

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 Assem-
bly, do enact as follows:

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

3 (i) "Emergency contact" shall mean any person designated by the occu-
4 pant in the occupancy agreement to receive notice issued pursuant to
5 this section.

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

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

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

15 (c) Every occupancy agreement as required by this section shall
16 contain the following conspicuous notices: (i) "Notice: The monthly
17 occupancy charge and other charges stated in this agreement are the
18 actual charges you must pay"; (ii) "Notice: You may choose to be
19 contacted for legal matters related to late or lien notices, via elec-
20 tronic mail by providing your electronic mail address in at least two
21 locations within the occupancy agreement"; (iii) "Notice: Keep your
22 occupancy agreement up-to-date with any changes to your address and/or
23 electronic mail address, where appropriate, and the contact information
24 for your emergency contact, to ensure you receive any late or lien
25 notices".

26 § 4. Subdivision 7 of section 182 of the lien law, as amended by chap-
27 ter 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.

LBD13358-01-3

1 7. Enforcement of lien. (a) An owner's lien may be enforced by public
2 or private sale of the occupant's goods that remain in the self-storage
3 facility, in block, or in parcel, at any time or place and on any terms
4 which are commercially reasonable after notice to all persons known to
5 claim an interest in the goods. The notice shall include an itemized
6 statement of the amount due, the description of the property subject to
7 the lien, the nature of the proposed sale, a demand for payment within a
8 specified time not less than thirty days from mailing of the notice and
9 a conspicuous statement that unless the claimant pays within that time
10 the goods will be advertised for sale and sold at public or private sale
11 in a commercially reasonable manner. The notice shall further include
12 the time and place of any public or private sale and it shall state that
13 any person claiming an interest in the goods is entitled to bring a
14 proceeding hereunder within ten days of the service of the notice if he
15 disputes the validity of the lien, or the amount claimed. The notice
16 shall be personally delivered to the occupant, or sent by registered or
17 certified mail to the occupant's last known address, or sent by verified
18 mail and electronic mail to the occupant's last known address. Any
19 notice made pursuant to this section and sent by verified mail shall be
20 sent to the last known address provided by the occupant, pursuant to the
21 occupancy agreement. Any notice made pursuant to this section and sent
22 by electronic mail shall only be effective if: (i) the occupancy agree-
23 ment states that the occupant has consented to receive late or lien
24 notices by electronic mail; and (ii) the occupant has provided the occu-
25 pant's electronic mail address in at least two locations within the
26 occupancy agreement. The notice shall also be sent to the emergency
27 contact designated by the occupant, either by personal delivery or sent
28 by registered or certified mail to the emergency contact's last known
29 address, or sent by verified mail and electronic mail to the emergency
30 contact's last known address. Any notice made pursuant to this section
31 shall be sent to the last known address provided by the occupant for the
32 emergency contact, pursuant to the occupancy agreement.

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

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

42 § 6. This act shall take effect immediately.