

# ELIMINATION OF ARCHITECTURAL BARRIERS PROGRAM

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GOVERNMENT CODE  
TITLE 4. EXECUTIVE BRANCH  
SUBTITLE E. OTHER EXECUTIVE AGENCIES AND  
PROGRAMS  
CHAPTER 469 ELIMINATIONS OF ARCHITECTURAL  
BARRIERS

TEXAS ADMINISTRATIVE CODE  
TITLE 16 ECONOMIC REGULATIONS  
PART 4 TEXAS DEPT OF LICENSING AND  
REGULATION  
CHAPTER 68 ELEMINATIONS OF ACHITECTURAL  
BARRIERS

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# TEXAS DEPARTMENT OF LICENSING AND REGULATION

## REGULATES AND LICENSES THE FOLLOWING TEXAS PROGRAMS:

- Air Conditioning and Refrigeration
- Architectural Barriers
- Athletic Trainers
- Auctioneers
- Barbering
- Behavior Analysts
- Boiler Safety
- Code Enforcement Officers
- Combative Sports
- Cosmetologist
- Court-Ordered Education Programs
  - Responsible Pet Owner
- Dietitians
- Driver Education and Safety
- Dyslexia Therapy
- Electricians
- Elevator / Escalator Safety
- Hearing Instrument Fitters and Dispensers
- Industrialized Housing and Buildings
- Laser Hair Removal
- Licensed Breeders
- Massage Therapy
- Midwives
- Mold Assessors and Remediators
- Motor Fuel Metering and Quality
- Motorcycle and ATV Operator Safety
- Offender Education Programs
- Orthotists and Prosthetists
- Podiatry
- Polygraph Examiners
- Professional Employer Organizations
- Property Tax Consultants
- Property Tax Professionals
- Sanitarians
- Service Contract Providers
- Speech-Language Pathologists and Audiologists
- Tow Trucks, Operators and Vehicle Storage Facilities
- Transportation Network Companies
- Used Automotive Parts Recyclers
- Water Well Drillers and Pump Installers
- Weather Modification



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# TEXAS DEPARTMENT OF LICENSING AND REGULATION

## ELIMINATION OF ARCHITECTURAL BARRIERS PROGRAM

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What is the **Eliminations of Architectural Barriers (EAB)** program?

- The program is a division of the **Texas Department of Licensing and Regulation (TDLR)** and aims to ensure access for all Texans by administering compliance using the **Texas Accessibility Standards (TAS)**
- The **Texas Accessibility Standards (TAS)** is the Texas construction law counterpart to the Americans with Disabilities Act civil law

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# TEXAS DEPARTMENT OF LICENSING AND REGULATION

# ELIMINATION OF ARCHITECTURAL BARRIERS PROGRAM

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What does the **Eliminations of Architectural Barriers (EAB)** Program do?

- **EAB** has oversight that includes:
  - Providing technical assistance regarding the **TAS**
  - Licensing and auditing **Registered Accessibility Specialists (RAS)**
  - Informing owners and other entities of their responsibilities to follow the statutes and laws
  - Providing enforcement referrals for projects that are out of compliance





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# What Is Chapter 469?

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## Texas Government Code, Chapter 469 Elimination of Architectural Barriers

- Known as the Texas Architectural Barriers Act went into effect January 1, 1970

### Scope of Chapter

- To ensure that each building/facility is accessible to and functional for persons with disabilities without causing the loss or function, space, or facilities

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# What Is Chapter 469?

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## Texas Government Code, Chapter 469 Elimination of Architectural Barriers

### Relates to these Disabilities

- Non-ambulatory/Semi-ambulatory
- Sight
- Hearing
- Coordination
- Aging



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# Local Government's Role

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- Per Chapter **469.102** (d):  
“A public official of a political subdivision who is legally authorized to issue building construction permits may not accept an application for a building construction permit for a building or facility subject to Section 469.101 unless the official verifies that the building or facility has been registered with the department as provided by rule”
- Building construction permits should **NOT** be issued until the owner provides proof that plans and specifications have been submitted to TDLR
- While the owner is responsible for ensuring a project is registered and construction documents have been submitted to TDLR, it is up to local municipalities to ensure that permits are not issued until that happens.



