

House Bill 44

By: Representatives Davis of the 87th, Scott of the 76th, and Schofield of the 63rd

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 in insurance, so as to provide for
7 certain 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
9 related matters; to provide for a short title; to provide for an effective date and applicability;
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."

39 the following information and shall update such notice within 30 days of any changes of
40 such 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 involving property damage, any crime involving
54 theft, and any crime involving violence occurring in such facility within one calendar
55 year of the posted notice; and

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

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

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

61 10-4-222.

62 (a) The owner of a self-service storage facility shall control for the presence of insects,
63 rodents, and other pests in and immediately surrounding such facility by:

- 64 (1) Establishing and maintaining sufficient controls to prevent the entry and presence of
65 such pests;
66 (2) Eliminating harborage conditions that attract such pests;
67 (3) Routinely inspecting the premises for evidence of such pests; and
68 (4) Using appropriate methods to prevent, control, and remove such pests.
69 (b) Within 24 hours of knowledge of a confirmed infestation, the owner of a self-service
70 storage facility shall post notice of such infestation in a prominent and conspicuous
71 location in such facility so as to be accessible to all occupants at all times and shall notify
72 all occupants of such infestation by email.
73 (c) Failure to post the notice and notify occupants by email as provided in subsection (b)
74 of this Code section shall constitute a breach of the rental agreement.

75 10-4-223.

- 76 (a) The owner of a self-service storage facility shall establish and maintain a complaint
77 system which provides reasonable procedures for the resolution of complaints initiated by
78 occupants and shall maintain records of all written complaints initiated by occupants for
79 five years from the time such complaint is filed.
80 (b) The owner of a self-service storage facility shall provide a copy of the complaint log
81 and any complaints related to code enforcement upon request by the code enforcement
82 inspector investigating any complaint regarding such facility. Such complaint log and any
83 complaints related to code enforcement shall be reviewed by such code enforcement
84 inspector upon investigation of the facility.
85 (c) Failure to establish and maintain a complaint system as provided in subsection (a) of
86 this Code section or failure to provide the complaint log or any complaints as provided in
87 subsection (b) of this Code section shall constitute a breach of the rental agreement.

88 10-4-224.

89 (a) The rental agreement for a unit in a self-service storage facility shall indicate at least
90 the following information:

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

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

93 (3) Any fees associated with the transaction;

94 (4) Whether the unit is climate controlled;

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

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

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

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

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

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

102 (3) Advertise a monthly rate for a unit, unless the advertisement discloses a limitation
103 of the duration of such rate;

104 (4) Advertise that a unit is available at a certain monthly rate when there is an
105 insufficient supply to meet reasonably expectable public demand, unless the
106 advertisement discloses a limitation of quantity; and

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

110 (c) Nothing in this Code section shall prevent an owner of a self-service storage facility
111 and an occupant from contracting to set a monthly rate or to provide for greater liability
112 based on the replacement value of items stored in a unit in such facility.

113 10-4-225.

114 (a) Violations of the provisions of subsection (b) of Code Section 10-4-224 shall be subject
115 to the same civil remedies and in the same manner as provided by Part 2 of Article 15 of
116 Chapter 1 of this title, the 'Fair Business Practices Act of 1975,' for persons whose business
117 or property has been injured or damaged as a result of an unfair or deceptive act or practice
118 in violation of subsection (a) of Code Section 10-1-393.

119 (b) The provisions of subsection (b) of Code Section 10-4-224 may be enforced by the
120 state warehouse commissioner in the same manner as provided by Part 2 of Article 15 of
121 Chapter 1 of this title, the 'Fair Business Practices Act of 1975,' for enforcement of the
122 provisions of said part by the Attorney General against a person reasonably appearing to
123 have engaged in an unfair or deceptive act or practice in violation of subsection (a) of Code
124 Section 10-1-393, and the superior courts may grant injunctive relief and impose the same
125 civil penalties for violations of injunctions as provided in said part."

126

SECTION 3.

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

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

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

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

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

- 138 (D) Provides information regarding the price, deductible, benefits, exclusions,
139 conditions, and any other limitations of such policy;
- 140 (E) States that the limited licensee is not authorized to evaluate the adequacy of the
141 occupant's existing insurance coverages, unless such limited licensee is otherwise
142 licensed; ~~and~~
- 143 (F) States that the occupant may cancel the insurance at any time, and any unearned
144 premium will be refunded in accordance with applicable law;
- 145 (G) Discloses any compensation the limited licensee, owner, or self-storage facility
146 receives from the insurer for disseminating information about coverage or selling
147 coverage to the occupant; and
- 148 (H) States that the purchase of insurance is not required in order for the occupant to
149 purchase any other product or service from the self-service storage facility.
- 150 (5) Notwithstanding any other provision of this subsection or any rule adopted by the
151 Commissioner, a limited licensee licensed pursuant to this subsection shall ~~not~~ be
152 required to treat moneys collected from occupants under rental agreements as funds
153 received in a fiduciary capacity, ~~provided that~~ and the charges for coverage shall be
154 itemized and be ancillary to a rental agreement. The sale of insurance not in conjunction
155 with a rental agreement shall not be permitted."

156 **SECTION 4.**

157 This Act shall become effective upon its approval by the Governor or upon its becoming law
158 without such approval and shall apply to any rental agreements for self-service storage
159 facilities renewed or entered into on or after July 1, 2025.

160 **SECTION 5.**

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