

Unpaid Construction Work? Know Your Rights!



Information for workers in Texas

These rights apply to all workers, regardless of immigration status.

In Texas, many unpaid construction workers can use a powerful tool called a “mechanic’s lien” to try to recover their unpaid wages.

What’s a mechanic’s lien?

Under Texas law, workers who have done construction or demolition work and who have not been paid can often get a “mechanic’s lien” on the property where they have worked. The “mechanic’s lien” acts as a security to make sure that the worker is paid. If the worker is not paid and has a proper lien, then the worker can sue to foreclose on the property in order to be paid.

Can I get a mechanic’s lien for the work I did?

- Most construction work (except routine maintenance) and demolition work on private property can be eligible for a mechanic’s lien. Construction work includes **improving or installing something on property, including some landscaping work.**
- Both **employees and independent contractors** have the right to claim a mechanic’s lien.
- You **do not have to have a written contract** to get a mechanic’s lien.
- You usually cannot get a mechanic’s lien on a “homestead” (a house where the owner lives or plans to live) or on public property (though other rights apply for public contracts).

What are my deadlines to try to get a mechanic’s lien?

The deadlines for mechanic’s liens are very short (usually between 30 days and 6 weeks from when you performed the work, depending on the situation).

What information do I need to bring an attorney? An attorney will need very specific information about the work you performed, including:

- ✓ the **address** of the property (or properties) where you worked;
- ✓ the **dates** you worked on each property;
- ✓ how much you were **promised** for the work, and how much you are still **owed**;
- ✓ and **names and contact information for the contractors** on the project (including the contractor that hired you and the general contractor).

Other information is required for a lien, but these are some of the most important details.

Can I get a mechanic's lien without an attorney?

It's not a good idea. Although an attorney is not required to file a mechanic's lien, Texas law has very specific requirements for these liens, and you have to comply with them exactly. There is also potential liability, both criminal and civil, for fraudulent filing of a mechanic's lien, so consult with an employment or construction attorney. There are options for filing other claims on your own (such as filing in Justice of the Peace Court), but they are not as powerful as mechanic's liens.

What can I do to protect myself on future jobs?

- ✓ Write down **what you are promised for the work** (how much you will be paid, for what work).
- ✓ Write down the full **name, address, and phone number** of the person who hires you and the general contractor, and any other contractors in the contracting chain. One easy way to get this information is to ask for a business card. You can also take pictures of the contractors' license plates if you can't get addresses another way.
- ✓ Write down the **dates and hours that you work** on each property (keep a calendar).
- ✓ Take **photos of your work**.
- ✓ Keep any **documents** related to the work.
- ✓ Write down the **names and phone numbers** of any witnesses to the work, like coworkers.
- ✓ **As soon as you are not paid, contact an attorney**, because deadlines to claim a mechanic's lien are short!

Note: this information is not legal advice. For free, confidential advice and information, contact Texas RioGrande Legal Aid at 888-988-9996.