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Senate Bill 204 (Substitute S-2 as reported)

Sponsor: Senator Dennis Olshove

Committee: Senior Citizens and Veterans Affairs

CONTENT

The bill would amend the Self-Service Storage Facility Act to specify that, if an owner received a notice that a tenant who was a service member was transferred or deployed overseas on active duty for at least 180 days, the owner could not enforce an owner's lien until 90 days after the end of the tenant's overseas service. The bill also would require an owner to deliver notice of intent to enforce a lien by first-class mail (rather than certified mail) or by e-mail; and would allow the sale of property to be advertised electronically.

Under the Act, the owner of a self-service storage facility or a self-contained storage unit has a lien upon all personal property located at the facility or unit and, after notifying the tenant of overdue payments and advertising in a newspaper of general circulation, the owner may sell or otherwise dispose of the property. Under the bill, a service member who was transferred or deployed overseas on active duty for a period of 180 days or more could give the owner notice of the transfer or deployment, including written evidence of the transfer or deployment. If an owner received a notice with supporting evidence of the transfer or deployment, he or she could not enforce an owner's lien until 90 days after the end of the overseas service.

Notice of intent to enforce an owner's lien must be written and delivered in person or by certified mail to the tenant's last known address. Under the bill, the written notice would have to be delivered in person, by first-class mail, or by electronic mail to the tenant's last known address, which could include a street address, P.O. box, or e-mail address. The Act also requires an advertisement of the sale or disposition of property in a newspaper. The bill would allow advertisement in a print or electronic version of the newspaper or in a posting on a publicly available website.

MCL 570.522 et al. Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-4-09 Fiscal Analyst: Lindsay Hollander