

Construction and Design Law: Managing the Network of Interdependent Relationships

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Part 3

Lesson 17: Construction Liens

Covering construction liens (more commonly called “mechanics’ liens”) presents special challenges because the governing statutes, cases, and practices vary so greatly from one jurisdiction to another. My preferred approach is to introduce the topic merely in a general way and then, if time permits, to focus on a specific jurisdiction’s statutory and case law.

A construction lien affords a remedy to contractors, subcontractors and others protected under the controlling statute in the form of a lien against the project for unpaid amounts due for construction related work and services. Construction lien rights, however, are not generally available for public projects, which is one of the reasons federal and state legislation require payment bonds in connection with many public projects. Beyond that, students should understand that while the governing statutes establish different requirements and procedures for establishing a lien, a claimant’s ultimate right is to have the lien foreclosed against the project in a manner similar to a mortgage foreclosure. For these general purposes, it works well to assign 3 BOCL §§ 8:152; 8:154 (November 2024 update).

With that simple introduction as background, I prefer to cover the details of construction liens only in the context of a single jurisdiction’s law. In keeping with that approach, I recommend that additional reading assignments be taken from whatever jurisdictionally specific materials may be readily available to the students via standard databases. This may include bar journal articles, state practice handbooks or CLE materials, and leading cases.

Those who wish to cover the topic more comprehensively without focusing on a specific jurisdiction, might consider assigning *Mechanic's Liens in Practice*, Practical Law Practice Note (available on Westlaw, <https://us.practicallaw.thomsonreuters.com/w-001-3551> (last accessed January 21, 2026)). The introduction to this resource offers this description: “A Practice Note discussing the many considerations for owners, construction professionals, and lenders when preparing, filing, perfecting, and discharging mechanic's or construction liens under specific state statutes. This Practice Note alerts counsel to the potential requirements to ensure they are addressed when filing or challenging a lien.”

Additional Resources

The American Bar Association’s Forum on Construction Law textbook, *Construction Law* (2d ed., Carol J. Patterson, et al., eds 2019), includes an excellent chapter on the topic. It is Chapter 17, beginning at page 529, *Mechanic’s Lines*, by Eileen M. Diepenbrock.