



NEW YORK STATE SENATOR

Tony Avella

Why Would Anyone Abandon \$300,000 Worth of Artwork in a Storage Unit?

TONY AVELLA February 20, 2014

| ISSUE: **CONSUMER PROTECTION**

Avella Advocates For Passage Of His Self-Storage Protection Bill After Learning of Biggest Payout in Show's History

(BAYSIDE, Queens) Senator Tony Avella continues to advocate for the advancement of his legislation in the State Senate that would provide greater protection to the occupants of self-service storage facilities after watching a re-run of television show “Storage Wars,” which featured the biggest payout in show’s history.

The season finale episode, which originally aired at the end of 2012, featured a buyer walking away with an estimated \$300,000 worth of artwork in a self-storage unit after paying only \$3,600 for the locker. It was later discovered that the unit belonged to the artist himself, Frank Guittierez.

“This particular episode further raises the question of how can people walk away from such valuable items?” questioned Avella. “Now if these shows are claiming that nothing is staged, in terms of the content found inside the unit, then the problem obviously lies in the notification methods used in trying to contact the owners of these lockers. This is exactly why I introduced legislation which would strengthen the notification requirements in relation to the lien sales of storage units.”

Under the Lien Law, self-service storage facility owners have lien enforcement rights to collect overdue fees and to recover their storage space from delinquent occupants by conducting a lien sale of their personal property. However, a problem arises when this one-time notice is not properly delivered to the occupant. The problem is further exacerbated by the current law providing only 10 days for the occupant to bring a special proceeding to dispute the validity of the lien. For people who are unfamiliar with the legal proceeding, 10 days may not give them enough time to file the necessary paperwork.

“We may be facing a situation where the owner of the unit has passed away and his family was not properly notified of the contents,” Avella stated. “In the case of this particular episode, the buyer actually got in touch with the artist to try and return the work. So it is difficult to believe that the owner knowingly walked away from the contents, which at times, end up being valuable possessions.”

Under Senator Avella’s bill, the occupancy agreement must include a conspicuous notice that the occupant’s personal property in the leased space will be subject to a claim of lien

and can be sold to satisfy the lien upon default of abandonment of the stored items. In addition, the owner must make two attempts to contact the occupant as well as any alternative person that the occupant lists in the occupancy agreement. The bill allows at least 30 days from the receipt of the second notification for the occupants to cure the default by paying the outstanding fees. Furthermore, it extends the time limit for bringing special proceeding from 10 days to 30 days of the service of the second notice.