

## Is My Project Private, Federal, State...Or Something Different?

If you're unpaid on a construction project and you want to file a lien, you have to figure out the project *type* to determine what type of lien is available to you. In most circumstances, there are three types of projects:

-- **Federal Projects:** Construction work performed on federal property. Contractors and suppliers are unable to file a lien against the federal land. However, these parties can typically file a claim against the prime contractor's bond under the federal Miller Act. We have written quite a bit about the Miller Act (category: [Miller Act](#)).

-- **State Projects:** Construction work performed on state property. Just as contractors and suppliers cannot file a lien against property owned by the federal government, most states have restrictions against filing liens against state property as well. As such, claimants can typically file a claim against the prime contractor's bond under the state "Little Miller Act." We have written about these proceedings as well (category: [State Bond Claims](#)).

-- **Private Projects:** Construction work performed on property owned by a private owner (remember, this may include work on a private university or on a public corporation's property). Here, the contractor or supplier can file a traditional mechanic lien against the property itself.

-- **Something Different:** So, it is possible that your project doesn't fall into any of these categories? The answer, unfortunately, is yes. While there are a number of examples, I'll direct you to a recent blog post by [Vincent Pallaci](#) on his New York Mechanic's Lien blog: [Caution! Working on a private project on publicly owned land may leave you without lien rights.](#)

Vincent's post gives one example of these "something different" types of projects. It relates to a private project on a state property in New York. While New York has lien laws for private projects on private land, and public projects on public land, there is a gap for private projects on public land.

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When reviewing your lien rights, look at your project and determine what type of project it is. That's the first step in determining whether you have the right to lien or file a bond claim...and then how to actually do it.

Read this article on the Construction Lien Blog here:  
<http://constructionlienblog.com/?p=2219>