

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1079

Session of  
1981

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INTRODUCED BY GANNON, ARTY, ALDEN, CIVERA, DURHAM, MICOZZIE,  
MARMION, PERZEL, FRAZIER, WOGAN AND RASCO, MARCH 31, 1981

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AS REPORTED FROM COMMITTEE ON BUSINESS AND COMMERCE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 14, 1981

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## AN ACT

1 Regulating self-service storage and providing for owners' liens  
2 and the enforcement thereof.

3 In recognition of the fact that the self-service storage  
4 industry is a recent and useful addition to the economy of the  
5 Commonwealth of Pennsylvania and that it is in the public  
6 interest to make such facilities broadly accessible, it shall be  
7 the public policy of this Commonwealth to enhance broad  
8 accessibility by the public to self-service storage facilities  
9 by providing a simple but fair procedure for the enforcement of  
10 rights in the event of default by providing a lien on all  
11 personal property stored at such facilities in favor of the  
12 owners thereof.

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14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Short title.

17 This act shall be known and may be cited as the "Self-service  
18 Storage Facility Act."

19 Section 2. Definitions.

20 The following words and phrases when used in this act shall  
21 have, unless the context clearly indicates otherwise, the  
22 meanings given to them in this section:

23 "Default." The failure timely to perform any obligation or  
24 duty set forth in this act or the rental agreement.

25 "Last known address." That address provided by the occupant  
26 in the latest rental agreement or the address provided by the  
27 occupant in a subsequent written notice of a change of address.

28 "Leased space." The individual storage space at the self-  
29 service storage facility which is leased or rented to an  
30 occupant pursuant to a rental agreement.

1 "Occupant." A person, his sublessee, successor or assign,  
2 entitled to the use of leased space at a self-service storage  
3 facility under a rental agreement, to the exclusion of others.

4 "Owner." The owner, operator, lessor or sublessor of a self-  
5 service storage facility, his agent or any person authorized by  
6 him to manage the facility or to receive rent from an occupant  
7 under a rental agreement or any of his employee's. An owner is  
8 not a warehouseman as defined in 13 Pa.C.S. § 7102 (relating to  
9 definitions and index of definitions). If, however, an owner  
10 shall issue any warehouse receipt, bill of lading or other  
11 document of title for the personal property stored, the owner  
12 and occupant shall be subject to 13 Pa.C.S. Div. 7 (relating to  
13 warehouse receipts, bills of lading and other documents of  
14 title) and this act shall not apply.

15 "Personal property." Movable property not affixed to land  
16 and includes, but is not limited to, goods, wares, merchandise,  
17 furniture and household items.

18 "Rental agreement." Any written agreement or lease, that  
19 establishes or modifies the terms, conditions, rules or other  
20 provisions concerning the use and occupancy of a self-service  
21 storage facility.

22 "Self-service storage facility." Any real property designed  
23 and used for the purpose of renting or leasing individual  
24 storage space to occupants who are to have access to such space  
25 for the purpose of storing and removing personal property. No  
26 occupant shall use a self-service storage facility for  
27 residential purposes.

### 28 Section 3. Access.

29 (a) General rule.--Upon the reasonable request of the owner,  
30 the occupant shall provide access to the owner to enter the

1 leased space for the purposes of inspection, repair, alteration,  
2 improvement or to supply necessary or agreed services. In case  
3 of emergency, the owner may enter the leased space for any of  
4 the above stated purposes without notice to or consent from the  
5 occupant.

6 (b) Definition.--As used in this section "emergency" shall  
7 mean any sudden, unexpected occurrence or circumstance which  
8 demands immediate action.

9 Section 4. Owner's lien.

10 The owner of a self-service storage facility and his heirs,  
11 executors, administrators, successors and assigns shall have a  
12 lien upon all personal property, while located at a self-service  
13 storage facility, for rent, labor or other charges, present or  
14 future, incurred for storing said property, and for expenses  
15 necessary for its preservation or expenses reasonably incurred  
16 in its sale or other disposition pursuant to this act. The lien  
17 provided for in this section is superior to any other lien or  
18 security interest; HOWEVER ANY LIEN EXISTING PRIOR TO THE DATE <—  
19 THE PERSONAL PROPERTY WAS PLACED AT THE SELF-STORAGE FACILITY  
20 SUPERSEDES ANY LIEN OF THE OWNER. The lien attaches as of the  
21 date the personal property is placed at the self-service  
22 facility and the rental agreement shall contain a statement in  
23 bold type notifying the occupant of the existence of the lien.

24 Section 5. Enforcement of lien.

25 (a) Default.--No enforcement action shall be taken by the  
26 owner until the occupant has been in default continuously for a  
27 period of ~~15~~ 30 days. <—

28 (b) Rights of owner.--After the occupant has been in default  
29 continuously for a period of ~~15~~ 30 days, the owner shall have <—  
30 the right to deny the occupant's access to the leased space. The

1 owner may also enter and remove the personal property from the  
2 leased space to another suitable storage space pending its sale  
3 or other disposition.

4 Section 6. Notice.

5 (a) Service.--The owner shall give written notice of the  
6 default and any other action taken in regard to the occupant's  
7 property, to the occupant by personal service or by certified  
8 mail, return receipt requested, sent to the occupant's last  
9 known address. A notice shall be presumed to be served when it  
10 is deposited with the United States Postal Service and properly  
11 addressed with postage prepaid.