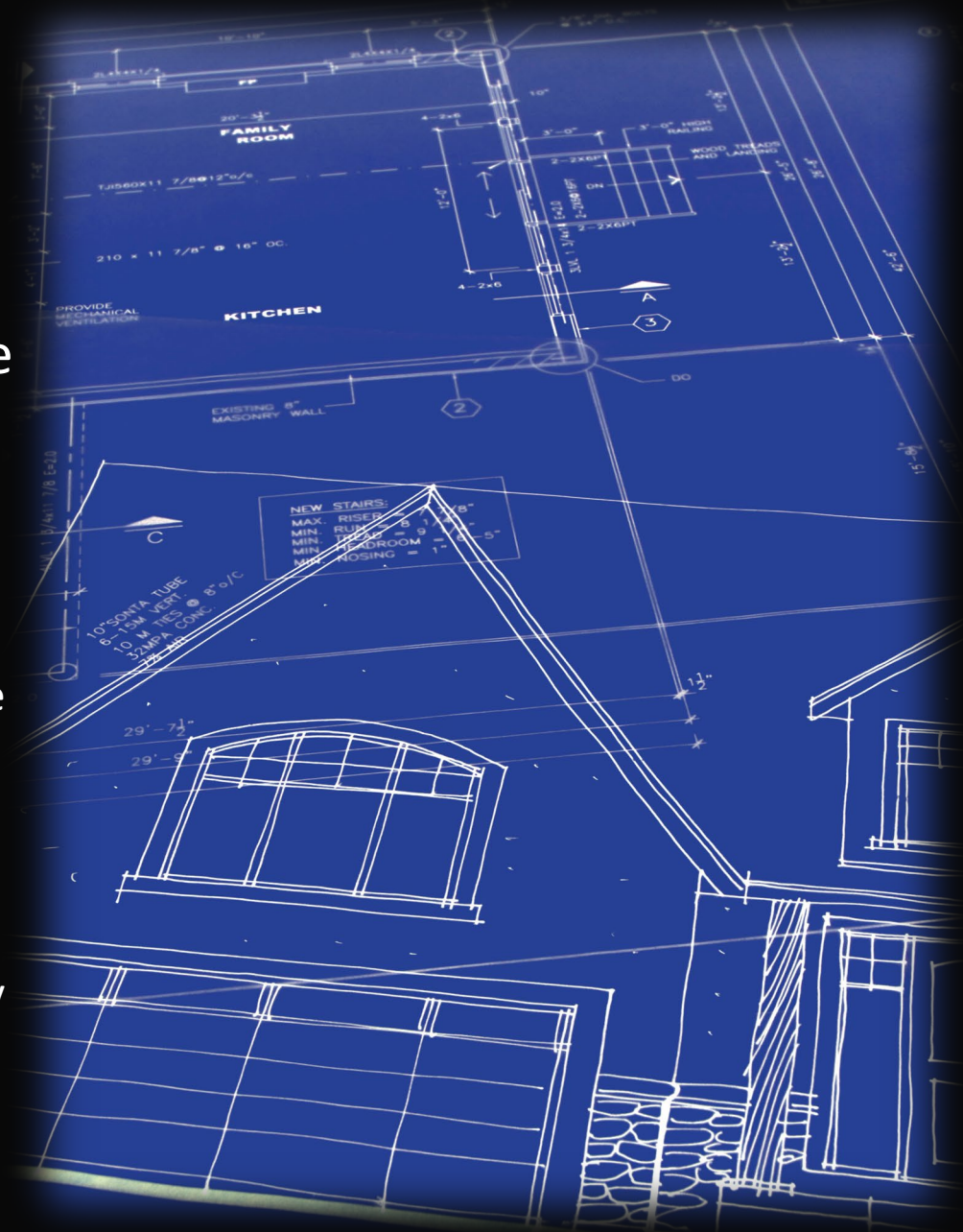
# What projects are subject to the Architectural Barriers Act?

The following project types trigger compliance with the Architectural Barriers Act:

- Buildings/Facilities that are subject to Chapter 469

These include:

- A building constructed, renovated, or modified, in whole or in part, on or after January 1, 1970
- A building constructed, renovated, or modified on a temporary or emergency basis
- A building defined as a “public accommodation”
- A commercial facility intended for non-residential use by a private entity and their operations will affect commerce
- A building of a religious organization, except for exempted areas







Sites, buildings, facilities, and elements that are exempt from the provisions of the Act:

- Federal Property
- Places used primarily for religious rituals within a building/facility of a religious organization
- Van accessible parking at garages constructed prior to April 1994
- Any portion of a building/facility that is solely for residential use

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## What projects are NOT subject to the Architectural Barriers Act?

