

## **New Law Gives Architects and Engineers Mechanic Lien Rights in Massachusetts**

Thanks to the attorneys at [Seyfarth Shaw, LLP for calling our attention to a change in Massachusetts mechanic lien laws](#), set to take effect on July 1, 2011. Signed into law earlier this month by governor Deval Patrick, the new law grants architects, engineers and other design professionals the same mechanic lien rights that contractors, subcontractors and materialmen have enjoyed in Massachusetts for years.

Design professionals are happy with the change, as this brings Massachusetts into line with a large number of other states who offer mechanic lien protections to design professionals. As the folks at [the Engineering Center point out in their press release](#) about the change, specifically accommodating design professionals "eliminates ambiguities concerning liens" for these project participants.

Mention of these "ambiguities" is a good point, because they run rampant through mechanic lien laws in many states.

Determining *who* has mechanic lien rights on a construction project is an important first step to filing. Folks frequently ask whether they fall into a group without mechanic lien rights, and we've answered a lot of these inquiries on this blog. For example, [can you file a mechanic lien without a written contract?](#) Or [can an equipment supplier file a lien?](#) We've also generally discussed the question of who can file liens in [Florida](#) and [Wisconsin](#).

In some states, design professionals are specifically included as a protect party under lien statutes, and in others they are specifically excluded. Problems arise when they are neither specifically included or excluded, and only those parties who "contribute" or "furnish materials/labor" to an improvement are protected. These types of statutes raise the question of whether the definition contemplates protection for an engineer or design professional. Oftentimes courts must look to the actual work performed by the design professional to make the call.

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Before the passage of this new statute, Massachusetts' mechanic lien law suffered from this ambiguity. Starting July 1, 2011, they join the ranks of those states who clearly provide lien rights to design professionals...and really, why shouldn't these professionals have the right to file a lien?

Interested in reading the statute's full text? Click here: [Chapter 424 of the Acts of 2010](#)

Read this article on the Construction Lien Blog here:  
<http://constructionlienblog.com/?p=2251>