

Connecticut Lien Law

CHAPTER 743 SELF-SERVICE STORAGE FACILITIES

Sec. 42-159. Definitions. As used in this chapter:

(1) “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.

(2) “Owner” means the owner, operator, lessor, or sublessor of a self-service storage facility, his or her agent, or any other person authorized by him or her to manage the facility or to receive rent from an occupant under a rental agreement.

(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) “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.

(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) “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.

(7) “Default” means failure to perform any obligation or duty imposed by a rental agreement or by this chapter.

(P.A. 81-428, S. 1; P.A. 04-64, S. 75; P.A. 09-187, S. 45; P.A. 13-13, S. 1.)

History: P.A. 04-64 amended Subdiv. (1) by replacing reference to “warehouseman” with reference to “warehouse” and making technical and conforming changes; P.A. 09-187 redefined

“personal property” in Subdiv. (5) to include motor vehicles, effective January 1, 2010; P.A. 13-13 made technical changes in Subdiv. (2) and redefined “last known address” by adding “postal or electronic” re address in Subdiv. (6), effective July 1, 2013.

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 the amounts of any rent, labor or other valid charges incurred in relation to such personal property, for any valid expenses incurred in the necessary preservation of such personal property and for 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 five 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, (1) to specify the circumstances under which title to any motor vehicle abandoned at a self-storage facility may be transferred, and (2) to 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.

(P.A. 81-428, S. 2; P.A. 01-132, S. 172; P.A. 09-187, S. 46; P.A. 13-13, S. 2.)

History: P.A. 01-132 replaced reference to Sec. 42a-9-310 with Sec. 42a-9-333; P.A. 09-187 designated existing provisions as Subsec. (a), added Subsec. (b) re procedures and duties of

facility owner for attaching lien when personal property is motor vehicle and added Subsec. (c) re regulations for transfer of title to abandoned motor vehicle, effective January 1, 2010; P.A. 13-13 added Subsec. (d) re vessel requirements, effective July 1, 2013.

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 a valid security interest in such property with the Secretary of the State of his or her 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, return receipt requested, 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.

(P.A. 81-428, S. 3; P.A. 13-13, S. 3.)

History: P.A. 13-13 amended Subsec. (a) to make a technical change, amended Subsec. (b) to add provisions re notice by electronic mail and make a technical change, and added Subsec. (c) re procedure if owner has not received confirmation that occupant opened electronic notice, effective July 1, 2013.

Sec. 42-162. Contents of notice. The notice required by section 42-161 shall contain the following information: (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 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 time and place of such sale or disposition to be specified in the notice.

(P.A. 81-428, S. 4.)

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 and shall be held at the self-service storage facility or at the nearest suitable place convenient to where such personal property is stored or held.

(P.A. 81-428, S. 5.)

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, he may place an advertisement of the sale or other disposition of the personal property in a newspaper of substantial circulation in the municipality where the self-service storage facility is located. Such advertisement shall be published at least twice 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; (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 the first publication of the advertisement nor sixty days after the date of default.

(c) If there is no newspaper of substantial circulation in the municipality in which the self-service storage facility is located, the advertisement shall be posted at least ten days before the date of the sale or other disposition of the personal property in not less than six conspicuous places in the neighborhood where the self-service storage facility is located.

(d) 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.

(P.A. 81-428, S. 6.)

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.

(P.A. 81-428, S. 7.)

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.

(P.A. 81-428, S. 8.)

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.

(P.A. 81-428, S. 9.)

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.

(P.A. 81-428, S. 10.)

Sec. 42-169. Reserved for future use.

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