



Connecticut Lien law

Title 42 Business, Selling, Trading and Collection Practices (Chs. 731-743ii)

Chapter 743 - Self-Service Storage Facilities (§§ 42-159-42-169)

Sec. 42-159. Definitions.

As used in this chapter:

- (1) “Default” means failure to perform any obligation or duty imposed by a rental agreement or by this chapter.
- (2) “Last-known address” means a postal or electronic address provided by the occupant in the latest rental agreement or a postal or electronic address provided by the occupant in a subsequent written notice of a change of address.
- (3) “Occupant” means a person, or the sublessee, successor or assignee of a person, entitled to the use of a storage unit at a self-service storage facility under a rental agreement, to the exclusion of others.
- (4) “Owner” means the owner, operator, lessor or sublessor of a self-service storage facility, an agent of such owner, operator, lessor or sublessor or any other person authorized by such owner, operator, lessor or sublessor to manage the facility or receive rent from an occupant under a rental agreement.
- (5) “Personal property” means movable property not affixed to land and includes, but is not limited to, goods, merchandise, household items and motor vehicles.
- (6) “Rental agreement” means any written agreement or lease that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a unit in a self-service storage facility.

(7) “Self-service storage facility” means any real property designed and used for the renting or leasing of individual self-contained units of storage space to occupants who are to have access to such units for storing and removing personal property only, and not for residential purposes. A self-service storage facility and an owner are not a warehouse, as defined in section 42a-7-102, except that if an owner issues a document of title, as defined in section 42a-1-201, for the personal property stored, the owner and the occupant are subject to the provisions of article 7 of the Uniform Commercial Code and the provisions of this chapter do not apply.

Sec. 42-160. Owner’s lien upon defaulting occupant’s property. Regulations.

(a) The owner of a self-service storage facility shall have a lien upon all personal property located at such facility for (1) the amounts of any rent, labor or other valid charges incurred in relation to such personal property, (2) any valid expenses incurred in the necessary preservation of such personal property, and (3) any expenses reasonably incurred in the sale or other disposition of such personal property pursuant to law. Such lien attaches on the date of default by the occupant. Notwithstanding the provisions of section 42a-9-333, such lien shall not have priority over a lien or security interest which has attached or been perfected prior to such default.

(b) If such personal property is a motor vehicle, the owner of a self-service storage facility shall contact the Department of Motor Vehicles in such manner as the commissioner shall prescribe for the purposes of determining the existence and identity of any lienholder and the name and address of the owner of the motor vehicle, as shown in the records of the department. The owner of a self-storage facility shall send a written notice to the Commissioner of Motor Vehicles stating (1) the vehicle identification number of such motor vehicle, (2) the date such motor vehicle was left with the owner of such storage facility, (3) the date of default by the occupant, (4) the amount for which a lien is claimed, (5) the registration thereof if any number plates are on the motor vehicle, and (6) the name of the vehicle’s owner and the name of the occupant who defaulted, and shall enclose a fee of ten dollars. Such notice shall be placed on file by the Commissioner of Motor Vehicles and be open to public inspection. Within ten days of receipt of such information concerning any lienholder and the owner of such motor vehicle, as shown in said department’s records, the owner of such self-service storage facility shall send a written notice to any such lienholder and to the owner, if such owner is not the occupant, by postage paid registered or certified letter, return receipt requested, stating that such motor vehicle (A) is being held by such facility owner, and (B) has a lien attached pursuant

to this chapter. Any sale of a motor vehicle under the provisions of this section shall be void unless the written notice to the commissioner required by this subsection has been given.

(c) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, to (1) specify the circumstances under which title to any motor vehicle abandoned at a self-storage facility may be transferred, and (2) establish a procedure whereby the owner of a self-storage facility may obtain title to such motor vehicle.

(d) If such personal property is a vessel, the owner of a self-service storage facility shall follow the requirements of sections 49-55 to 49-59, inclusive.

(e) If such personal property is a motor vehicle, vessel or trailer, and any rent, labor or other valid charges incurred in relation to such personal property remains unpaid or unsatisfied for at least sixty days, the owner of a self-service storage facility may have such personal property towed from the self-service storage facility by an insured tow. Any owner that complies with the provisions of this subsection need not comply with the provisions of subsections (b) to (d), inclusive, of this section.

Sec. 42-161. Satisfaction of lien. Notice to occupant and holders of security interest.

(a) No owner may satisfy the lien provided for in section 42-160 unless he or she complies with the procedure set forth in this chapter.

