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Int. No. 1290-A

By Council Members Menin, Louis, Banks, Brewer, Salamanca and Gutiérrez

A Local Law to amend the administrative code of the city of New York, in relation to licensing self-storage facilities, reforming certain storage warehouse requirements, and to repeal section 20-475 of such code, relating to definitions applicable to storage warehouses, section 20-477 of such code, relating to duties of warehouse operators, section 20-479 of such code, relating to storage warehouse bond requirements, and section 20-481 of such code, relating to form contracts for storage warehouses

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 39 to read as follows:

SUBCHAPTER 39

SELF-STORAGE FACILITY

§ 20-566 Definitions. As used in this subchapter, the following terms have the following meanings:

Occupancy agreement. The term "occupancy agreement" means any written agreement electronic or printed, that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-storage facility and any one or more individual storage spaces therein.

Occupancy fee. The term "occupancy fee" means the total of all recurring fees that an occupant is required to pay to the owner of a self-storage facility for occupancy of and access to a storage space at such self-storage facility, excluding any penalty fees.

Occupant. The term "occupant" means a person entitled to use the storage space at a self-storage facility under a written occupancy agreement or such person's successor or assignee.

Self-storage facility. The term "self-storage facility" means any real property, or portion thereof, that is

designed and used for the purpose of occupying storage space by occupants who are to have access thereto for the purpose of storing and removing personal property.

Self-storage facility operator. The term "self-storage facility operator" means a person operating a self-storage facility.

§ 20-566.1 License required. No person shall operate a self-storage facility without a license. The annual fee for a license or a renewal shall be $295. The license shall be posted in a conspicuous place in the office of each self-storage facility.

§ 20-566.2 License application. To obtain or renew a self-storage facility license, a self-storage facility operator shall file an application in such form and detail as the commissioner shall prescribe.

§ 20-566.3 Schedule of rates. Every self-storage facility operator shall, upon request from the department, provide schedules showing the occupancy fee and any other rates and charges for the storage of property in the facility. Prior to entering into an occupancy agreement, the self-storage facility operator shall provide the schedule of all rates and charges to the individual requesting the use of the self-storage facility. One copy of this schedule shall be retained by the individual requesting storage and another shall be signed by such individual and retained by the self-storage facility operator. Any rate or charge not included on such document may not be collected without prior notice to the occupant.

§ 20-566.4 Reserved.

§ 20-566.5 Reserved.

§ 20-566.6 Enforcement. a. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may suspend or revoke the license of any self-storage facility operator, after due notice and opportunity to be heard, who is found to have committed 5 or more violations of this subchapter within a 2-year period.

b. A self-storage facility operator who violates any provision of this subchapter or any rule promulgated thereunder is subject to a civil penalty not to exceed $1,000 for each violation. Each such violation is a separate

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and distinct violation and in case of a continuing violation, every day's continuance thereof is a separate and distinct violation.

c. Any person who is not a licensed self-storage facility operator under the provisions of this subchapter who operates a self-storage facility is subject to a civil penalty not to exceed $1,000 for each day of operation without a license.

d. Any person who is not a licensed self-storage facility operator who advertises, represents in any manner, or claims to operate a self-storage facility is subject to a civil penalty not to exceed $1,000 for each violation.

e. Any person who willfully makes any false entry in the records kept by a self-storage facility operator pertaining to the self-storage facility operator's business, who willfully destroys or falsifies such records, or who willfully neglects or fails to make full, true, or correct entries in such records or keeps any records with the intent to evade the provisions of this subchapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or imprisonment of not more than 30 days, or by both such fine and imprisonment.

§ 2. Section 20-475 of the administrative code of the city of New York is REPEALED and a new section 20-475 is added to read as follows:

§ 20-475 Definitions. As used in this subchapter, the following terms have the following meanings:

Household goods. The term "household goods" means property commonly used in a household, including but not limited to furniture, clothing, and appliances, but not including goods stored by or on behalf of a merchant for resale or other use in the merchant's business.

Storage fee. The term "storage fee" means the total of all recurring fees that a consumer is required to pay to the owner of a storage warehouse for a storage space at such storage warehouse, excluding any penalty fees.

Storage warehouse. The term "storage warehouse" means a building or structure, or any part thereof, in

which a consumer's household goods are accepted for storage for compensation, but excludes a building or structure, or any part thereof, in which such goods are stored by or on behalf of a merchant for resale or other use in the merchant's business.

Storage warehouse operator. The term "storage warehouse operator" means a person operating a storage warehouse.

