

House Bill 811

By: Representatives Davis of the 87<sup>th</sup> and Scott of the 76<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to  
2 warehousemen, so as to establish specific protections for consumers using a self-service  
3 storage facility; to provide for definitions; to provide for requirements for an owner of a  
4 self-service storage facility; to provide for rental agreement requirements; to provide for  
5 unlawful, unfair, and deceptive trade practices; to amend Chapter 23 of Title 33 of the  
6 Official Code of Georgia Annotated, relating to licensing, so as to provide for certain  
7 disclosures by a limited licensee offering coverage for personal property stored at a  
8 self-service storage facility; to provide for requirements for such licensee; to provide for a  
9 short title; to provide for an effective date and applicability; to provide for related matters;  
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Protections for Consumers Using  
14 Self-service Storage Facilities Act."

H. B. 811

15 **SECTION 2.**

16 Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to warehousemen,  
17 is amended by adding a new article to read as follows:

18 **"ARTICLE 6**

19 10-4-220.

20 As used in this article, the term:

21 (1) 'Email' has the same meaning as provided in Code Section 10-4-211.

22 (2) 'Harborage' means any condition which provides shelter or protection or which favors  
23 the multiplication and continued existence of pests.

24 (3) 'Infestation' means the presence of insects, rodents, or other pests in or around a  
25 location wherein the number of such pests may materially affect the health and safety of  
26 persons or the value of property at such location.

27 (4) 'Notice' means written communication of the information required by this article  
28 posted in a prominent and conspicuous position in a self-service storage facility so as to  
29 be accessible to all occupants at all times.

30 (5) 'Occupant' has the same meaning as provided in Code Section 10-4-211.

31 (6) 'Owner' has the same meaning as provided in Code Section 10-4-211.

32 (7) 'Rental agreement' has the same meaning as provided in Code Section 10-4-211.

33 (8) 'Self-service storage facility' has the same meaning as provided in Code  
34 Section 10-4-211.

35 10-4-221.

36 (a) The owner of a self-service storage facility shall maintain such building so that it meets  
37 minimum building code requirements.

38 (b) The owner of a self-service storage facility shall provide notice of the following  
39 information and shall update such notice within 30 days of any changes of such  
40 information:

41 (1) The date the self-service storage facility was built;

42 (2) The date and summary of any damage to such facility, including from weather  
43 events, flood, fire, or smoke, occurring within one calendar year of the posted notice;

44 (3) The date and summary of any significant repair to such facility, including mold  
45 remediation, within one calendar year of the posted notice;

46 (4) The date the roof of such facility was installed;

47 (5) The date and summary of any significant repair to the roof of such facility within one  
48 calendar year of the posted notice;

49 (6) The date and summary of any code enforcement inspection of such facility within  
50 one calendar year of the posted notice;

51 (7) The date and summary of any pest control service for such facility within one  
52 calendar year of the posted notice;

53 (8) The date and summary of any crime occurring in such facility within one calendar  
54 year of the posted notice; and

55 (9) The date such information was last updated and posted.

56 (c) Failure to establish and maintain the self-service storage facility as provided in  
57 subsection (a) of this Code section shall constitute a breach of the rental agreement.

58 (d) Failure to post accurate information as provided in subsection (b) of this Code section  
59 shall constitute a breach of the rental agreement.

60 10-4-222.

61 (a) The owner of a self-service storage facility shall control for the presence of insects,  
62 rodents, and other pests in and immediately surrounding such facility by establishing and  
63 maintaining sufficient controls to prevent the entry and presence of such pests; eliminating

64 harborage conditions that attract such pests; routinely inspecting the premises for evidence  
65 of such pests; and using appropriate methods to prevent, control, and remove such pests.

66 (b) Within 24 hours of knowledge of a confirmed infestation, the owner of a self-service  
67 storage facility shall post notice of such infestation in a prominent and conspicuous  
68 position in such facility so as to be accessible to all occupants at all times and shall provide  
69 notice to all occupants of such infestation by email.

70 (c) Failure to post and provide the notice as provided in subsection (b) of this Code section  
71 shall constitute a breach of the rental agreement.

72 10-4-223.

73 (a) The owner of a self-service storage facility shall establish and maintain a complaint  
74 system and shall maintain records of all written complaints initiated by occupants for five  
75 years from the time such complaint is filed.

76 (b) The owner of a self-service storage facility shall provide a copy of the complaint log  
77 and any complaints related to code enforcement upon request by the code enforcement  
78 inspector investigating any complaint regarding such facility. Such complaint log and any  
79 complaints related to code enforcement shall be reviewed by such code enforcement  
80 inspector upon investigation of the facility.

81 (c) Failure to establish and maintain a complaint system as provided in subsection (a) of  
82 this Code section or failure to provide the complaint log or any complaints as provided in  
83 subsection (b) of this Code section shall constitute a breach of the rental agreement.

