STATE OF NEW YORK

2280--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the lien law, in relation to adding certain notice requirements for enforcing liens on goods in self-storage facilities

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

Section 1. Subparagraph (i) of paragraph (a) and paragraph (c) of subdivision 2 of section 182 of the lien law, as amended by chapter 424 of the laws of 2019, are amended and a new paragraph (d) is added to read as follows:

(i) name and address of owner and occupant and electronic mail address of owner and occupant should the occupant choose to be contacted via electronic mail **and the active telephone number of the occupant**;

(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**, and/or telephone number** in at least two locations within the occupancy agreement"**; (iii) "Notice: The owner must attempt to contact you by telephone to notify you of the mailing of any legal matters related to lien notices"**.

(d) The notice required pursuant to subparagraph (iii) of paragraph (c) of this subdivision shall use the active telephone number provided in the occupancy agreement. It shall be the responsibility of the occupant to notify the owner of the replacement of the active telephone number pursuant to the requirements of the occupancy agreement. The failure or refusal of the occupant to provide an active telephone number or replacement number constitutes a waiver of the occupant's right to have the owner attempt to contact the occupant by telephone and does not

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

LBD05693-02-5

affect the owner's rights or remedies under this act or any other provision of law. If otherwise used by the owner for billing, payment, or other notification purposes, a text message delivered to the active telephone number provided in the occupancy agreement shall meet the requirements of subparagraph (iii) of paragraph (c) of this subdivision.

§ 2. 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 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~~] such person 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, provided further, that if the occupant has provided an active telephone number in the occupancy agreement, the owner shall make an attempt to contact the occupant via the last known telephone number to notify the occupant of the mailing of such notice. It shall be deemed an attempt to contact the occupant by telephone if the owner has contacted the last known telephone number of the occupant, including through text message. The owner shall document the date of the attempt in the occupant's file or in the notice made pursuant to this paragraph. 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.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law, and shall apply to occupancy agreements entered into on or after such date.