

Self-Storage Facilities

Can a self-storage facility take my property? It depends on your agreement (contract) with the storage facility. Most storage rental contracts have language stating that if you are behind on your rent, the storage company can put a lien against all of your stored property. The statement has to be underlined or in bold type. If your rental contract has this language, the storage company can seize your property, notify you of the sale, and sell it at auction.

Does the storage company have to give me notice? Yes, you must have written notice before your property can be sold for nonpayment of storage rental. The written notice can be by email if your contract says, in bold type or underlined, that written notice can be sent to your email address. You can also receive notice by letter or hand delivery. The notice must include:

- An itemized account of what you owe;
- The name, address, and telephone number of the storage company office to reply to the notice;
- A statement that the contents of the self-storage unit have been seized under the rental contract; and
- A statement that if you don't pay what you owe before the 15th day after you get the notice, the property can be sold at public auction.

IMPORTANT: Always give the storage facility your *current physical address and email address*. If the storage company needs to seize and sell your property, they only have to give you notice at the address you provided in the rental agreement. They do not have to try to locate you.

What if I don't pay in 15 days? If you don't pay within 15 days from the date the notice is sent, the storage company may *publish or post* notice of the sale of your property to the public.

- Published – legal notice of sale, published once in each of 2 consecutive weeks in a newspaper in the county where the storage unit is located. The sale can take place 15 days after the notice has run.
- Posted - notice of sale is posted at the storage facility and at least 5 other conspicuous locations near the facility. The sale can take place as soon as 10 days after the notice is posted.

How will the sale be advertised? The public notice advertising the sale must contain:

- a general description of the property;
- a statement that the property is being sold to satisfy the storage company's lien;
- your name;
- the address of the self-service storage facility, and
- the time, place, and terms of the sale.

How do I get my property back? You can get your property before it is sold by paying the storage facility the amount you owe in rent, plus reasonable expenses (for example, the cost of advertising the sale).

What if my property is sold for more than what I owe? If the storage company made more on the sale than what you owe (plus reasonable expenses), you must be notified in writing by email or regular mail as provided in the rental agreement. If you request it, the excess proceeds can be returned to you within 2 years of the date your property was sold. If you wait more than 2 years, the storage company can keep the excess proceeds.

What if the storage company didn't follow the law? You might have a legal claim under the Texas Deceptive Trade Practices Act (DTPA). If the storage company seized your property without following legal procedures, you could recover more than your stored property was worth, as well as attorney fees and court costs.