

From time to time, construction defects occur on construction projects. In Texas, the property owner is not required to provide notification to the construction team prior to filing a lawsuit or initiating an arbitration proceeding for a claim that alleges a defect in construction.

Representative Workman's bill will require that, before a suit or arbitration is filed, a person making a claim for damages caused by an alleged construction defect must 1) provide a notice to the contractor; 2) obtain an inspection of the alleged defect by a professional engineer and allow the contractor to attend the inspection; 3) obtain a written report from the engineer concerning the alleged defect; 4) allow 150 days after the date of the report to correct any construction defect identified in the report. The court or arbitrator is required to dismiss a claim if the above items are not followed by the claimant.