NEW YORK CITY BAR

REPORT ON LEGISLATION BY THE SOCIAL WELFARE COMMITTEE

S.9870 **Sen. Sepúlveda**

AN ACT to amend the lien law, in relation to prohibiting enforcement of a lien where the occupant has a pending social services department storage fee assistance request or appeal

Shavon's Law

THIS BILL IS APPROVED

I. SUMMARY

The Social Welfare Committee (the Committee) of the New York City Bar Association (the City Bar) supports S.9870, "Shavon's Law," which would amend New York Lien Law Section 182 to prohibit the enforcement of a lien against a self-storage unit where an occupant experiencing housing instability has a pending application, determination, or appeal for storage fee assistance from a social services department.[1] Shavon's Law addresses a critical gap in current law that permits the permanent loss of personal property while a government benefit decision is pending. By creating a narrow, temporary safeguard, the bill ensures that individuals experiencing homelessness are not irreparably deprived of their belongings due to circumstances beyond their control.

II. INTRODUCTION

New York Lien Law §182 permits self-storage facility owners to auction the contents of a storage unit when fees remain unpaid, following notice to the occupant. However, the statute does not account for circumstances in which an occupant has applied for, or is actively seeking to challenge a denial of, public assistance to cover those fees.

As a result, individuals experiencing homelessness may lose all of their stored belongings while awaiting a determination from a social services department, despite being eligible for assistance and ultimately entitled to payment. Because such auctions permanently extinguish

[1] "Proposed Legislation Amending New York Lien Law Section 182: Shavon's Law," New York City Bar Association, Feb. 3, 2026, https://www.nycbar.org/reports/proposed-legislation-amending-new-york-lien-law-section-182-shavons-law/?back=1.

About the Association
The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

property rights, the current statutory framework allows for the deprivation of essential personal property without a meaningful opportunity to be heard.

Shavon's Law addresses this structural due process gap by providing a limited, temporary prohibition on lien enforcement while a storage assistance determination or appeal is pending.

III. BACKGROUND

Under existing law, eligible individuals and families living in shelters, on the street, or doubled-up in the community (i.e., temporarily living in another person's home), are entitled to emergency assistance grants from their local department of social services to cover the cost of storing personal belongings during periods of housing instability. When approved, these payments are made directly to self-storage facilities.

New York Lien Law §182 grants storage facility owners a lien on stored property for unpaid fees and permits enforcement of that lien through public auction after notice. While the statute provides an opportunity to challenge the validity of the lien or the amount owed, it does not provide a mechanism to account for pending public assistance applications or appeals.

In practice, individuals seeking storage assistance must often navigate administrative processes that may involve delays, repeated submissions, or appeals. During this time, storage fees may accrue, and the risk of lien enforcement continues unabated.

IV. WHY AMENDMENTS ARE NECESSARY

The interaction between Lien Law §182 and the administration of storage assistance creates a significant legal gap. Although individuals may be eligible for public assistance to cover storage costs, there is no statutory protection preventing the auction of their belongings while their application is pending or under review. Even relatively short delays in processing or decision-making can result in the permanent loss of property.

The consequences of this statutory gap are severe. Once an auction occurs, the harm cannot be undone. Personal belongings, often including essential items, documents, and irreplaceable family mementos, are lost permanently, and existing legal remedies are insufficient to restore them. In effect, current law permits the deprivation of property rights before an individual receives a government determination, precluding any meaningful opportunity to challenge that decision.

The City Bar Justice Center has documented client stories illustrating these harms.[2] In one such case, Nina Davila, an artist and former professor experiencing housing instability, kept her belongings — including an urn containing the ashes of her beloved son, Shavon — in a storage unit paid for through public assistance. When a government error resulted in the delay and then the denial of her payment, the facility auctioned everything before she could challenge it. By the time she found the buyer, Shavon's ashes had been discarded. The proposed legislation has been named "Shavon's Law" in honor of his memory.

