STATE OF NEW YORK

9870

IN SENATE

April 9, 2026

Introduced by Sen. SEPULVEDA -- 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 prohibiting enforcement of a lien where the occupant has a pending social services department storage fee assistance request or appeal

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 "Shavon's law".

§ 2. Subdivision 1 of section 182 of the lien law is amended by adding three new paragraphs (i), (j) and (k) to read as follows:

(i) "Social services department" shall mean the division or officer of city government or the office, official or board charged with authority to administer public assistance or care in a county social services district.

(j) "Storage assistance" shall mean any allowance or grant administered by a social services department to pay storage or other fees to the owner.

(k) "Supporting evidence" includes, but is not limited to, a paper or digital copy of one of the following: (i) the occupant's application to a social services department for storage assistance; (ii) a social services department's receipt of such application; (iii) a social services department's written determination; (iv) a request for a fair hearing to contest denial or delay of an application for storage assistance, or acknowledgement of such a request; (v) a decision after a fair hearing on a social services department's determination or delay, including a decision that the social services department shall grant, evaluate, or reevaluate the occupant's application; or (vi) the occupant's social services department mobile application indicating a document described in subparagraphs (i) through (v) of this paragraph.

§ 2. Subparagraphs (ii), (iii), (iv), (v) and (vi) of paragraph (a) of subdivision 2 of section 182 of the lien law are renumbered (iii), (iv), (v), (vi) and (vii) and a new subparagraph (ii) is added to read as follows:

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

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(ii) name, address, electronic mailing address, and telephone number of the social services department the occupant designates as responsible for the occupant's payments under the agreement;

§ 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: Auction of your items is prohibited if you provide evidence or a social services department certifies that there is a pending social services department storage assistance payment, application for storage assistance, or fair hearing request regarding a storage assistance decision or delay. If a social services department is required under paragraph (b) of subdivision seven-a of section 182 of the lien law to timely certify the status of a storage assistance payment, application, or fair hearing, then the social services department shall be responsible for paying the costs of additional storage costs and fees caused by the delayed certification".

§ 4. 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 [~~ton~~] twenty days of the service of the notice if [~~he~~] such person disputes the validity of the lien, [~~or~~] the amount claimed, or the owner's compliance with this article. 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.

§ 5. Section 182 of the lien law is amended by adding a new subdivision 7-a to read as follows:

7-a. Special rules when storage fees are paid by a social services department. (a) Whenever a social services department or official has made one or more payments under an agreement, or the occupant has desig-

nated in the agreement a social services department as responsible for payment, the owner shall also send a copy of the notice required by paragraph (a) of subdivision seven of this section, by mail and electronic mail, to the person designated by law as one to whom a summons in an action in the supreme court issued against such social services department may be delivered, or to an attorney regularly engaged in representing such social services department.

(b) Within ten days of receipt of a notice required by paragraph (a) of subdivision seven of this section, the social services department shall transmit, by mail and electronic mail, a written certification to the owner and the occupant stating: (i) whether the occupant has a storage assistance payment or application pending; (ii) whether the social services district has denied an application by the occupant for storage assistance, and the date of that denial; and (iii) whether the occupant has requested a fair hearing to appeal the denial or delay of storage assistance, and the status of that appeal.

(c) The office of temporary and disability assistance shall publish and require the use of a standard certification form for social services department compliance with paragraph (b) of this subdivision. The form shall contain the following conspicuous notice: "If the occupant disagrees with the social services department's certification, the occupant shall immediately provide supporting evidence to the owner indicating that a storage assistance payment, application, or fair hearing is pending". The notice shall further include the definition of "supporting evidence" pursuant to paragraph (k) of subdivision one of this section.

(d) An owner shall not enforce a lien prior to receiving the written certification from a social services department required by paragraph (b) of this subdivision. Should the department of social services fail to provide such written certification within the ten days prescribed by such paragraph, the department of social services shall bear the additional storage costs and fees due to the delayed certification.

(e) If an occupant provides supporting evidence or a social services department provides written certification that a storage assistance payment or application, or fair hearing request regarding a social services department's storage assistance decision or delay, is pending, the owner shall not enforce a lien unless and until: (i) a decision after fair hearing determines that the occupant is not eligible for storage assistance; or (ii) sixty days after the social services department determines that the occupant is not eligible for storage assistance, if no fair hearing request has been made.

§ 6. Subdivision 9 of section 182 of the lien law, as added by chapter 975 of the laws of 1983, is amended to read as follows:

9. Special proceeding. The special proceeding may be brought in any court which would have jurisdiction to render a judgment for a sum equal to the amount of the lien or to stay enforcement of the lien. If the person shall show that the owner is not entitled to claim a lien in the goods, or that all or part of the amount claimed by the owner has not been properly charged to the account of such person, or, as the case may be, that all or part of such amount exceeds the fair and reasonable value of the services performed by the owner, the court shall direct the entry of judgment cancelling the lien or reducing the amount claimed thereunder accordingly. If the owner shall establish the validity of the lien, in whole or in part, the judgment shall fix the amount thereof, and shall provide that the sale may proceed upon the expiration of five days after service of a copy of the judgment together with notice of entry thereof upon the person, unless the goods are redeemed prior ther-

eto. If the lien is cancelled, the judgment shall provide that, upon service of a copy of the judgment together with notice of entry thereof upon the owner, the person shall be entitled to possession of the property. **If the person shows a failure by the owner to comply with this section, the court shall prohibit enforcement of the lien and award attorneys' fees and costs to such person.**

§ 7. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.