

**HOUSE . . . . . No. 1482**

By Mrs. Harkins of Needham, petition of Lida E. Harkins and others relative to mechanic’s liens. The Judiciary.

**The Commonwealth of Massachusetts**

PETITION OF:

Lida E. Harkins  
Willie Mae Allen

Richard T. Moore

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO MECHANIC’S LIENS.

*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 Section 4 of chapter 254 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 inserting before the word “Such” in line 28, the following sen-  
4 tence:— “Prior to filing the notice of any contract in the registry of  
5 deeds as described in this section, a subcontractor must produce an  
6 affidavit, signed under the pains and penalties of perjury, from the  
7 general contractor describing the costs owed to the subcontractor  
8 and stating that the owner has not paid the general contractor for the  
9 labor or material, or both labor and material, or furnishing of rental  
10 equipment, appliances or tools, supplied by said subcontractor.”.

1 SECTION 2 Section 4 of chapter 254 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 inserting after the word “contract” in line 29, the following words:—  
4 “and procurement of the affidavit from the general contractor”.

1 SECTION 3 Section 4 of chapter 254 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 inserting after the word “owner” in line 57, the following words:—  
4 “and shall not include lawyer’s fees, late penalties, late fees or other

5 costs not directly related to the labor or material, or both labor and  
6 material, or furnishing of rental equipment, appliances or tools, sup-  
7 plied by said subcontractor in the contract. Upon request of the  
8 owner, said subcontractor shall also furnish to the owner an itemized  
9 listing of costs associated with the subcontract and lien, including  
10 but not limited to bills of sale, receipts or other relevant supporting  
11 documentation”.

1 SECTION 4 Section 11 of chapter 254 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by adding  
3 the following sentence:— “The court may order a subcontractor to  
4 pay the owner’s attorney’s fees and costs if evidence of a lack of due  
5 diligence in conforming with the affidavit requirements of section 4  
6 of this chapter exists or if the court determines the lien was other-  
7 wise improperly asserted.”