[2] See "Irreplaceable: Their Stories," https://www.nycbar.org/issues-policy/advocacy-campaigns/shavons-law/their-stories/.

V. SHAVON'S LAW: THE LEGISLATIVE SOLUTION

Shavon's Law provides a targeted and balanced solution by creating a temporary safeguard against lien enforcement where storage assistance determination is pending.

Specifically, the bill would:

- Where payment has been made by a social services department under an occupancy agreement, require self-storage facilities to send the requisite auction notice to the social services department, an important step should automated payments be enabled and/or a person experiencing a housing crisis not receive a notice of auction.

- Require the social services department to certify within 10 days of receipt of an auction notice whether a storage assistance payment, application, or fair hearing request is pending.

- Require a social services department to bear the cost of any delay in providing such written certification.

- Prohibit auction of items where (1) the social services department fails to certify the status of a storage assistance payment, application, or fair hearing request or (2) a social services district certifies, or an occupant provides evidence of, a pending social services department storage assistance payment, decision, or fair hearing.

- Permit an occupant to, if necessary, request a stay of auction to enforce this prohibition, without requiring that they establish irreparable harm, a standard and burdensome showing required for injunctions under New York law.

- Award attorney's fees and costs if a stay request is necessary to obtain compliance.

These provisions ensure that lien enforcement is paused only in limited circumstances and only for the duration of the pending determination or appeal.

VI. BALANCING THE EQUITIES

Shavon's Law appropriately balances the interests of storage facility operators and individuals experiencing homelessness. Self-storage facilities already receive substantial public funding through direct payments from social services departments. New York City pays over 8 million dollars annually to storage providers through public assistance programs. In many cases, these payments are ultimately issued even where initial delays or denials occur.[3] Indeed, in 2025,

[3] See supra FN 1, Appendix B (Email from New York City Department of Social Services FOIL Office to a member of the New York City Bar Association's Social Welfare Committee, dated December 16, 2025).

HRA's decisions regarding storage matters were affirmed in only 9.4% of cases after a fair hearing was brought, with similarly low affirmations rates in 2024, 2023, and 2022.[4]

By contrast, the harm to individuals whose belongings are auctioned is severe and irreversible. The temporary delay in lien enforcement contemplated by this legislation is minimal when weighed against the permanent loss of essential property. Additionally, by linking the prohibition on enforcement to the status of a pending application or appeal, the bill incentivizes timely administrative action and provides clarity to all parties.

The relatively minor financial burden placed on storage facilities to wait for the relevant social services department to act pales in comparison to the dual burdens that currently fall on homeless New Yorkers: the strain of repeatedly fighting bureaucratic delay and error and the risk of losing all of one's property. Further, by incentivizing bureaucratic efficiency, an amended lien law will reduce the financial risks or losses that self-storage facilities bear in situations where storage assistance payments are delayed or erroneously denied. In recognition of these unnecessary risks and unfair burdens, Shavon's Law provides a balanced and limited safe haven for homeless New Yorkers to securely store their belongings.

VII. CONCLUSION

The City Bar urges the Legislature to enact Shavon's Law to protect homeless individuals from the deprivation of their due process rights and property rights. The proposed law will (a) incentivize bureaucratic efficiency, (b) in the vast majority of circumstances, impose only a minimal, temporary financial burden on self-storage facilities that earn millions of dollars each year from public assistance storage payments, and (c) enable individuals experiencing housing instability to protect precious, essential belongings, fulfilling the spirit and intent of the relevant New York statutes and regulations. With the approval of Shavon's Law, the Legislature will ensure that New Yorkers in housing crises can focus on finding a home, rather than engaging in the Sisyphean task of fighting bureaucratic delay on the one hand and a merciless lien law on the other.