(b) The owner shall notify the occupant and any person who has filed in such occupant's name a valid security interest in such property with the Secretary of the State of such owner's intention to satisfy the lien with a written notice which shall be delivered in person or sent by electronic mail or by registered or certified mail, with a unique tracking number assigned by the United States Postal Service, to the last-known address of the occupant. If the owner sends notice by electronic mail to the occupant, a statement shall be included in such electronic mail, indicating that opening of such electronic mail is acceptance of such notice by the occupant pursuant to this section.

(c) If the owner sends electronic notice to the occupant pursuant to subsection (b) of this section, the owner shall send such notice to the occupant by registered or certified mail pursuant to said subsection if the owner has not received confirmation, not later than seven days after sending the electronic notice, that the occupant has opened the electronic notice.

Sec. 42-162. Contents of notice.

The notice required by section 42-161, as amended by this act, shall contain the following information in plain language and a simple format: (1) An itemized statement of the owner's claim showing the amount due at the time of the notice and the date the amount became due; (2) a description of the personal property subject to the lien sufficient to permit its identification, except that any container including but not limited to a trunk, valise or box that is locked, fastened, sealed, or tied in a manner which hinders immediate access to its contents may be described as such without describing its contents; (3) a notice of denial of access to the personal property by the occupant if such denial is permitted under the terms of the rental agreement, such notice to provide the name, street address and telephone number of the owner whom the occupant may contact; (4) a demand for payment within a conspicuously specified time not less than fourteen days after delivery of the notice; and (5) a conspicuous statement that unless the amount due is paid within the sixty days after default the owner will advertise the personal property for sale or disposition and will sell or otherwise dispose of such personal property, the date, time and place of such sale or disposition to be specified in the notice.

Sec. 42-163. Sale or disposition of property; where held.

Any sale or other disposition of the personal property of the occupant shall conform to the terms of the notice as provided in section 42-162, as amended by this act, and shall be held (1) at the self-service storage facility, (2) at the nearest suitable place convenient to where such personal property is stored or held, or (3) online.

Sec. 42-164. Advertisement of, and time for sale. Allocation of proceeds.

(a) After the expiration of the time given in the notice for the occupant to pay the amount due, if the owner wishes, the owner may advertise the sale or other disposition of the personal property in any print or online newspaper of general circulation in the municipality where the self-service storage facility is located or on any publicly accessible, independent Internet web site that regularly conducts online auctions of personal property. Such advertisement shall be published at least once within a period not less than ten days preceding the date of such sale or other disposition. The advertisement shall include: (1) A description of the personal property subject to the lien according to the requirements of section 42-162, as amended by this act; (2) the name of the occupant, the address of the self-service storage facility, the unit number, if any, of the storage space where the personal property is located; and (3) the time, place and manner

of the sale or other disposition.

(b) Such sale or other disposition of the personal property shall not take place sooner than ten days after publication of the advertisement nor sixty days after the date of default.

(c) The proceeds of a sale under this section shall be allocated to pay the expenses of such sale, then to the holder of any lien or security interest having priority over that of such owner, then to the owner.

Sec. 42-165. Redemption of property by occupant or holder of security interest.

At any time prior to the sale or other disposition of the personal property subject to the lien, the occupant, or any person who proves a valid security interest in such personal property, may pay the amount due necessary to satisfy the lien along with reasonable expenses incurred under section 42-164 and redeem such personal property. Upon receipt of payment, the owner shall return the personal property and have no further liability to any person in respect to such personal property.

Sec. 42-166. Rights of purchaser in good faith.

A purchaser in good faith of personal property sold to satisfy the lien provided for in section 42-160 takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this chapter.

Sec. 42-167. Disposition of balance of proceeds following satisfaction of lien.

In the event of a sale of personal property subject to such a lien, the owner may satisfy his lien from the proceeds of the sale but shall hold the balance, if any, for delivery on demand to the occupant or any other party having an interest. If the occupant or such other party does not claim the balance of the proceeds within two years of the date of sale, it shall become the property of the owner.

Sec. 42-168. Other remedies of parties not impaired.

Nothing in this chapter shall impair or affect the right of parties to create liens by special contract or agreement, nor shall it impair or affect other liens arising at common law, in equity or by any other provision of the general statutes, nor shall it impair or affect any other rights affecting debtors and creditors allowed by law.

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Sec. 42-169. [Reserved]
Reserved for future use.