

# Express Lien

New York Lien Punchlist (Public)

## **NOTICE REQUIREMENTS**

New York is a Non-Notice State, meaning that parties to a construction project are generally not required to deliver any pre-lien notice to preserve its rights to later file a mechanics lien.

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## **THE MECHANICS LIEN**

- Referred to as “Notice Under Mechanics Lien Law for Account of Public Improvement”
- Public claim must be filed within 30 days after completion and acceptance of the public improvement. Suit to foreclose the claim must be filed within 1 year from the filing of the public claim.
- Third tier and lower subcontractors, and suppliers to suppliers cannot file liens on public projects.
- Liens must be foreclosed upon by filing suit within 1 year from the filing of the lien. However, a lien’s validity may be extended by filing for an Extension, which will extend the lien for one year.
- Liens must be filed with the head of the department in charge of the improvement and the controller of the state or financial officer of the public entity in charge with disbursement of the public contract’s funds.
- Within 5 days before or at the same time of filing the public lien, the claimant must serve a copy of the lien the party who hired it and everyone up the lien chain (i.e. the party who hired it, and the party who hired that party, etc.) Proof of the service must be filed along with the lien or the lien will be terminated.

### **START OF LIEN PERIOD?**

On Public Projects, Liens must be filed within 30 days after completion and acceptance of the public improvement...not simply the claimant’s work.

**Lien Smarter...Get Paid**

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