

# Montana Legal Services Association

## What is the Law on Storage Units in Montana? (FAQs)



Providing, protecting, and enhancing access to justice.

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## **What is the Law on Storage Units in Montana? (FAQs)**

### **I didn't pay the rent for my storage unit last month. What happens now?**

When you rent a storage space, the storage facility immediately has a lien on all the property you put in the space.

If the rent is more than 60 days past due, the facility can enforce the lien by selling your property.

### **Can the storage facility immediately sell my belongings or throw them out if I haven't paid the rent?**

Not right away. The person who rented you the space must send you notice at least 30 days before any sale of your property.

This notice will be sent to your last known address by verified mail or e-mail.

Verified mail is any type of mail that provides evidence the item was sent – not delivered. For example, the notice could be sent at the Post Office with a certificate of mailing. A certificate of mailing shows the date and the address where the item was sent. The notice is considered delivered on the date it is post marked.

The notice could arrive via private delivery, such as through a process server.

The notice could arrive by email, and is considered delivered when sent to the email address you provided.

### **What does the notice have to say?**

The notice must say that:

- 1) Your property is subject to the storage facility's lien;
- 2) How much is due on the date of the notice and that late fees may be added;
- 3) You must pay by the deadline;
- 4) Unless you pay before the deadline, the property will be sold at a specified time;
- 5) You can respond to the notice and include the name, street address, and telephone number of the person you should contact to respond to the notice.

### **Can the person I rented my storage space from keep me from entering to get my property if I am behind on rent?**

Yes, the person who rented you the storage space has the right to deny you access to the space if the rent or other charges are unpaid.

### **What if I don't meet the deadline for the payment given in the 30-day notice?**

At least 7 days before the sale of your property, the storage facility must:

- 1) Notify you of the date, time and location of the sale;
- 2) Advertise the time, place, and terms of the sale.

### **What if I don't get the 7-day notice?**

Just like the first 30 day notice the 7-day notice is sent to you by verified mail or by email to an email address you provided. The storage company only has to be able to prove they sent the notice, not that you actually received it.

### **What if I receive the 7-day notice but I still haven't paid?**

The person who rented you the storage unit may sell your property at the sale referred to in the notice.

### **How is the sale advertised?**

The storage facility must advertise the sale in a newspaper of general circulation in the county where the property is located, or in any other commercially reasonable manner.

The ad must include the time, place, and terms of the sale.

### **How is the sale conducted?**

The sale must be attended or viewed by at least 3 persons who can participate in person, by phone, online, or any other way. It can take place at the storage site, offsite or on a publically accessible website.

### **Does the person I rented the space from have to take my money if I try to pay?**

At any time prior to the sale taking place you can pay the full amount necessary to satisfy the lien (what is owed) and take your property.

### **Do I get any of the money from the sale of my belongings if the sale goes forward?**

Maybe. It depends on how much the property sells for. If the property sells for more than you owe in rent, you may get some money from the sale. The person who rented you the storage unit must apply the proceeds of the sale as follows:

- 1) First, to the costs of the sale (including the cost of the newspaper ad advertising the sale);
- 2) Second, to the unpaid storage rental fees;
- 3) Third, to you (if there's any money left).

### **How will the surplus amount from the sale be sent to me?**

A check will be sent to you at your last-known address. If the check is not cashed within 1 year, the person who rented you the storage unit must send your portion of the sales proceeds to the State.

## **Where can I read the laws for myself?**

The Self-Storage Facilities Act is the set of laws in Montana that governs storage units. You can find the Act in Montana Code Annotated (MCA) Title 70, Chapter 6, Part 6.

## **How do I get more help?**

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at [mtlsa.org](http://mtlsa.org);
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

## **What help can I find at MLSA?**

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

### **[www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)**

Need legal information or forms? Visit [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).

Can't find what you want? Use LiveHelp. Click on the LiveHelp icon and get help finding the information you need.

### **[www.MTLSA.org](http://www.MTLSA.org)**

Find copies of all our brochures online.

They are all available for free download!

<p>This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.</p>
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