

# STATE OF NEW YORK

10348

## IN ASSEMBLY

February 26, 2026

Introduced by M. of A. WIEDER -- read once and referred to the Committee on Judiciary

AN ACT to amend the lien law, in relation to the time during which to file a mechanic's lien

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 10 of the lien law, as amended by  
2 chapter 367 of the laws of 2011, is amended to read as follows:  
3 1. Notice of lien may be filed at any time during the progress of the  
4 work and the furnishing of the materials, or, within [~~eight~~] eighteen  
5 months after the completion of the contract, or the final performance of  
6 the work, or the final furnishing of the materials, dating from the last  
7 item of work performed or materials furnished; provided, however, that  
8 where the improvement is related to real property improved or to be  
9 improved with a single family dwelling, the notice of lien may be filed  
10 at any time during the progress of the work and the furnishing of the  
11 materials, or, within [~~four~~] twelve months after the completion of the  
12 contract, or the final performance of the work, or the final furnishing  
13 of the materials, dating from the last item of work performed or materi-  
14 als furnished; and provided further where the notice of lien is for  
15 retainage, the notice of lien may be filed within ninety days after the  
16 date the retainage was due to be released; except that in the case of a  
17 lien by a real estate broker, the notice of lien may be filed only after  
18 the performance of the brokerage services and execution of lease by both  
19 lessor and lessee and only if a copy of the alleged written agreement of  
20 employment or compensation is annexed to the notice of lien, provided  
21 that where the payment pursuant to the written agreement of employment  
22 or compensation is to be made in installments, then a notice of lien may  
23 be filed within [~~eight~~] eighteen months after the final payment is due,  
24 but in no event later than a date five years after the first payment was  
25 made. For purposes of this section, the term "single family dwelling"  
26 shall not include a dwelling unit which is a part of a subdivision that  
27 has been filed with a municipality in which the subdivision is located  
28 when at the time the lien is filed, such property in the subdivision is

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 owned by the developer for purposes other than [~~his~~] their personal  
2 residence. For purposes of this section, "developer" shall mean and  
3 include any private individual, partnership, trust or corporation which  
4 improves two or more parcels of real property with single family dwell-  
5 ings pursuant to a common scheme or plan. The notice of lien must be  
6 filed in the clerk's office of the county where the property is situ-  
7 ated. If such property is situated in two or more counties, the notice  
8 of lien shall be filed in the office of the clerk of each of such coun-  
9 ties. The county clerk of each county shall provide and keep a book to  
10 be called the "lien docket," which shall be suitably ruled in columns  
11 headed "owners," "lienors," "lienor's attorney," "property," "amount,"  
12 "time of filing," "proceedings had," in each of which [~~he~~] such county  
13 clerk shall enter the particulars of the notice, properly belonging  
14 therein. The date, hour and minute of the filing of each notice of lien  
15 shall be entered in the proper column. Except where the county clerk  
16 maintains a block index, the names of the owners shall be arranged in  
17 such book in alphabetical order. The validity of the lien and the right  
18 to file a notice thereof shall not be affected by the death of the owner  
19 before notice of the lien is filed.

20 § 2. This act shall take effect immediately and shall apply to all  
21 contracts and improvements for which the time to file a notice of a  
22 mechanic's lien has not expired on or after such effective date.