

Filing a mechanic's lien on Long Island

When contractors don't get paid, one of their best options for securing payment is to file a mechanic's lien. Liens can be filed against private, commercial and public projects. On private projects, the mechanic's lien becomes an "encumbrance" on the title of the property owner. It can cause problems for them in refinancing or selling. Ultimately, the lien allows the unpaid contractor, supplier or vendor to foreclose, take the property and have it sold to satisfy the debt. On public projects, the lien is filed against the contract and the public entity will then withhold the amount of the lien from the prime contractor.

File a private mechanic's lien in Suffolk County

A "private improvement" lien in Suffolk County gets filed in the County Clerk's office in Riverhead. It does not matter where, or what Town, the work was performed. All private property mechanic's liens, residential or commercial, are filed in Riverhead.

The fee charged by the Suffolk County clerk to record the lien is \$215.00¹ for the first lot plus \$200.00 for each additional lot. Most liens only relate to one lot but always check and be sure that you accurately and properly record the lien against the entire property where the work was performed (even if more than one lot). In addition, the lien must be served and the affidavit of service must be recorded. The fee to record the affidavit of service is \$5.00.

File a private mechanic's lien in Nassau County

A "private improvement" lien in Nassau County gets filed in the County Clerk's office in Mineola. Like in Suffolk, it does not matter where in Nassau County the work was performed, the lien is filed in Mineola at the County Clerk's office.

The fee charged by the Nassau County Clerk's office to record the mechanic's lien is the highest in the state.² The Nassau County Clerk charges a fee of \$315.00 to record the lien against the first lot. Additional lots trigger an additional fee and, like in Suffolk, Nassau charges \$5.00 to record the affidavit of service for the lien. One additional fee to keep in mind in Nassau County is that when you are finally paid, and have to satisfy the lien, the fee to file the satisfaction is another \$300.00.

Filing a public improvement lien on Long Island

Unlike private improvement liens, public liens on Long Island are not filed in a central location (like the County Clerk's office). Instead, the lien is filed with "with the head of the department or bureau having charge of such construction or demolition and with the comptroller of the

¹ Accurate as of January 2, 2017

² Accurate as of January 2, 2017

state or with the financial officer of the public corporation, or other officer or person charged with the custody and disbursements of the state or corporate funds applicable to the contract under which the claim is made.” That’s a mouthful but basically it means most, if not all, liens on public improvements on Long Island get filed in two places: with the head of the department and with the comptroller or other financial officer that is in charge of funds for the project. For example, if you are performing a project for the New York State Department of Transportation, you may have to file the public improvement mechanic’s lien with the head of the Department of Transportation and the New York State Comptroller. But if you are performing a project for the Town of Islip Department of Public Works you may have to file the lien with the head of Islip DPW and with the Town of Islip comptroller. When in doubt, contact legal counsel to make sure that the lien is properly filed everywhere that it should be.

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