

Ohio Lien Law Amended

An Ohio appropriations bill was approved by both the House of Representatives and Senate on June 28, 2021 and will take effect on September 30, 2021. Part of the appropriations bill amends the Ohio self storage lien law as follows:

- The definition of “owner” was amended to expressly include the agent of the owner or any other person authorized by any of the foregoing to manage the facility or to receive rent from an occupant pursuant to a rental agreement;
- The bill clarifies that the manner of advertising is deemed commercially reasonable if at least three (3) independent bidders register for, view, or attend the sale. The law previously required that three bidders actually attend the sale. Now, registering and viewing the sale is sufficient to ensure the method of advertising is commercially reasonable;
- The required default notice no longer must state the specific time and place that the sale will occur, which may be helpful in certain situations – such as the operator needs to change the sales date due to inclement weather;
- The bill expressly authorizes online lien sales. However, to lawfully conduct an online sale, the required default notice must include the internet address where the sale will occur; and,
- Finally, in the unlikely event the sale produces more money than the debt owed, the owner may send the excess proceeds via first class mail with a certificate of mailing in lieu of certified mail.

Most importantly, owners should pay careful attention to the updated notice requirements. First, the definition of last known address was amended to expressly include an electronic mail address as a permissible means of notice under the statute.

Now, notice must be delivered in person, sent by certified mail, sent by electronic mail, or sent by first-class mail or private delivery service with a certificate of mailing to the occupant and any other parties required to be notified.

However, if the notice is sent by electronic mail, then the notice must also be sent by either certified or first-class mail, too. The law appears to permit the owner to send the secondary notice by regular first-class mail (that is, without a certificate of mailing). However, owners may want to send the secondary notice with a certificate of mailing to safeguard against any potential claims that may arise from a former tenant.

The revised annotated Ohio lien law will be available soon, which will explain all of the new amendments in depth.