§ 3. Section 20-476 of the administrative code of the city of New York is amended to read as follows:

§ 20-476 License required. No person shall operate a storage warehouse without a license. The annual fee for a license or a renewal shall be [two hundred ninety-five dollars for the first warehouse and one hundred fifty dollars for each additional warehouse] $295. The license shall be posted in a conspicuous place in the office of each warehouse.

§ 4. Section 20-477 of the administrative code of the city of New York is REPEALED and a new section 20-477 is added to read as follows:

§ 20-477 Reserved.

§ 5. Section 20-478 of the administrative code of the city of New York is amended to read as follows:

§ 20-478 Schedule of rates. Every storage warehouse operator shall, upon obtaining a license, file with the department schedules showing the storage fee and any other rates and charges for [the storage and handling of such property in the] such warehouse, and such schedules shall be kept in convenient form and be open at all times during business hours to public inspection at the warehouse [or warehouses and the office of the commissioner. Prior to accepting any goods for storage, the]. The schedule of all rates and charges must be presented [to the individual requesting the goods to be stored] a consumer prior to the consumer entering a contract with the operator. One copy of this schedule shall be retained by the [individual requesting storage] consumer and another shall be signed by such [individual] consumer and retained by the warehouse operator. Any rate or charge not included on such document may not be collected at a later date.

§ 6. Section 20-479 of the administrative code of the city of New York is REPEALED.

§ 7. Section 20-480 of the administrative code of the city of New York is amended to read as follows:

§ 20-480 Insurance. Every storage warehouse operator shall offer insurance to each [customer] consumer in accordance with terms and conditions to be determined by the commissioner but in no event shall any goods be insured for less than the amount established by the commissioner. All [customers] consumers shall be informed of the minimum insurance rate and the availability of greater insurance and the charges made for such additional insurance.

§ 8. Section 20-481 of the administrative code of the city of New York is REPEALED.

§ 9. Section 20-482 of the administrative code of the city of New York is amended to read as follows:

§ 20-482 Deposit of household goods by city representatives. No representative of the city, including but not limited to sheriffs and marshals, shall deposit on behalf of the city any household goods in a storage warehouse that is not licensed pursuant to this subchapter.

§ 10. Section 20-483 of the administrative code of the city of New York is amended to read as follows:

§ 20-483 [Penalties] Enforcement. a. [The] In addition to any powers of the commissioner and not in limitation thereof, the commissioner may suspend or revoke the license of any storage warehouse operator, after due notice and opportunity to be heard, who is found to have committed [five] 5 or more violations of this subchapter within a [two year] 2-year period.

b. In addition to any penalties or remedies provided for in chapter one of this title, a storage warehouse operator who [shall violate] violates [or fail to comply with] any [provisions] provision of this subchapter or [who fails, omits or neglects to obey, observe or comply with any order, rule, direction, demand or requirement of the department or who shall fail to maintain and comply with the schedule of rates and charges filed shall be] any rule promulgated thereunder is subject to a civil penalty not to exceed [the sum of one thousand dollars] $1,000 for each [and every offense] violation. [Every] Each such violation [of any such order, rule, direction, demand or requirement of the department, or of any provision of this subchapter, shall be] is a separate and distinct [offense] violation and in case of a continuing violation, every day's continuance thereof [shall be

deemed to be] is a separate and distinct [offense] violation.

c. Any person who is not a licensed storage warehouse operator under the provisions of this subchapter who [shall operate] operates a storage warehouse [shall be] is subject to a civil penalty [of one thousand dollars] not to exceed $1,000 for each day of operation without a license.

d. Any person who is not a licensed storage warehouse operator who [shall advertise] advertises, [represent] represents in any manner, or [claim] claims to operate a storage warehouse [shall be] is subject to a civil penalty [of one thousand dollars] not to exceed $1,000 for each violation.

e. Any person who [shall] willfully [make] makes any false entry in the [accounts or in any record or memorandum] records kept by a storage warehouse operator pertaining to the storage warehouse operator's business, who [shall] willfully [destroy or falsify] destroys or falsifies [a record of any such account, record, or memorandum] such records, or who [shall] willfully [neglect or fail] neglects or fails to make full, true, or correct entries in such [accounts,] records[, or memoranda of all facts and transactions pertaining to the business of the storage warehouse operator] or [shall keep any accounts or] keeps any records with the intent to evade the provisions of this subchapter [shall be] is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than [one thousand dollars] $1,000 or imprisonment of not more than [thirty] 30 days, or by both such fine and imprisonment.

§ 11. This local law takes effect 270 days after it becomes law.

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