

2A:44-187 to 2A:44-192

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:44-187 to 2A:44-192

("Self-service storage Facility Act")

LAWS OF: 1983

CHAPTER: 136

Bill No: S1609

Sponsor(s): Rand

Date Introduced: July 12, 1982

Committee: Assembly: Judiciary, Law, Public Safety and Defense

Senate: Judiciary

Amended during passage: Yes

// Amendments during passage denoted by asterisks

Date of Passage:

Assembly: March 14, 1983

Senate: Dec. 6, 1982

Date of Approval: April 14, 1983

Following statements are attached if available:

Sponsor statement:		Yes	// (Below) - Also attached - Senate amendments, adopted 11-29-82 (with statement)
Committee statement:	Assembly	///	NOT IN BOUND VOLUME & NOT MICROFILMED
	Senate	Yes	//
Fiscal Note:		///	No
Veto Message:		///	No
Message on Signing:		///	No
Following were printed:			
Reports:		///	No
Hearings:		///	No

**Sponsor's statement:**

**This bill gives the owner of a self-service storage facility a lien on the goods stored on the premises, for nonpayment of the rent due under a lease.**

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4-14-83

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## SENATE, No. 1609

STATE OF NEW JERSEY

INTRODUCED JULY 12, 1982

By Senator RAND

Referred to Committee on Judiciary

AN ACT concerning self-service storage facilities.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Self-Service  
2 Storage Facility Act."

1 2. As used in this act:

2 "Last known address" means that address provided by the  
3 occupant in the latest rental agreement, or the address provided  
4 by the occupant in a subsequent written notice of a change of  
5 address.

6 "Occupant" means a person, the person's sublessee, successor,  
7 or assignee, entitled to the use of the storage space at a self-service  
8 storage facility under a rental agreement, to the exclusion of  
9 others.

10 "Owner" means the proprietor, operator, lessor, or sublessor  
11 of a self-service storage facility, the owner's agent, or any other  
12 person authorized by the owner to manage the facility, or to  
13 receive rent from an occupant under a rental agreement.

14 "Personal property" means movable property not affixed to  
15 land, and includes, but is not limited to, goods, merchandise, and  
16 household items.

17 "Rental **\*[property]\*** *\*agreement\**" means any written agree-  
18 ment or lease, that establishes or modifies the terms, conditions,  
19 rules or any other provisions concerning the use and occupancy of  
20 a self-service storage facility.

21 "Self-service storage facility" means any real property de-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted October 18, 1982.

\*\*—Senate amendments adopted November 29, 1982.

\*\*\*—Assembly committee amendments adopted January 31, 1983.

22 signed and used for the purpose of renting or leasing individual  
 23 storage space to occupants who are to have access for the purpose  
 24 of storing and removing personal property. No occupant shall use  
 25 a self-service storage facility for residential purposes. A self-  
 26 service storage facility is not a warehouse as used in chapter 7 of  
 27 Title 12A of the New Jersey Statutes.

1 3. \*\*\*[Notwithstanding the provision of any other law to the  
 2 contrary]\*\*\* \*\*\**Except as specified in this subsection*\*\*\*, the  
 3 owner of a self-service storage facility or the owner's heirs, suc-  
 4 cessors or assigns shall have a lien upon all personal property  
 5 located at a self-service storage facility for rent, labor, or other  
 6 reasonable charges due as specified in the rental agreement in  
 7 relation to the personal property, and for expenses necessary for  
 8 its preservation, or expenses reasonably incurred in its sale under  
 9 this act. The lien provided for in this section is superior to any other  
 10 lien or security interest except those \*\*\**prior liens established pur-*  
 11 *suant to N. J. S. 2A:37-20, sections 3 and 12 of P. L. 1966, c. 30*  
 12 *(C. 54:32B-3, C. 54:32B-12) and R. S. 54:35-19 and those*\*\*\* as to  
 13 which the occupant has notified the owner in writing. The lien  
 14 attaches as of the date the personal property is brought to the  
 15 self-service storage facility.

1 4. If an owner issues a warehouse receipt, a bill of lading, or  
 2 other document of title for the personal property stored at the  
 3 self-service storage facility, the owner and the occupant shall be  
 4 subject to the provisions of chapter 7 of Title 12A of the New  
 5 Jersey Statutes and the provisions of this act shall not apply.

1 5. An owner's lien for a claim which is more than \*[90]\*  
 2 \*\*[30]\*\* \*\*\*[\*\*60\*\*]\*\*\* \*\*\*30\*\*\* days overdue may be satisfied  
 2A as follows:

3 a. The occupant \*\*\**and the Division of Taxation in the Depart-*  
 3A *ment of the Treasury*\*\*\* shall be notified;

4 b. The notice shall be delivered in person or sent by certified  
 5 mail to the last known address of the occupant;

6 c. The notice shall include:

7 (1) An itemized statement of the owner's claim showing the  
 8 sum due at the time of the notice and the date when the sum  
 9 became due;

10 (2) A brief and general description of the personal property  
 11 subject to the lien. The description shall be reasonably adequate to  
 12 permit the person notified to identify it, except that any container  
 13 including, but not limited to a trunk, valise, or box that is locked,  
 14 fastened, sealed, or tied in a manner which deters immediate  
 15 access to its contents may be described without listing its contents;

