
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1079

Session of
1981

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

SENATOR FISHER, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,
AS AMENDED, NOVEMBER 8, 1982

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.

13 TABLE OF CONTENTS

14 Section 1. Short title.
15 Section 2. Definitions.
16 Section 3. Access.

1 Section 4. Owner's lien.
2 Section 5. Enforcement of lien.
3 Section 6. Notice.
4 Section 7. Advertisement of sale.
5 Section 8. Location of sale.
6 Section 9. Payment and satisfaction.
7 Section 10. Conformance with notice.
8 Section 11. Title to goods purchased.
9 Section 12. Right of owner to purchase.
10 Section 13. Excess balance from sale.
11 Section 14. Care, custody and control.
12 Section 15. Construction of act.
13 Section 16. Savings clause.
14 Section 17. Effective date.

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

17 Section 1. Short title.

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

20 Section 2. Definitions.

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

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

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

29 "Leased space." The individual storage space at the self-
30 service storage facility which is leased or rented to an

1 occupant pursuant to a rental agreement.

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

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

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

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

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

29 Section 3. Access.

30 (a) General rule.--Upon the reasonable request of the owner,

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

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

10 Section 4. Owner's lien.

11 The owner of a self-service storage facility and his heirs,
12 executors, administrators, successors and assigns shall have a
13 lien upon all personal property, while located at a self-service
14 storage facility, for rent, labor or other charges, present or
15 future, incurred for storing said property, and for expenses
16 necessary for its preservation or expenses reasonably incurred
17 in its sale or other disposition pursuant to this act. The lien
18 provided for in this section is superior to any other lien or
19 security interest; however any lien existing prior to the date
20 the personal property was placed at the self-storage facility
21 supersedes any lien of the owner. The lien attaches as of the
22 date the personal property is placed at the self-service
23 facility and the rental agreement shall contain a statement in
24 bold type notifying the occupant of the existence of the lien.

25 Section 5. Enforcement of lien.

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

29 (b) Rights of owner.--After the occupant has been in default
30 continuously for a period of 30 days, the owner shall have the

1 right to deny the occupant's access to the leased space. The
2 owner may also enter and remove the personal property from the
3 leased space to another suitable storage space pending its sale
4 or other disposition.

5 Section 6. Notice.

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

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

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

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

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

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

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

30 (c) Notice of denial of space, entry or removal.--If the

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

6 Section 7. Advertisement of sale.

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

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

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

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

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

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

29 Section 8. Location of sale.

30 Any sale or other disposition of the personal property shall

1 be held at the self-service storage facility or at the nearest
2 suitable place to where the personal property is held or stored.

3 Section 9. Payment and satisfaction.

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

12 Section 10. Conformance with notice.

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

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

20 Section 11. Title to goods purchased.

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

26 Section 12. Right of owner to purchase.

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

29 Section 13. Excess balance from sale.

30 In the event of a sale under this section, the owner may

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

10 Section 14. Care, custody and control.

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

16 SECTION 15. LIMITATION ON LIABILITY OF OWNER.

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17 (A) SALE OR REMOVAL.--AN OWNER SHALL NOT BE LIABLE TO AN
18 OCCUPANT OR A THIRD PARTY FOR THE REMOVAL OR SALE OF PERSONAL
19 PROPERTY WHICH IS NOT THE PROPERTY OF THE OCCUPANT OR UPON WHICH
20 A PRIOR LIEN HAS ATTACHED, UNLESS NOTICE SHALL HAVE BEEN GIVEN
21 TO THE OWNER BY THE OCCUPANT THAT THE PROPERTY PLACED IN THE
22 LEASED SPACE WAS NOT THAT OF THE OCCUPANT.

23 (B) RENTAL AGREEMENTS.--ALL RENTAL AGREEMENTS SHALL CONTAIN
24 A PROVISION SETTING FORTH SUBSECTION (A), AND REQUIRING THE
25 OCCUPANT TO INFORM THE OWNER OF THE NATURE AND IDENTITY OF ANY
26 PROPERTY PLACED IN THE LEASED SPACE WHICH IS NOT THE PROPERTY OF
27 THE OCCUPANT.

28 Section ~~15~~ 16. Construction of act.

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29 Nothing in this act shall be construed as in any manner
30 impairing or affecting the right of the parties to create

1 additional rights, duties and obligations in and by virtue of
2 the rental agreement. The rights provided by this act shall be
3 in addition to all other rights allowed by law to a creditor
4 against his debtor.

5 Section ~~16~~ 17. Savings clause.

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6 All rental agreements entered into before the effective date
7 of this act, and not extended or renewed after that date, and
8 the rights and duties and interests flowing from them shall
9 remain valid, and may be enforced or terminated in accordance
10 with their terms or as permitted by any other statute or law of
11 this Commonwealth.

12 Section ~~17~~ 18. Effective date.

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13 This act shall take effect in 60 days and shall apply to all
14 rental agreements executed or renewed on and after that date.