

- SUBJECT:** Creating a mechanic's lien for landscapers
- COMMITTEE:** Business and Industry — committee substitute recommended
- VOTE:** 9 ayes — Brimer, Dukes, Corte, George, Giddings, Ritter, Siebert, Solomons, Woolley
0 nays
- WITNESSES:** For — James K. Presnal, Texas Nursery and Landscape Association
Against — None
- BACKGROUND:** Under current law, a person may secure a mechanic's lien if that person provides labor or materials for construction of a home, building, or improvement under a written contract with the owner or the owner's agent, trustee, receiver, contractor, or subcontractor. The lien secures payment for all of the labor and material provided for the contracted project and extends to the house, building, fixtures, or improvements. Under valid conditions, the lien may be enforced on the property. Persons who provide landscaping services are not authorized specifically to attach liens to secure their service and materials.
- DIGEST:** CSHB 2135 would amend the Property Code to establish a mechanic's lien for persons who install landscaping.
- A person who provided labor, plant material, or other supplies for the installation of landscaping for a house, building, or improvement, under or by virtue of a written contract with the owner or the owner's agent, trustee, or receiver, would have a lien on the property.
- The lien would take effect on the date of recording of an affidavit of lien, as now provided for architects, engineers, and surveyors under Property Code, sec. 53.021, which sets out the requirements for the valid filing of an affidavit evidencing the mechanic's lien.
- The bill would take effect September 1, 1999.

SUPPORTERS SAY: Since at least the late 1980s, some title companies have failed to honor liens held by suppliers of labor, plant material, or other material for the installation of landscaping. As a result, some landscapers have been left out in the cold financially, with little hope of recovering their expenses. This bill would ensure that landscapers have the same security rights enjoyed by architects, engineers, and surveyors for the services they provide.

OPPONENTS SAY: No apparent opposition.

NOTES: The committee substitute changed the original bill by adding landscapers to the section of the Property Code specifying the date of the inception of a lien.