

# Briefly...

## ■ Legislative Planning

The SSA Legislative & Regulatory Advisory Committee was scheduled to hold its annual planning session October 27. At least 10 states are considering new initiatives for the upcoming 2012 session, which is expected to be shorter than this year's in most states. The SSA supports affiliated state self storage associations through financial aid and consulting. The legislative committee is made up of SSA board members and representatives of many of the larger companies that contribute to the SSA's legislative funds.

## ■ Membership Renewal

The SSA annual membership invoices were mailed last month, with the deadline for renewal set for 12/31/2011 (to be included in the SSA Globe Yearbook & Membership Directory). Thank you for supporting your industry and the SSA!

## ■ Spring Conference

Next year the SSA will return to one of its most popular event destinations. The annual SSA Spring Conference & Trade Show has been scheduled for April 25–27 at the Gaylord Palms Hotel in Orlando, Florida. Check the SSA website for more information—and mark your calendars!



## New Laws Simplify Vehicle Liens, Enable Email Notification

By Tim Dietz, SSA Sr. VP of Government Relations & D. Carlos Kaslow, Esq., SSA General Counsel

A few years ago when the Self Storage Association began the process of updating lien laws throughout the country, the primary goal was to eliminate ineffective and costly notification mandates. While this remains a chief tenant of the regulatory modernization program, other aspects of the lien process are being addressed that will provide further financial relief for storage operators, while also protecting them from liability.

It started in Arizona and Connecticut, where the state SSAs, backed by the national SSA, inserted new language into the lien laws that enabled operators to simply have vehicles (including recreational and watercraft) towed from the property, thereby handing the headaches and paperwork over to the towing company. In most states where the simplified process has become law, operators can have the vehicle towed after 60 days.

SSA Sr. VP of Government Relations Tim Dietz and TN-SSA Legislative Chair Sherry Cole met with Tennessee Governor Bill Haslam last month to thank him for signing the new law for the self storage industry in his state. Including the Volunteer State, six of the seven lien laws modified this year included the vehicle provision. The Tennessee language from HB 1265 reads:

*This bill specifies that if the property upon which the lien is claimed is a vehicle and rent and other charges related to the property remain unpaid or unsatisfied for 60 days after the maturity of the obligation to pay rent, the facility owner may utilize either of the following options:*

*See Lien Law Legislation, page 36*

*Above: Sherry Cole of the Tennessee SSA is greeted by Governor Bill Haslam.*

**Lien Law Legislation, from page 4**

1. *The facility owner may have the property towed. If a vehicle is towed the owner would not be liable for the vehicle or any damages to the vehicle once the tower takes possession of the property; or...*

Other stipulations within the laws enable operators to utilize the traditional remedy: the auction process. However, most storage operators tell the SSA that this is a frustrating and lengthy process. This year, the SSA championed 11 lien bills, some of which are in the midst of a two-year legislative process, such as Massachusetts. In addition to Tennessee, the vehicle provisions were also included in laws enacted in Colorado, Illinois, Maine, Nevada and Texas.

**USPS and Email**

If news reports that the United States Postal Service is terminating over 100,000 workers, closing post offices and ending Saturday mail service are true, it could have an impact on self storage owners. In most states, storage operators are required by state law to send delinquent tenant lien letters through the U.S. Postal Service.

If there are significant service cutbacks, these legal notices could move more slowly and less reliably. It is also likely that the cost of sending notices will rise as USPS deficits

continue to mount. Fortunately, the Self Storage Association and a number of state associations have been successful in working with state legislatures to make changes to self storage lien laws to permit storage operators to use new and technologically advanced methods of sending lien notices.

In 2011, Colorado, Maine, Tennessee and Texas amended their state lien laws to permit lien notices to be sent by email in addition to U.S. mail. This brings the total to six states; Arizona and Michigan also allow lien notices to be sent by email. While the use of traditional mail service is clearly on the decline, the use of electronic mail is growing rapidly. Reforming state lien laws so that self storage operators can take advantage of improved technology such as electronic mail has been a primary focus of the Self Storage Association's Legislative & Regulatory Advisory Committee. Given the reports on the future of the USPS, these activities may need to be expedited in many states to broaden the legally permissible method of notification options.

The Self Storage Association Legislative & Regulatory Advisory Committee was scheduled to meet in late October to discuss 2012 targets. It is expected that lien laws improvements in several states will be pursued. Since 2008, 16 state lien law changes signed into law and championed by the SSA have brought significant financial savings to operators in 14 states. ♦



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