

- SUBJECT:** Entitling interior designers to a mechanic's lien on real property
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 8 ayes — Martinez Fischer, Darby, Beckley, Collier, Landgraf, Moody, Patterson, Shine
- 0 nays
- 1 absent — Parker
- WITNESSES:** For — Mark Hopper, Interior Architects and Designers; Donna Vining, Texas Association for Interior Design; (*Registered, but did not testify:* Allen Place, Texas Land Title Association)
- Against — Kelley Barnett
- BACKGROUND:** Under Property Code sec. 53.021(c), an architect, engineer, or surveyor who prepares a plan or plat under or by virtue of a written contract with the owner in connection with the actual or proposed design construction, or repair of improvements on real property or the location of the boundaries of real property has a lien on the property.
- Interested parties have called for registered interior designers to be entitled to a mechanic's lien so that these skilled professionals, like architects, engineers, or surveyors, could file a lien for unpaid design work.
- DIGEST:** HB 2346 would entitle a registered interior designer to a mechanic's lien on a property if the designer prepared a design under or by virtue of a written contract with the owner or the owner's agent, trustee, or receiver in connection with the actual or proposed design of improvements on the real property or the location of the boundaries of the real property.
- The lien would secure payment for the preparation of a design by a registered interior designer. For the purposes of filing an affidavit to claim

a lien, indebtedness would accrue on a contract under which a design was prepared, labor was performed, materials were furnished, or specifically fabricated materials were to be furnished.

The bill would take effect September 1, 2019, and would apply to a contract entered into on or after that date.