STATE OF NEW YORK

4339

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

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:

Section 1. Paragraph (a) of 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:

(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~~] **sixty** 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~~] **first and second notices** 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~~] **sixty** days of the service of the **first** notice if he **or she** disputes the validity of the lien, or the amount claimed. The [~~notice~~] **first and second notices** 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**, and at least one other address provided by the occupant to the owner, if any. The first notice shall be personally delivered or sent in accordance with 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.

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enforcement of the lien and the second notice shall be personally delivered or sent in accordance with this subdivision within forty-five days of such event. 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.

§ 2. This act shall take effect immediately.