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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 23-S 366, RELATING TO SELF-SERVICE STORAGE FACILITIES April 27, 2023

The ACLU has deep concerns about the extent to which this bill would authorize the selling of property within a self-service storage facility without appropriate notification to the owner of the property.

Some years ago, the General Assembly severely limited the amount of time individuals had to be notified in writing of liens against their property, and allowed for notification to storage facility renters by email or regular mail instead of, as was previously required, by certified mail. At the time, the ACLU raised objections to the change, concerned that it severely infringed upon the rights of individuals to be properly notified of their default and to respond accordingly. We noted that some individuals might not receive their notices via mail in time to meet the obligations required by the law, or might never receive messages sent via email because they went to spam, resulting in the loss of their belongings.

These concerns are greatly heightened by this bill, which cuts back on notification requirements even more. First, the bill strikes language requiring self-service owners who are not able to connect in writing with the owners of the belongings to post a notice in a newspaper of general circulation for three weeks prior to selling the person's property. Though not ideal, this newspaper notice at least provides another opportunity for individuals who no longer live at the address on record or whose spam filters mean they never see the email from the facility owner to learn about the possible loss of their belongings and their need to act.

Even more troubling, the bill would eliminate another key notification provision, requiring the posting of a sales notice on a publicly accessible website identified in the rental agreement for two weeks. Instead, the bill would merely require a website posting "once" (for an hour? a day? The bill doesn't say), and would eliminate the requirement that it be a website the renter had been notified about. This revision to the law allows owners to place the notice in an Internet black hole. That is not notice; it is anti-notice.

At a time of rising poverty and extensive homelessness, it is important that people using storage facilities not unfairly lose the ability to retain their possessions. We urge the committee to reject these amendments to the current notification provisions.