Social Welfare Law Committee*
Catherine Frizell, Chair
Amelia Toledo, Member

May 2026

**The Committee thanks the City Bar Justice Center clients for sharing their stories and Professor Stephen Loffredo and pro bono volunteer Alex Leonard for their contributions to the proposed amendments.*

Contact
Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org

[4] See Appendix (Email from New York City Department of Social Services FOIL Office to a member of the New York City Bar Association's Social Welfare committee, dated April 20, 2026.)

From: FOIL <FOIL@dss.nyc.gov>
Date: December 16, 2025 at 11:31:06 AM EST
To: [redacted]
Subject: RE: FOIL #25-572 (total payments to storage companies annually, 2022-2024)

Dear Mr. [redacted],

In further response to your request submitted December 4, 2025, seeking the total annual amount the HRA has paid directly to storage facilities for each year 2022-2024, please be advised that the amounts are as follows:

Storage Facility Payments

Calendar Year	Total Payment Amount
2022	$8,234,608.87
2023	$7,690,232.53
2024	$8,615,660.33

Hopefully this information is helpful, and please feel free to email with any questions or concerns.

Sincerely,
DSS FOIL Office

From: FOIL
Sent: Thursday, December 11, 2025 5:44 PM
To: [redacted]
Subject: FOIL #25-572 (total payments to storage companies annually, 2022-2024)

Dear Mr. [redacted],

In response to your request below, emailed December 4, 2025, seeking the total annual amount the HRA has paid directly to storage facilities for each year 2022-2024, please be advised that before a further response can be provided, the agency requires time to conduct a diligent search in order to locate available records and review what is found for responsiveness and releasability. Based on the overall volume of requests received by the agency as well as an initial review of the particular language of your request, including the volume of data requested, the type of data requested and the search methods involved, the agency will respond further to your request on or before January 23, 2026.

Thank you for your request, and please feel free to email with any questions or concerns.

Sincerely,
DSS FOIL Office

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>
Sent: Thursday, December 4, 2025 7:52 PM
To: [redacted]
Subject: [OpenRecords] FOIL Request Submitted to Human Resources Administration (HRA)

Your request has been emailed to the Human Resources Administration (HRA) because that agency is not yet using the portal to respond to FOIL requests. The details of your request are shown below. No further information will be available on the OpenRecords portal regarding this request.
Request Title: HRA payments to storage facilities

Request Description: Under N.Y. Comp. Codes R. & Regs. Tit. 18 § 352.6 (f), "[a]n allowance for storage of furniture and personal belongings must be made when it is necessary for circumstances such as relocation, eviction or temporary shelter, so long as eligibility for public assistance continues and so long as the circumstances necessitating the storage continue to exist, and no other storage options exist." Please let me know the total annual amount the HRA has paid directly to storage facilities for each of the years 2022, 2023, and 2024. Thank you.

Requester's Contact Information
Name:
[redacted]
Title:
Not provided
Organization:
Not provided
Email:
[redacted]
Phone Number:
Not provided
Fax Number:
Not provided
Street Address (line 1):
Not provided
Street Address (line 2):
Not provided
City:
Not provided
State:

Not provided
Zip Code:
Not provided
Please contact the Human Resources Administration (HRA) via email at foil@hra.nyc.gov for any further information.

Outlook

Fwd: FOIL #25-598 (HRA benefit eligibility determination reversal rates)

[redacted]

---------- Forwarded message ---------
From: **FOIL** <FOIL@dss.nyc.gov>
Date: Mon, Apr 20, 2026 at 12:55 PM
Subject: Re: FOIL #25-598 (HRA benefit eligibility determination reversal rates)
To: [redacted]

Dear Mr. [redacted]

In response to your March 16 and 23, 2026 follow up emails below, and in further response to your request below, emailed December 18, 2025, seeking:

for each of the years 2022, 2023, and 2024:

1) the overall reversal rates for HRA benefit eligibility determinations; and

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2) the reversal rates for HRA benefit eligibility determinations specifically as to “storage benefit” eligibility.