84 10-4-224.

85 (a) The rental agreement for a self-service storage facility shall indicate at least the  
86 following information:

87 (1) The monthly rate for the unit size;

88 (2) The dollar amount per square foot for the unit;

89 (3) Any fees associated with the transaction;

90 (4) Whether the unit is climate controlled;

91 (5) When and how the occupant may access the unit;

92 (6) Whether the facility has an onsite manager; and

93 (7) The maximum value of property allowed to be stored in the unit.

94 (b) It shall be an unlawful, unfair, and deceptive trade practice for the owner of a  
95 self-service storage facility to:

96 (1) Increase the monthly rate for a unit by more than 50 percent per calendar year;

97 (2) Increase the monthly rate for a unit more frequently than twice per calendar year;

98 (3) Advertise a monthly rate for a unit when such facility has no intention of providing  
99 such unit at such rate for more than six months, unless the advertisement discloses a  
100 limitation of the duration of such rate;

101 (4) Advertise that a unit is available at a certain monthly rate when such facility has no  
102 intention of supplying enough such units to meet reasonably expectable public demand,  
103 unless the advertisement discloses a limitation of quantity; and

104 (5) Advertise that a unit may be used for a certain amount of property, whether by  
105 description, size, or value, but limit the recoverable value of property stored in such unit  
106 to less than such amount.

107 (d) Nothing in this Code section prevents an owner of a self-service storage facility and  
108 an occupant from contracting to set a monthly rate or to provide for greater liability based  
109 on the replacement value of items stored in a unit in such facility.

110 10-4-225.

111 (a) Violations of the provisions of subsection (b) of Code Section 10-4-224 shall be subject  
112 to the same civil remedies and in the same manner as provided by Part 2 of Article 15 of  
113 Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975,' for persons whose business

114 or property has been injured or damaged as a result of an unfair or deceptive act or practice  
 115 in violation of subsection (a) of Code Section 10-1-393.  
 116 (b) The provisions of subsection (b) of Code Section 10-4-224 may be enforced by the  
 117 Commissioner in the same manner as provided by Part 2 of Article 15 of Chapter 1 of  
 118 Title 10, the 'Fair Business Practices Act of 1975,' for enforcement of the provisions of said  
 119 part by the Attorney General against a person reasonably appearing to have engaged in an  
 120 unfair or deceptive act or practice in violation of subsection (a) of Code Section 10-1-393,  
 121 and the superior courts may grant injunctive relief and impose the same civil penalties for  
 122 violations of injunctions as provided in said part."

123

### SECTION 3.

124 Chapter 23 of Title 33 of the Official Code of Georgia Annotated, related to licensing in  
 125 insurance, is amended by revising paragraphs (4) and (5) of subsection (e) of Code  
 126 Section 33-23-12, relating to limited licenses, as follows:

127 "(4) No insurance shall be issued pursuant to this subsection unless the limited licensee  
 128 provides to a prospective occupant written material that:

129 (A) Provides a summary of the terms of insurance coverage, including the identity of  
 130 the insurer;

131 (B) Conspicuously discloses that the policy of insurance may provide a duplication of  
 132 coverage already provided by an existing policy of insurance;

133 (C) Describes the process for filing a claim in the event the occupant elects to purchase  
 134 coverage and experiences a covered loss;

135 (D) Provides information regarding the price, deductible, benefits, exclusions,  
 136 conditions, and any other limitations of such policy;

137 (E) States that the limited licensee is not authorized to evaluate the adequacy of the  
 138 occupant's existing insurance coverages, unless such limited licensee is otherwise  
 139 licensed; ~~and~~

140 (F) States that the occupant may cancel the insurance at any time, and any unearned  
141 premium will be refunded in accordance with applicable law;

142 (G) Discloses any compensation the limited licensee, owner, or self-storage facility  
143 receives from the insurer for disseminating information about coverage or selling  
144 coverage to the occupant; and

145 (H) States that the purchase of insurance is not required in order for the occupant to  
146 purchase any other product or service from the self-service storage facility."

147 "(5) Notwithstanding any other provision of this subsection or any rule adopted by the  
148 Commissioner, a limited licensee licensed pursuant to this subsection shall not be  
149 required to treat moneys collected from occupants under rental agreements as funds  
150 received in a fiduciary capacity, ~~provided that~~ and the charges for coverage shall be  
151 itemized and be ancillary to a rental agreement. The sale of insurance not in conjunction  
152 with a rental agreement shall not be permitted."

153 **SECTION 4.**

154 This Act shall become effective upon its approval by the Governor or upon its becoming law  
155 without such approval and shall apply to any rental agreements for self-service storage  
156 facilities renewed or entered into after July 1, 2023.

157 **SECTION 5.**

158 All laws and parts of laws in conflict with this Act are repealed.