

New Jersey Lien Law Title 2A, Administration of Civil and Criminal Justice

AN ACT concerning self-service storage facilities and amending and supplementing P.L.1983, c.136.

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

2A:44-188. Definitions.

2. As used in this act:

"Electronic mail" means an electronic message or an executable program or computer file that contains an image of a message that is transmitted between two or more computers or electronic terminals. The term includes electronic messages that are transmitted within or between computer networks.

"Last known address" means that postal address or electronic mailing address provided by the occupant in the latest rental agreement, or the postal address or electronic mailing address provided by the occupant in a subsequent written notice of a change of address.

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

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

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

"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 self-service storage facility.

"Self-service storage facility" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-service storage facility is not a warehouse as used in chapter 7 of Title 12A of the New Jersey Statutes.

"Verified mail" means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

2A:44-189. Lien on personal property; priority

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Except as specified in this subsection, the owner of a self-service storage facility or the owner's heirs, successors or assigns shall have a lien upon all personal property located at a self-service storage facility for rent, labor, or other reasonable charges due as specified in the rental agreement in relation to the personal property, and for expenses necessary for its preservation, or expenses reasonably incurred in its sale under this act. The lien provided for in this section is superior to any other lien or security interest except those prior liens established pursuant to N.J.S. 2A:37-20, sections 3 and 12 of P.L.1966, c. 30 (C. 54:32B-3, C. 54:32B-12) and R.S. 54:35-19 and those as to which the occupant has notified the owner in writing. The lien attaches as of the date the personal property is brought to the self-service storage facility.

2A:44-189.1. Charging of late fee.

1. In addition to any other remedy available under the "Self-Service Storage Facility Act," P.L.1983, c.136 (C.2A:44-187 et seq.), a reasonable late fee may be charged and collected by an owner for each month that the occupant's rental payment for a storage space is in default.

For purposes of this section, a late fee of up to \$20.00 or 18 percent of the monthly rent, whichever is greater, is reasonable and shall not constitute a penalty.

2A:44-190. Issuance of warehouse receipt, bill of lading, or other document of title; application of act

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

2A:44-191. Satisfaction of lien.

5. An owner's lien for a claim which is more than 30 days overdue may be satisfied as follows:

- a. The occupant shall be notified;
- b. The notice shall be delivered in person or sent by verified mail or electronic mail to the last known address of the occupant;
- c. The notice shall include:
 - (1) An itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;
 - (2) A brief and general description of the personal property subject to the lien. The description shall be reasonably adequate to permit the person notified to identify it, 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 deters immediate access to its contents may be described without listing its contents;
 - (3) A notice of denial of access to the personal property, if this denial is permitted under the terms of the rental agreement, which provides the name, street address, and telephone

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number of the owner, or the owner's designated agent, whom the occupant may contact to respond to this notice;

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

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

d. Any notice made pursuant to this section shall be presumed delivered when it is deposited with the United States Postal Service or private delivery service, and properly addressed with postage prepaid or sent by electronic mail to the occupant's last known address; if the owner sends notice to the occupant's last known e-mail address and does not receive an electronic receipt that establishes delivery of the notice to the occupant's e-mail address, the notice shall be presumed delivered when it is sent to the occupant by verified mail to the occupant's last known address;

e. After the expiration of the time given in the notice, an advertisement of the sale shall be published once a week for two consecutive weeks in a newspaper of general circulation where the self-service storage facility is located. The advertisement shall include:

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

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

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

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

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

h. Notwithstanding any law, rule or regulation to the contrary, if the property upon which the lien is claimed is a motor vehicle or watercraft and rent and other charges related to the property are in default for 60 consecutive days, the owner may have the property towed. If a motor vehicle or watercraft is towed as authorized in this subsection, the owner shall: (1) send, by verified or electronic mail to the occupant's last known address, the name, address, and telephone number of the towing company that will perform the towing and the street address of the storage facility where the towed property can be redeemed; and (2) not be liable for the motor vehicle or watercraft or any damages to the motor vehicle or watercraft once the tower takes possession of the property;

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

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j. A purchaser in good faith of the personal property sold to satisfy a lien, as provided for in section 3 of this act, takes the property free of any rights of persons against whom the lien is valid, despite noncompliance by the owner with the requirements of this section;

k. The owner may satisfy his lien from the proceeds of the sale, but shall deposit the balance, if any, in an interest-bearing account with notice given to the occupant of the amount and place of the deposit and of his right to secure the funds; and

l. The owner's liability arising from the sale of personal property under this section is limited to the net proceeds received from the sale of that property. The owner shall not be liable for identity theft or other harm resulting from the misuse of information contained in documents or electronic storage media that are part of the occupant's property sold or otherwise disposed of and of which the owner did not have actual knowledge.

2A:44-191.1. Public sale.

2. An online publicly accessible auction website is a suitable place for holding the public sale authorized pursuant to subsection g. of section 5 of P.L. 1983, c.136 (C.2A:44-191), so long as the notice and other requirements of that section have been satisfied.

2A:44-192. Existing rental agreements; validity and enforcement

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

2A:44-193. Maximum value of stored property; civil actions.

3. a. If a rental agreement entered into pursuant to the "Self-Service Storage Facility Act," P.L.1983, c.136 (C.2A:44-187 et seq.) contains a provision placing a limit on the value of property that may be stored in the occupant's space, this limit shall be deemed to be the maximum value of the stored property, provided that the provision is printed in bold type or underlined in the rental agreement.

b. In addition to the remedies otherwise provided by law, only an occupant listed on the last known rental agreement injured by a violation of the "Self-Service Storage Facility Act," P.L.1983, c.136 (C.2A:44-187 et seq.) may bring a civil action to recover damages.