See below for the total number of fair hearings held and their outcomes for Cash Assistance, and specifically for issue codes 044 (storage of possessions) and 672 (storage fees) across the years 2022, 2023, 2024, and 2025, also including the total number of fair hearings requested.

Decision After Fair Hearing	Overall	Storage	Overall (%)	Storage (%)
	2025		2025	
Agency affirmed	3,488	30	4.1%	9.4%
Agency correct when made	201	---	0.2%	---
Agency other	1,904	41	2.3%	12.9%
Agency reversed >>>	7,159	51	8.5%	16.0%
Reversal	*2,241*	*9*	*2.7%*	*2.8%*
Remand	*4,918*	*42*	*5.8%*	*13.2%*
Agency settled	51,618	71	61.2%	22.3%
Agency withdrew	19,978	125	23.7%	39.3%

FH Requests	Overall	Storage
	2025	
	112,227	548
	2024	
	111,867	529
	2023	
	106,962	501

Total heard with outcomes	**84,348**	**318**

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	2023	
	92,479	460

	2024		2024	
Agency affirmed	2,301	29	3.7%	12.4%
Agency correct when made	184	---	0.3%	---
Agency other	1,788	38	2.9%	16.2%
Agency reversed >>>	5,763	44	9.2%	18.8%
Reversal	*1,165*	*6*	*1.9%*	*2.6%*
Remand	*4,598*	*38*	*7.3%*	*16.2%*
Agency settled	38,891	37	62.0%	15.8%
Agency withdrew	13,760	86	22.0%	36.8%
Total heard with outcomes	**62,687**	**234**		

All counts by issues for CA

Issue code 044 - Storage of possessions

Issue code 672 - Storage fees

	2023	2023

Agency affirmed	2,829	19	4.8%	8.6%
Agency correct when made	246	2	0.4%	0.9%
Agency other	3,092	40	5.2%	18.0%
Agency reversed >>>	9,855	82	16.6%	36.9%
Reversal	*2,360*	*9*	*4.0%*	*4.1%*
Remand	*7,495*	*73*	*12.6%*	*32.9%*
Agency settled	34,320	---	57.7%	---
Agency withdrew	9,121	79	15.3%	35.6%
Total heard with outcomes	**59,463**	**222**		

	2022		**2022**	
Agency affirmed	2,870	27	4.1%	11.7%
Agency correct when made	438	---	0.6%	---
Agency other	4,291	50	6.1%	21.7%

Agency reversed >>>	12,592	87	APPENDIX 18.0%	37.8%
Reversal	*3,979*	*12*	*5.7%*	*5.2%*
Remand	*8,613*	*75*	*12.3%*	*32.6%*
Agency settled	39,389	16	56.4%	7.0%
Agency withdrew	10,299	50	14.7%	21.7%
Total heard with outcomes	**69,879**	**230**		

Sorry for the delay in responding. Hopefully this information is helpful, and please feel free to email with any questions or concerns.

Sincerely,

DSS FOIL Office

From: [redacted]
Sent: Monday, March 23, 2026 4:59 PM
To: FOIL <FOIL@dss.nyc.gov>
Subject: [EXTERNAL] Re: FOIL #25-598 (HRA benefit eligibility determination reversal rates)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Use the Phish Alert Report button to report this email or forward suspected email to phish@hra.nyc.gov as an attachment.

This is a second follow-up. Please confirm receipt?

On Mar 16, 2026, at 12:39 PM, [redacted] wrote:

Good Afternoon, and thank you for your help with this.

I'm just writing to confirm that you have everything you need from me, and to inquire whether you have an estimated timeframe for a response.

