

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/30/2025

Check all that apply:

Bill Number: SB 180

Original Correction
Amendment Substitute

Sponsor: Sen. Linda Trujillo

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: SELF SERVICE STORAGE RENTAL CHANGES

Analysis: AAG Joshua Holst

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

The bill seeks to amend the Self-Service Storage Lien Act in Section 48-11 of the NMSA. First, the bill seeks to require that rental agreements for self-service storage spaces include a space for the occupant to designate an alternative contact to receive notice of the intent to enforce a lien (in the event such a thing occurs). For rental agreements formed prior to the bill’s passage, the owner of the self-service storage facility (SSSF) can comply by sending a notice to the occupant informing them of the option to designate an alternative contact, including a form for the occupant to do so.

Section 2 of the bill simply amends NMSA Section 48-11-5 to include late fees for rental payments in default in a lien that the owner has in the event the occupant of a space in their SSSF defaults.

Section 3 of the bill amends NMSA Section 48-11-7 to require an owner to send a notice of intent to enforce a lien to both the occupant and the alternative contact (if any) and the last known address of the occupant and the alternative contact within 5 days of the owner entering the occupant’s rented space. This section also shortens the period in which the occupant has to default continuously before the owner takes action to sell any property from 90 days to 45 days. This section of the bill goes on to reinforce that a notice of intent to enforce a lien must be sent to both the occupant and any listed alternative contact. This section also potentially edits the requirements for the advertisement of a sale to only require that the time, place and manner of a sale needs to be provided in the advertisement if the sale is to take place 15 days or more after the publication of the advertisement. Also, this section adds that if a rental agreement specifies a limit on the value of the personal property that can be stored in the occupant’s rented space, the limit is deemed the maximum value of the store property. Finally, this section adds that an owner may collect a late fee of \$20 or 20% of the monthly rent, whichever is greater, for each month the occupant is in default.

The last section of the bill amends the required notice posting by the owner to reflect that the period in which the occupant has to default continuously before the owner takes action to sell any property is 45 days (rather than the 90 days required under current law).

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

There is one significant issue, noted above in the synopsis. The section amending the required publication of an advertisement of any sale of property seized by the owner in enforcement of a lien makes things somewhat unclear. With underlined text being the text added by the bill, the text of the statute would read that the advertisement must include “the time, place and manner of the sale or other disposition; provided that the sale or disposition shall take place [not sooner than] at least fifteen days after the first publication.” This could read as making the time, place and manner requirement in the advertisement contingent on the sale taking place at least 15 days after publication.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

See significant issues

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A