



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 380
[2009 Assembly Bill 707]

Self-Service Storage Units

Current law regulates the operation of self-service storage facilities, including requiring written rental agreements, creating liens on personal property stored in the facility, limiting late rental fees, and establishing procedures to be followed by a facility operator when a person who has rented space in a facility (the “lessee”) fails to pay the rental fee.

2009 Wisconsin Act 380 makes the changes described below.

Self-Service Storage Units

Act 380 makes current statutory provisions governing self-service storage facilities also applicable to self-service storage units. A self-service storage unit is a box, shipping container, or trailer that is leased by a tenant primarily for use as a storage space whether the box, shipping container, or trailer is located at a facility owned or operated by the owner or at a location designated by the tenant.

Value of Property Stored

That Act specifies that if a storage facility rental agreement includes a provision that limits the value of property stored, the provision must be printed in bold type or underlined type of the same size as the rest of the agreement. Further, if such a provision is in the rental agreement, that limit is presumed to be the maximum value of the property stored.

Disposition of Property Remaining in Leased Space

Notice to Former Lessee

After the termination of a rental agreement, an operator may deny the former lessee access to personal property remaining in the leased space until the lessee redeems the personal property by paying the operator any rent and other charges due. The operator may sell the property after providing two notices to the

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

former lessee, if the former lessee does not redeem the property within 14 days after the date of the second notice. Under prior law, the second notice was required to be sent by certified mail. The Act provides that the second notice may be sent either by certified mail or by first class mail with a certificate of mailing.

Advertisement of Sale of Property

After the expiration of the time period given in the second notice to the former lessee, if the former lessee has not redeemed the property, the operator may sell the property that was stored in a lessee's leased space if all requirements are met. One requirement is that an advertisement of the sale is published once a week for two consecutive weeks in a newspaper of general circulation where the self-service storage facility is located. The Act eliminates the requirement that the advertisement include the number of the space where the property is located.

Manner of Sale of Property

Prior law required that the sale of property remaining in a leased space be conducted in a commercially reasonable manner. The Act provides, instead, that the sale meet one of the following requirements:

- The property is offered either as a single parcel or multiple parcels at a public sale attended by three or more bidders.
- The property has been offered to at least three persons who deal with the type of personal property offered for sale and is sold in a private transaction.
- The property is sold in another manner that is commercially reasonable.

Disposal, Donation, or Recycling of Property

The Act permits the facility operator to do any of the following with the property left in a leased space in lieu of selling it, if the value of the property is less than \$100 and proper notice is provided:

- Donate it to a nonprofit organization.
- Dispose of it in a solid waste facility.
- Recycle it.
- Remove it in another reasonable manner.

Right to Action for Violation

Prior law stated that "any person" could bring a civil action for a violation of the statutory provisions governing self-service storage facilities. Act 380 provides instead that only "a lessee" may bring such an action.

Effective date: June 2, 2010.

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