Best,

[redacted]

On Tue, Feb 10, 2026 at 9:01 AM [redacted] wrote:

> Thank you for seeking clarification.
>
> By "reversal rates," I mean the rates at which fair hearings challenging HRA's denial, reduction, or termination of eligibility for benefits were resolved for any reason except "Agency Affirmed/Correct When made," "Miscellaneous Upheld," or "Client Withdrew at Hearing."

Alternatively, you can provide the total number of fair hearings challenging HRA's denial, reduction, or termination of eligibility for benefits in 2022, 2023, 2024, and 2025 and then the total number of those fair hearings resolved each year for the reasons "Agency Affirmed/Correct When made," "Miscellaneous Upheld," or "Client Withdrew at Hearing."

sent from the heart

On Feb 4, 2026, at 12:29 PM, FOIL <FOIL@dss.nyc.gov> wrote:

Dear Mr. [redacted],

In further response to your request below, emailed December 18, 2025, seeking:

for each of the years 2022, 2023, and 2024:

1) the overall reversal rates for HRA benefit eligibility determinations; and

2) the reversal rates for HRA benefit eligibility determinations specifically as to “storage benefit” eligibility.

Please be advised that upon review, the FOIL Office needs clarification on what is meant by “reversal rates” in your request. It is unclear exactly what data this is meant to reference. Please provide more information so that the FOIL Office can coordinate to obtain the appropriately responsive data.

APPENDIX

Sincerely,

DSS FOIL Office

From: FOIL
Sent: Wednesday, December 24, 2025 4:15 PM
To: [redacted]
Subject: FOIL #25-598 (HRA benefit eligibility determination reversal rates)

Dear Mr. [redacted],

In response to your request below, emailed December 18, 2025, seeking:

for each of the years 2022, 2023, and 2024:

1) the overall reversal rates for HRA benefit eligibility determinations; and

2) the reversal rates for HRA benefit eligibility determinations specifically as to “storage benefit” eligibility.

Please be advised that before a further response can be provided, the agency requires time to conduct a diligent search in order to locate available records and review what is found for responsiveness and releasability. Based on the overall volume of requests received by the agency as well as an initial review of the particular language of your request, including the volume of records requested, the type of records requested, the search methods involved and the potential need for redaction, the agency will respond further to your request on or before February 23, 2026.

Thank you for your request, and please feel free to email with any questions or concerns.

Sincerely,

DSS FOIL Office

From: agencymail <agencymail@customercare.nyc.gov>
Sent: Thursday, December 18, 2025 4:17 PM
To: FOIL <FOIL@dss.nyc.gov>
Subject: City of New York - Correspondence #1-1-6334871 HRA FOIL Request Form

Below is the result of your feedback form. It was submitted by
[redacted] on Thursday, December 18, 2025, at 04:17:09 PM

This form resides at
hxxxs://www[.]nyc[.]gov/site/hra/about/foil-request[.]page

[redacted]

[redacted]

[redacted]

City: New York

State: NY

ZIP Code: 10023

Email: [redacted]

Phone: [redacted]

Request: Under N.Y. Comp. Codes R. & Regs. Tit. 18 § 352.6 (f), "[a]n allowance for storage of furniture and personal belongings must be made [“storage benefit”] when it is necessary for circumstances such as relocation, eviction or temporary shelter, so long as eligibility for public assistance continues and so long as the circumstances necessitating the storage continue to exist, and no other storage options exist." Please let me know the following for each of the years 2022, 2023, and 2024: 1) the overall reversal rates for HRA benefit eligibility determinations; and 2) the reversal rates for HRA benefit eligibility determinations specifically as to “storage benefit” eligibility. Thank you very much.

HTTP_ADDR: 155[.]190[.]19[.]106, 23[.]33[.]43[.]138, 23[.]56[.]236[.]107, 10[.]138[.]109[.]76
REMOTE_HOST: apps[.]nyc[.]gov
HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/143[.]0[.]0[.]0 Safari/537.36 Edg/143[.]0[.]0[.]0
True-Client-IP: 155[.]190[.]19[.]106

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