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A hand holding a pen over a document, with a large cardboard '@' symbol in the foreground.

# What projects are subject to the Architectural Barriers Act?

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For determinations on whether a facility is subject to the Architectural Barriers Act, reference:

- **EAB Government Code Chapter 469, Section 469.003**
- **EAB Administrative Rule Chapter 68, Sections 68.20 and 68.30**
- Or contact a Program Specialist by sending your inquiry via e-mail to **[techinfo@tdlr.texas.gov](mailto:techinfo@tdlr.texas.gov)**

# 2012 TAS



- 2012 Texas Accessibility Standards became effective March 15, 2012
- Takes 2010 ADA Standards for Accessible Design and improves upon them
- While the ADA is considered civil rights law and more reactive, TAS is construction law and proactive
- TAS requires:
  - Registration for construction projects that are \$50k or more
  - Plan Review
  - Inspection
- This ensures that buildings/facilities are designed to be accessible from the beginning
- TDLR is currently in the process of drafting updated standards



A close-up photograph of a person's hands in a blue suit jacket reviewing a document. The document has the word 'CASE' visible at the top right. The person's left hand is pointing at a section of the document, while their right hand holds a pen. The background is dark and out of focus.

# TDLR Complaint Process

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Should there be construction to a subject facility and some items were constructed in violation with the Texas Accessibility Standards (TAS)

Who can report a violation?

Anyone can report a violation!

### FILE YOUR COMPLAINT

If you do not know if a person or company is licensed or to file a Skimmer Complaint or Report, use the Unlicensed Activity option.

If you suspect Human Trafficking, go to <https://ga.tdlr.texas.gov:1443/form/ReportHT>

Report a skimmer: <https://www.tdlr.texas.gov/skimmers>

#### Unlicensed Activity

To report a person or company operating without a license, go to [https://www.tdlr.texas.gov/complaints/Default\\_Unlicensed.aspx](https://www.tdlr.texas.gov/complaints/Default_Unlicensed.aspx)

#### Licensed Individual or Company

To report a violation by a licensed individual or company, go to [https://www.tdlr.texas.gov/complaints/default\\_Licensed.aspx](https://www.tdlr.texas.gov/complaints/default_Licensed.aspx)

TDLR's website has a quick link at the top of the page for anyone to file a complaint

<https://www.tdlr.texas.gov/complaints/>

Complaints can be anonymous, however, should there be questions; filing with contact information is recommended



Every complaint received is reviewed by our intake team within our **enforcement division**

They review the project location and ask two questions:

1. Did construction occur?
2. Is the facility a subject to compliance?

If the answer to these two questions is yes, then the complaint will move on to the investigator team



# TAS Compliance

- Please keep in mind that even if it is found that the facility was not subject to TAS compliance because one of those questions came up no, the facility may still be required to comply with ADA requirements from the civil side
- Also, notice that the project cost question was not asked to determine if compliance was required, because a facility construction under \$50,000 is still required to comply, regardless of cost, if subject

COMPLIANCE

RULES



Once all items are researched and verified a prosecutor will work with the owner regarding getting corrections made

The prosecutors can assess up to \$5,000 per day per violation

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A photograph of Stevie Wonder performing at a piano. He is wearing dark sunglasses and has his signature dreadlocks. He is looking down at the piano keys. The background is dark with some blurred lights.

“WE NEED  
TO MAKE  
EVERY  
SINGLE  
THING  
ACCESSIBLE

TO EVERY PERSON  
WITH A DISABILITY”

- *Stevie Wonder*



**TEXAS DEPARTMENT OF  
LICENSING & REGULATION**

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**ELIMINATION OF  
ARCHITECTURAL BARRIERS  
PROGRAM**

**MAILING ADDRESS**

**TDLR  
Architectural Barriers  
PO Box 12157  
Austin, TX 78711**

**EAB EMAIL ADDRESS**

**Techinfo@tdlr.texas.gov**

**WEBSITE**

**<https://www.tdlr.texas.gov/ab/ab.htm>**