

HOUSE No. 3386

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher M. Markey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to notice of contract, dissolution of lien.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|--------------------|------------------|
| <i>Christopher M. Markey</i> | <i>9th Bristol</i> | <i>1/18/2019</i> |

HOUSE No. 3386

By Mr. Markey of Dartmouth, a petition (accompanied by bill, House, No. 3386) of Christopher M. Markey relative to notes of contracts and dissolutions of liens. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3086 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to notice of contract, dissolution of lien.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 254 of the General Laws, as appearing in the 2016 Official Edition,
2 is hereby amended by striking out section 8 and inserting in place thereof the following section:-

3 Section 8. Liens under sections two and four shall be dissolved unless the contractor,
4 subcontractor, or some person claiming by, through or under them, not later than the earliest of:
5 (i) ninety days after the filing or recording of the notice of substantial completion under section
6 two A; (ii) one hundred and twenty days after the filing or recording of the notice of termination
7 under section two B; (iii) one hundred and twenty days after the last day a person, entitled to
8 enforce a lien under section two or anyone claiming by, through or under him, performed or
9 furnished labor or material or both labor and materials or furnished rental equipment, appliances
10 or tools; or (iv), with respect to any building, structure or other improvement to real property

11 consisting only of at least one but not more than four dwelling units, five years after the filing or
12 recording of the Notice of Contract, provided that the homeowner has filed an affidavit with the
13 registry of deeds in the county or district where the land lies stating that the homeowner is
14 unaware of any outstanding debt to any contractor or subcontractor, shall file or record in the
15 registry of deeds in the county or district where the land lies a statement, giving a just and true
16 account of the amount due or to become due him, with all just credits, a brief description of the
17 property, and the names of the owners set forth in the notice of contract. A lien under section one
18 shall be dissolved unless a like statement, giving the names of the owner of record at the time the
19 work was performed or at the time of filing the statement, is filed or recorded in the appropriate
20 registry of deeds within the ninety days provided in said section. Nothing in this section shall
21 prohibit the filing or recording of a statement under this section prior to the filing or recording of
22 the notices under section two A or two B.