i) name and address of owner [~~and~~], occupant**, and emergency contact,** and electronic mail address of owner and occupant should the occupant choose to be contacted via electronic mail;

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

(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 by providing your electronic mail address in at least two locations within the occupancy agreement"**; (iii) "Notice: Keep your occupancy agreement up-to-date with any changes to your address and/or electronic mail address, where appropriate, and the contact information for your emergency contact, to ensure you receive any late or lien notices"**.

§ 4. Subdivision 7 of section 182 of the lien law, as amended by chapter 424 of the laws of 2019, is amended to read as follows:

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

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7. Enforcement of lien. (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 proposed sale, a demand for payment within a specified time not less than thirty 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. 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. **The notice shall also be sent to the emergency contact designated by the occupant, either by personal delivery or sent by registered or certified mail to the emergency contact's last known address, or sent by verified mail and electronic mail to the emergency contact's last known address. Any notice made pursuant to this section shall be sent to the last known address provided by the occupant for the emergency contact, pursuant to the occupancy agreement.**

(b) Any notice given pursuant to this section is deemed delivered when it is: (i) properly addressed to the last known address **of the occupant and the emergency contact**, and (ii) either sent by registered, certified or verified mail and evidence of mailing is received, or sent by electronic mail and either a non-automated response to the electronic mail is received or a receipt of delivery to the electronic mail is received.

§ 5. Owners of self-storage facilities shall obtain emergency contact information for any occupant with an occupancy agreement in place prior to this act taking effect.

§ 6. This act shall take effect immediately.