**Saving Consumer Notice from the Self Service Storage Industry's "Reform"**

The Self-Storage Association has been busy in 2011 publishing victories and defeats over public notice. It intends to pursue amended Self Storage laws in numerous states in 2012. Several press associations have experience in addressing these public notices.

A key element in public education is to address the argument that storage contracts are private matters between consumers and storage facilities. But good reasons to continue statutory consumer protection exists: these facilities are unique in having the ability to seize and sell consumers' property without going to court. In many states, owners are permitted to keep the property or sales proceeds after a claim period is exhausted. The public notice is one tool to help consumers to protect consumers against fraud and self-dealing by facilities owners.

The following may help educate state legislators, businesses and media when discussing the aggressive movement by the self-service storage industry to either reduce or eliminate public notice laws in newspapers for defaults or the intention to hold an auction to sell a consumer's property.

* If newspaper notices are reduced or abolished, consumers may lose their last meaningful opportunity to learn they are delinquent on rent payments and remedy the problem, before their personal property—and possibly confidential documents—is auctioned.
* Unless lenders holding liens on the property are disclosed to the facility owners and the facility owner is required to notify the lenders of a consumer’s delinquent payment, lenders may not have an opportunity to learn that their interest in property will be terminated. Further, others who may have property at risk could be relatives, divorced spouses, and heirs--in the case when someone dies without disclosing the contents of the unit--and anyone else who may have lent property to the consumer.
* Self-service storage contracts are developed by the facility owners, almost uniform from company to company, and heavily favor the facility owner, leaving the consumer in an inferior bargaining position, with little protection.
* Public auction notices in newspapers provide due process for consumers and public oversight to an industry that has few regulations. Self-storage laws are designed to ensure that facility owners are not required to go to court prior to the auctioning and disposal of property unlike, for instance, the landlord of a rental house prior to the eviction of tenants.
* Because most contracts limit the value of property that can be stored, a consumer may be limited to the jurisdictions of small claims courts in some states, where due process is less robust than in general courts.
* When an auction occurs, and the facility owner switches into the role of an auctioneer, common law in most states places a fiduciary duty on the auctioneer to obtain the highest price for the property. But some statutes specifically prevent a consumer from challenging the price procured in the sale. Some public oversight brings the curative value of sunshine into the transactions.
* Because some states permit facility owners to keep unclaimed property after an unsuccessful auction or retain excess proceeds from an auction, facility owners may have a vested interest in low participation at auctions.