



Crossing the Bridge When You Get There: Why New York Builders Should No Longer Worry About Losing Retainage Lien Rights

As a contractor or subcontractor, it is of the utmost importance to pay very close attention to the text of mechanic's lien laws of your state, which often require you to follow certain formalities and send certain notices in order to protect your rights and receive payments due on certain projects. And it is no surprise that mechanic's lien laws vary, sometimes significantly, state by state. We have summaries of each state's lien laws available on the [Zlien website](#).

Listen up [New York](#) State, on July 22, 2011, the Governor of New York State amended its lien laws.

Luckily, this amendment is in favor of workers in the construction industry. As noted on the [New York Mechanic's Lien Blog](#), the new bill allows folks in the construction industry to breathe a little easier when it comes to liens for retainage (money earned by a contractor but not meant to be paid until the completion of the project or until some other date that is mutually agreed upon).

New York State's Lien Law Section 10's new provision ([read full text](#)) allows liens relative to retainage to be filed at any time within ninety (90) days after the retainage payment is actually due. Previously, liens were due 90 days after last furnishing labor and/or materials, meaning claimants were required to lien for retainage before it ever became due.

This amendment is great news for New York contractors and subs because it expands the time they have to file a lien for retainage, if necessary. New York contractors and subs can [file a mechanics lien](#) for its retainage long after they actually finish work, so long as the retainage is just recently due.

The extra 90 days will likely have positive effects, as the previous law just didn't make practical sense. The focus of a construction project should be doing the job, doing the job right, and worrying about the retainage payment only when the time is right. New York's Governor, in signing this bill, clearly agrees with the philosophy of crossing the bridge once you get there.

Read this post on the Construction Lien Blog at:
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