

Committee on Judiciary

CS/CS/HB 357 — Self-Service Storage Facilities

by Civil Justice and Claims Subcommittee; Careers and Competition Subcommittee; and Rep. Moraitis (CS/CS/SB 264 by Rules Committee; Judiciary Committee; and Senator Perry)

This bill revises the options that an owner of a self-storage facility has for recourse against a tenant who is delinquent on rent or other expenses and makes other changes regarding the owner-tenant relationship.

Current law permits the storage facility to sell the stored property of a delinquent tenant to recover unpaid rent and other expenses. Under the bill, these sales are expressly permitted to occur online. However, these sales may still occur in person, at the storage facility.

The bill imposes an additional requirement when the property to be sold is a motor vehicle or a watercraft, namely, a 60-day delay between the date a tenant becomes delinquent and the sale of the watercraft or motor vehicle stored by the tenant. In addition to selling a motor vehicle or watercraft, the bill expressly permits the storage facility to have it towed after the same 60-day delay. The wrecker operator that tows the item may sell it, and the storage facility may be able its lien from the sale, depending on the circumstances.

Additionally, the bill deems a rental agreement's limit on the value of property stored in a unit to be the maximum value of the property actually stored in the unit. Lastly, the bill permits a storage facility to assess a reasonable late fee for the nonpayment of rent, if the fee is set forth in the rental agreement. The bill defines a reasonable late fee as \$20 or 20 percent of the monthly rent, whichever is greater.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 37-0; House 115-0