§ 111-u. Liens. 1. The office of temporary and disability assistance, or a social services district, or its authorized representative shall have a lien against real and personal property owned by a support obligor when such support obligor is or was under a court order to pay child support or combined child and spousal support to a support collection unit on behalf of persons receiving services under this title, and such obligor has accumulated support arrears/past due in an amount equal to or greater than the amount of support due pursuant to such order for a period of four months. Such lien shall incorporate unpaid support which accrues in the future.

2. For the purposes of determining whether a support obligor has accumulated support arrears/past due support for a period of four months, the amount of any retroactive support, other than periodic payments of retroactive support which are past due, shall not be included in the calculation of arrears/past due support pursuant to this section; however, if at least four months of support arrears/past due support have accumulated subsequent to the date of the court order, the entire amount of any retroactive support may be collected pursuant to the provisions of this subdivision or as otherwise authorized by law.

3. When the office of temporary and disability assistance, or a social services district, or its authorized representative on behalf of a person receiving services pursuant to this title determines that the requisite amount of child support is past due, it shall send, by first class mail, a notice of intent to file a lien to the support obligor. The obligor may assert a mistake of fact and shall have an opportunity to make a submission in support of the assertion. The assertion and any supporting papers shall be submitted within thirty-five days from the date a notice was mailed. Thereafter, the social services district shall determine the merits of the assertion, and shall notify the obligor of its determination within ninety days after notice to the obligor was mailed.

4. If the social services district finds no mistake of fact exists or, the obligor fails to assert a mistake of fact within the thirty-five days, the social services district may file a notice of lien, which

shall contain the caption of the support order and a statement of arrears and which shall constitute a lien on the property. The social services district shall not enforce its lien until after expiration of any applicable period for review of an administrative action or, if the obligor has initiated a proceeding pursuant to article seventy-eight of the civil practice law and rules, until completion of such review.

5. Filing of the notice of the lien shall be as provided in sections sixty-five and two hundred eleven of the lien law, article forty-six of the vehicle and traffic law, or as otherwise authorized by law.

6. Within five days before or thirty days after filing the notice of the lien, the social services district shall send by first class mail a copy of such notice upon the owner of the property.