

2022 Deadlines for Texas Mechanic's Lien Claims on Private, Commercial Construction Projects for Prime Contracts Entered Into on or AFTER January 1, 2022

| | | <u>Original Contractors</u> | <u>Subcontractors</u> | |
|--|------|-----------------------------|-----------------------|---------------------|
| | | File Lien Affidavit | Notice of Claim | File Lien Affidavit |
| <u>Date Labor / Materials Provided</u> | Jan. | May 15 | Apr. 15 | May 15 |
| | Feb. | Jun. 15 | May 15 | Jun. 15 |
| | Mar. | Jul. 15 | Jun. 15 | Jul. 15 |
| | Apr. | Aug. 15 | Jul. 15 | Aug. 15 |
| | May | Sep. 15 | Aug. 15 | Sep. 15 |
| | Jun. | Oct. 15 | Sep. 15 | Oct. 15 |
| | Jul. | Nov. 15 | Oct. 15 | Nov. 15 |
| | Aug. | Dec. 15 | Nov. 15 | Dec. 15 |
| | Sep. | Jan. 15 | Dec. 15 | Jan. 15 |
| | Oct. | Feb. 15 | Jan. 15 | Feb. 15 |
| | Nov. | Mar. 15 | Feb. 15 | Mar. 15 |
| | Dec. | Apr. 15 | Mar. 15 | Apr. 15 |

1. This chart only applies to projects with prime contracts with an effective date of **January 1, 2022 or later**. All prime contracts entered into before this date are still governed by the former version of Chapter 53 of the Texas Property Code.
2. Notices may be sent by either certified return receipt requested, register mail, or private delivery (e.g., FedEx or UPS).
3. Subcontractor notices must be sent for **each** month labor or materials were provided. However, the lien affidavit only needs to be filed after the **last** month labor or materials were provided.
4. Original Contractors are not required to send a notice of claim prior to filing a lien affidavit.
5. All subcontractors must send a notice of claim to the owner **and** the original contractor by the 15th day of the third month after labor or materials were provided for **each** month labor or materials were provided. There is no longer a distinction between first-tier and lower-tiered subcontractors.
6. Notice of the filed lien affidavit must be sent within five days of filing to the owner (for original contractors), or the owner and original contractor (for subcontractors).
7. *The deadlines are different for claims on retainage and specially fabricated materials, as well as residential projects, and beyond the scope of the issues addressed in this table.*

About KRCL's Construction Practice Group: KRCL is a full-service firm with offices in Dallas and Houston. The Firm represents all parties throughout the construction supply chain in transactional, litigation, employment and OSHA matters, including owners/developers, general contractors, subcontractors, suppliers and design professionals, as well as lenders that finance large-scale construction projects in the region. **If you have mechanic's lien questions, please contact Brian Stork at (214) 777-4251, bstork@krcl.com or another member of the Construction Practice Group.**

Disclaimer: The laws surrounding Texas mechanic's lien claims are complex and different from similar claims in other jurisdictions. This tool is not intended to provide or serve as legal advice. You should consult legal counsel with any questions. This tool is for informational purposes only.

**2022 Deadlines for Texas Mechanic's Lien Claims on Private, Commercial Construction Projects for Prime Contracts
Entered Into BEFORE January 1, 2022**

| | <u>Original Contractors</u> | | <u>First-Tier Subcontractors</u> | | <u>Second-Tier Subcontractors</u> | | |
|--------------------------------------|-----------------------------|---------|----------------------------------|---------------------|--|--|---------------------|
| | File Lien Affidavit | | Notice of Claim | File Lien Affidavit | Notice of Claim (2 nd Month) | Notice of Claim (3 rd Month) | File Lien Affidavit |
| Date Labor/Materials Provided | Jan. | May 15 | Apr. 15 | May 15 | Mar. 15 | Apr. 15 | May 15 |
| | Feb. | Jun. 15 | May 15 | Jun. 15 | Apr. 15 | May 15 | Jun. 15 |
| | Mar. | Jul. 15 | Jun. 15 | Jul. 15 | May 15 | Jun. 15 | Jul. 15 |
| | Apr. | Aug. 15 | Jul. 15 | Aug. 15 | Jun. 15 | Jul. 15 | Aug. 15 |
| | May | Sep. 15 | Aug. 15 | Sep. 15 | Jul. 15 | Aug. 15 | Sep. 15 |
| | Jun. | Oct. 15 | Sep. 15 | Oct. 15 | Aug. 15 | Sep. 15 | Oct. 15 |
| | Jul. | Nov. 15 | Oct. 15 | Nov. 15 | Sep. 15 | Oct. 15 | Nov. 15 |
| | Aug. | Dec. 15 | Nov. 15 | Dec. 15 | Oct. 15 | Nov. 15 | Dec. 15 |
| | Sep. | Jan. 15 | Dec. 15 | Jan. 15 | Nov. 15 | Dec. 15 | Jan. 15 |
| | Oct. | Feb. 15 | Jan. 15 | Feb. 15 | Dec. 15 | Jan. 15 | Feb. 15 |
| | Nov. | Mar. 15 | Feb. 15 | Mar. 15 | Jan. 15 | Feb. 15 | Mar. 15 |
| | Dec. | Apr. 15 | Mar. 15 | Apr. 15 | Feb. 15 | Mar. 15 | Apr. 15 |

1. All notices must be sent by either certified return receipt requested or register mail.
2. Subcontractor notices must be sent for **each** month labor or materials were provided. However, the lien affidavit only needs to be filed after the **last** month labor or materials were provided.
3. Original Contractors are not required to send a notice of claim prior to filing a lien affidavit.
4. First-Tier Subcontractors must send a notice of claim to the owner **and** the original contractor by the 15th day of the third month after labor or materials were provided (*i.e.*, the third month notice) for **each** month labor or materials were provided.
5. Second-Tier Subcontractors and below must send an initial notice of claim to the original contractor by the 15th day of the second month after labor or materials were provided (*i.e.*, the second month notice) for **each** month labor or materials were provided. They then must **also** send the third month notice to the owner **and** original contractor. The second and third month notices may be combined into a single letter to the owner and general contractor so long as the notice is sent by the second month notice deadline.
6. Notice of the filed lien affidavit must be sent within five days of filing to the owner (for original contractors), or the owner and original contractor (for subcontractors).
7. *The deadlines are different for claims on retainage and specially fabricated materials, as well as residential projects, and beyond the scope of the issues addressed in this table.*

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