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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1205

02/18/2021 Authored by Agbaje and Stephenson
02/22/2021 The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
By motion, recalled and re-referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to civil law; amending self-service storage rights for occupants; amending
1.3 notice requirements for self-service storage sale of property; amending Minnesota
1.4 Statutes 2020, sections 514.972, subdivision 5; 514.973, subdivision 4; 514.974;
1.5 repealing Minnesota Statutes 2020, section 514.977.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 514.972, subdivision 5, is amended to read:

1.8 Subd. 5. Access to certain items. (a) The occupant, or other representative authorized
1.9 by law to act on behalf of the occupant, may remove from the self-service storage facility
1.10 upon demand made to any of the persons listed in section 514.976, subdivision 1:

1.11 (1) personal papers, letters, documents, financial records, and photographs;

1.12 (2) health aids, and durable medical equipment; and

1.13 (3) personal clothing of the occupant and the occupant's dependents, and personal property
1.14 that is necessary for the livelihood of the occupant, that has a market value of less than \$50
1.15 \$150 per item, if demand is made to any of the persons listed in section 514.976, subdivision
1.16 1 to be adjusted by the commissioner of commerce annually to reflect changes to the
1.17 Consumer Price Index and published on the agency's website.

1.18 (b) The occupant or representative shall present a list of the items, and may remove them
1.19 during the facility's ordinary business hours prior to the sale authorized by section 514.973.
1.20 If the owner unjustifiably denies the occupant access for the purpose of removing the items
1.21 specified in this subdivision, the occupant is entitled to an order allowing access to the
1.22 storage unit for removal of the specified items. The self-service storage facility is liable to

2.1 the occupant for the costs, disbursements and attorney fees expended by the occupant to
2.2 obtain this order.

2.3 (c) The provisions of this subdivision may not be waived or modified.

2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.5 Sec. 2. Minnesota Statutes 2020, section 514.973, subdivision 4, is amended to read:

2.6 Subd. 4. **Sale of property.** (a) A sale of personal property may take place no sooner
2.7 than 45 days after default or, if the personal property is a motor vehicle or watercraft, no
2.8 sooner than 60 days after default.

2.9 (b) After the expiration of the time given in the notice, the sale must be published once
2.10 a week for two weeks consecutively in a newspaper of general circulation where the sale
2.11 is to be held. The sale may take place no sooner than 15 days after the first publication. If
2.12 the lien is satisfied before the second publication occurs, the second publication is waived.
2.13 If there is no qualified newspaper under chapter 331A where the sale is to be held, the
2.14 advertisement may be posted on an independent, publicly accessible website that advertises
2.15 self-storage lien sales or public notices. The advertisement must include a description of
2.16 the goods, the name of the person on whose account the goods are being held, and the time
2.17 and place of the sale.

2.18 (c) A sale of the personal property must conform to the terms of the notification.

2.19 (d) A sale of the personal property must be public and must be either:

2.20 (1) held via an online auction; or

2.21 (2) held at the storage facility, or at the nearest suitable place at which the personal
2.22 property is held or stored.

2.23 Owners shall require all bidders, including online bidders, to register and agree to the rules
2.24 of the sale.

2.25 (e) The sale must be conducted in a commercially reasonable manner. A sale is
2.26 commercially reasonable if the property is sold in conformity with the practices among
2.27 dealers in the property sold or sellers of similar distressed property sales.

2.28 (f) Upon demand by the occupant or other representative authorized by law to act on
2.29 behalf of the occupant, any personal property remaining after the sale may be claimed by
2.30 the owner up to the close of business on the tenth day following the sale.

3.1 **EFFECTIVE DATE.** This section is effective for sales conducted on or after August
3.2 1, 2021.

3.3 Sec. 3. Minnesota Statutes 2020, section 514.974, is amended to read:

3.4 **514.974 ADDITIONAL NOTIFICATION REQUIREMENT.**

3.5 (a) Notification of the proposed sale of personal property must include a notice:

3.6 (1) of denial of access to the personal property until the owner's claim has been satisfied;
3.7 and

3.8 (2) that the occupant or a person authorized by law to act on behalf of the occupant may
3.9 retrieve any property remaining after the sale up to the close of business on the tenth day
3.10 following the sale.

3.11 (b) Any notice the owner is required to mail to the occupant under sections 514.970 to
3.12 514.979 shall be sent to:

3.13 (1) the e-mail address, if consented to by the occupant, as provided in section 514.973,
3.14 subdivision 2;

3.15 (2) the mailing address and any alternate mailing address provided by the occupant in
3.16 the rental agreement; or

3.17 (3) the last known mailing address of the occupant, if the last known mailing address
3.18 differs from the mailing address listed by the occupant in the rental agreement and the owner
3.19 has reason to believe that the last known mailing address is more current.

3.20 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to notices
3.21 sent on or after that date.

3.22 Sec. 4. **REPEALER.**

3.23 Minnesota Statutes 2020, section 514.977, is repealed.

APPENDIX
Repealed Minnesota Statutes: 21-02830

514.977 DEFAULT.

If an occupant defaults in the payment of rent or otherwise breaches the rental agreement, the owner may commence an eviction action under chapter 504B.