12 (b) Contents.--The notice shall contain the following:

13 (1) An itemized statement of the owner's claim showing  
14 the sum due at the time of the notice and the date when the  
15 sum became due.

16 (2) A demand for payment of the sum due within a  
17 specified time not less than 30 days after the date of  
18 notice.

19 (3) A statement that the contents of the occupant's  
20 leased space are subject to the owner's lien.

21 (4) The name, street address and telephone number of the  
22 owner or his designated agent who the occupant may contact to  
23 respond to the notice.

24 (5) A conspicuous statement in bold print that unless  
25 the claim is paid within the time and at the place stated,  
26 the personal property will be advertised for sale or will be  
27 otherwise disposed of at a specified time and place, not less  
28 than 30 days after the date of the notice.

29 (c) Notice of denial of space, entry or removal.--If the  
30 owner elects to deny the occupant access to the leased space or

1 elects to enter and/or remove the occupant's personal property  
2 from the leased space to other suitable storage space, a  
3 statement so advising the occupant shall be included in the  
4 notice.

5 Section 7. Advertisement of sale.

6 (a) Publication.--After the expiration of the time stated in  
7 the notice and if the personal property has not otherwise been  
8 disposed of, the owner shall cause an advertisement of sale to  
9 be published two times preceding the date of sale in a newspaper  
10 of general circulation which serves the area where the self-  
11 service storage facility is located. The advertisement shall  
12 include:

13 (1) A statement that the contents of the occupant's  
14 leased space shall be sold to satisfy the owner's lien.

15 (2) The address of the self-service storage facility and  
16 the number or other description, if any, of the space where  
17 the personal property is located and the name of the  
18 occupant.

19 (3) The time, place and manner of sale.

20 (b) Posting of sale notice.--If there is no newspaper of  
21 general circulation where the self-service storage facility is  
22 located, the owner shall post written advertisements containing  
23 all of the required information at least ten days before the  
24 date of the sale in not less than six conspicuous places in the  
25 neighborhood where the self-service storage facility is located.

26 (c) Time of sale.--The sale shall take place no sooner than  
27 ten days after the first publication or posting.

28 Section 8. Location of sale.

29 Any sale or other disposition of the personal property shall  
30 be held at the self-service storage facility or at the nearest

1 suitable place to where the personal property is held or stored.

2 Section 9. Payment and satisfaction.

3 Before any sale or other disposition of personal property,  
4 the occupant may pay the amount necessary to satisfy the owner's  
5 lien and other reasonable expenses incurred hereunder and  
6 thereby redeem the personal property. Upon the payment and  
7 satisfaction of the amount necessary to satisfy the owner's lien  
8 and the reasonable expenses incurred, the owner shall return the  
9 personal property and the owner shall thereafter have no  
10 liability to any person with respect to such personal property.

11 Section 10. Conformance with notice.

12 (a) Conformance with terms.--Any sale or other disposition  
13 of the personal property shall conform to the terms of the  
14 notification as provided for in this section.

15 (b) Nonconsummated sale.--If the personal property is  
16 advertised for sale and the sale is not consummated, the owner  
17 shall give written notice to the occupant of other disposition  
18 of the personal property.

19 Section 11. Title to goods purchased.

20 A purchaser in good faith of the personal property sold to  
21 satisfy the owner's lien takes the property free of any rights  
22 of persons against whom the lien was valid, despite  
23 noncompliance by the owner with the requirements of this  
24 section.

25 Section 12. Right of owner to purchase.

26 The owner may buy at any sale of personal property to enforce  
27 the owner's lien.

28 Section 13. Excess balance from sale.

29 In the event of a sale under this section, the owner may  
30 satisfy his lien from the proceeds of the sale but shall hold

1 the balance, if any, for delivery on demand to the occupant. If  
2 the occupant does not claim the balance of the proceeds within  
3 six months of the date of the sale, such balance shall be deemed  
4 to be abandoned and the owner shall pay such balance to the  
5 Secretary of the Commonwealth who shall receive, hold and  
6 dispose of same in accordance with the act of August 9, 1971  
7 (P.L.286, No.74), known as the "Disposition of Abandoned and  
8 Unclaimed Property Act."

9 Section 14. Care, custody and control.

10 Unless the rental agreement specifically provides otherwise,  
11 the exclusive care, custody and control of any and all personal  
12 property stored in the leased space shall remain vested in the  
13 occupant, who shall bear all risks of loss or damage to such  
14 property not caused by any negligence of the owner.

15 Section 15. Construction of act.

16 Nothing in this act shall be construed as in any manner  
17 impairing or affecting the right of the parties to create  
18 additional rights, duties and obligations in and by virtue of  
19 the rental agreement. The rights provided by this act shall be  
20 in addition to all other rights allowed by law to a creditor  
21 against his debtor.

22 Section 16. Savings clause.

23 All rental agreements entered into before the effective date  
24 of this act, and not extended or renewed after that date, and  
25 the rights and duties and interests flowing from them shall  
26 remain valid, and may be enforced or terminated in accordance  
27 with their terms or as permitted by any other statute or law of  
28 this Commonwealth.

29 Section 17. Effective date.

30 This act shall take effect in 60 days and shall apply to all



1 rental agreements executed or renewed on and after that date.