16 (3) A notice of denial of access to the personal property, if  
17 this denial is permitted under the terms of the rental agreement,  
18 which provides the name, street address, and telephone number of  
19 the owner, or the owner's designated agent, whom the occupant  
20 may contact to respond to this notice;

21 (4) A demand for payment within a specified time not less than  
22 14 days after delivery of the notice; *\*and\**

23 (5) A conspicuous statement that unless the claim is paid within  
24 the time stated in the notice, the personal property will be adver-  
25 tised for sale. The notice shall specify time and place of the sale;

26 d. Any notice made pursuant to this section shall be presumed  
27 delivered when it is deposited with the United States Postal  
28 Service, and properly addressed with postage prepaid;

29 e. After the expiration of the time given in the notice, an adver-  
30 tisement of the sale shall be published once a week for two con-  
31 secutive weeks in a newspaper of general circulation where the  
32 self-service storage facility is located. The advertisement shall  
33 include:

34 (1) A brief and general description of the personal property  
35 reasonably adequate to permit its identification as provided for in  
36 division c. (2) of this section;

37 (2) The address of the self-service storage facility and the  
38 number, if any, of the space where the personal property is  
39 located and the name of the occupant; *\*and\**

40 (3) The time, place, and manner of the sale. The sale shall take  
41 place not sooner than 15 days after the **\*\*\*[first]\*\*\*** **\*\*\*final\*\*\***  
42 publication. If there is no newspaper of general circulation where  
43 the self-service storage facility is located, the advertisement shall  
44 be posted at least 10 days before the date of sale in not less than  
45 six conspicuous places in the neighborhood where the self-service  
46 storage facility is located;

47 f. A sale of the personal property shall conform to the terms  
48 of the notification;

49 g. A sale of the personal property shall be public and shall be  
50 held at the self-service storage facility, or at the nearest suitable  
51 place to where the personal property is held or stored;

52 h. Before a sale of personal property the occupant may pay  
53 the amount necessary to satisfy the lien, and the reasonable  
54 expenses incurred by the owner to redeem the personal property.  
55 Upon receipt of this payment, the owner shall return the personal  
56 property, and the owner shall have no liability to any person with  
57 respect to the personal property;

58 i. A purchaser in good faith of the personal property sold to

59 satisfy a lien, as provided for in section 3 of this act, takes the  
60 property free of any rights of persons against whom the lien is  
61 valid, despite noncompliance by the owner with the requirements  
62 of this section\***[.]**\* \*; and\*

63 j. The owner may satisfy his lien from the proceeds of the sale,  
64 but shall **\*\*[hold]\*\*** **\*\*deposit\*\*** the balance, if any, **\*\*in an**  
65 **interest-bearing account** **\*\*\*[in the name of the occupant in a finan-**  
66 **cial institution\*\*** for delivery on demand to the occupant**]\*\*\***  
67 **\*\*\*with notice given to the occupant of the amount and place of**  
68 **the deposit and of his right to secure the funds\*\*\***.

1 6. All rental agreements entered into before, and not extended  
2 or renewed after, the enactment of this act, shall remain valid,  
3 and may be enforced or terminated in accordance with their terms  
4 or as permitted by any other law of this State.

1 7. This act shall take effect immediately.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

**SENATE, No. 1609**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: OCTOBER 13, 1982

Senate Bill No. 1609, the "Self-Service Storage Facility Act," would grant the owner of a self-service storage facility a lien on goods stored at that facility. If the person renting the self-storage unit is more than 30 days overdue in his rental payment, the owner may then satisfy his lien by selling the stored goods at a public sale.

Other provisions of the bill are as follows:

1. The lien created by Senate Bill No. 1609 is to be deemed superior to any other lien or security interest in the stored property except for those liens or security interests to which the owner of the storage facility is notified in writing.
2. Prior to the selling of the stored goods, the owner of the storage facility must send a notice to the person renting the storage space of his intention to sell. The notice must contain a description of the property to be sold and the time and place of sale.
3. A notice is presumed delivered when properly deposited with the Postal Service.
4. After delivery of the notice, the person renting the storage space has a minimum of 14 days to satisfy the claim for overdue rent.
5. After expiration of the time given in the notice for the renter's response, the owner of the storage unit must advertise the sale for at least two weeks.
6. The sale may not take place until at least 15 days after the publication of the advertisement.
7. At any time prior to the sale, the renter of the storage space may redeem the property by payment of the amount due plus any expenses incurred by the storage facility owner.
8. A purchaser of stored goods sold to satisfy a lien, takes the property free of any claim despite noncompliance by the owner with the above requirements.
9. The owner may satisfy his lien from the proceeds of the sale, but shall hold any balance on demand for the renter of the storage unit.

The committee amendments to Senate Bill No. 1609 reduced from 90 days to 30 days, the time period which rent on a storage unit must be overdue prior to the storage facility operator beginning the process leading to the sale of the stored goods. The rationale for this reduction was that since the bill provides a nearly 60 day period between the date when the renter of a storage unit is notified that rent is overdue and the actual sale of the goods, the initial 90 day period was too long. The remainder of the committee amendments were technical.

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