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Welcome to the Texas Accessibility Academy

If you plan to take the RAS exam, **DO NOT WRITE IN THE MANUAL** – not even your name!

Here's why:

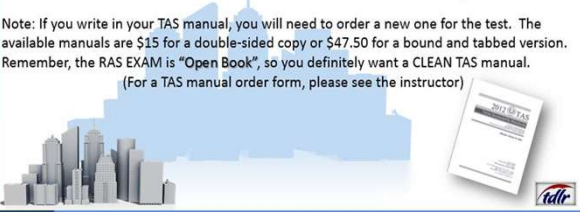
Reference materials may be highlighted, underlined, and / or indexed (permanent tabs), prior to the exam session.

HOWEVER.....

- References or notes may not be written in the manual.
- No post-it notes, temporary tabs, or loose materials such as Tech-Memos, RAS Bulletins, etc.

More information about the RAS exam will be discussed later in this presentation.

Note: If you write in your TAS manual, you will need to order a new one for the test. The available manuals are \$15 for a double-sided copy or \$47.50 for a bound and tabbed version. Remember, the RAS EXAM is "Open Book", so you definitely want a CLEAN TAS manual.
(For a TAS manual order form, please see the instructor)



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Architectural Barriers Program
TDLR Building Safety Section

Delisa Hamilton
Building Safety, Manager

Marsha Godeaux
Program Specialist VI, Supervisor

Jonathan Sparks
Program Specialist III, Trainer



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Barriers Program




General Information




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Learning Objectives



- Identify key provisions of the Architectural Barriers Act, Texas Government Code 469 & Administrative Rules, Ch. 68, 16 Texas Administrative Code.

- Review key requirements of the 2012 Texas Accessibility Standards (TAS).



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ABOUT TDLR



8

The Umbrella Agency

The Texas Department of Licensing and Regulation (TDLR) is the umbrella licensing agency that currently oversees thirty-eight, (38) businesses, trades, industries, and occupations.



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Programs

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

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The Umbrella Agency cont...

New Programs Added to TDLR 86th Legislature

Motor Fuel Metering & Quality Regulation

Motorcycle & ATV Operator Safety

New Programs Added to TDLR 88th Legislature

Electrical Vehicle Charging Stations

Mentoring of Veterinarian Board

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Texas Department of Licensing and Regulation 2012 TAS

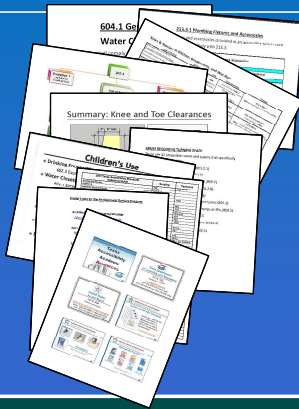
Technical Assistance
TechInfo@TDLR.Texas.gov

1-800-803-9202 (Toll Free in Texas)
512-539-5669 Ph 512-539-5690 Fax

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Academy – Handouts

- Resources
- Links
- Expanded Index
- Children's Use
- Turning Spaces
- Knee & Toe Clearance
- TAS 202.4
- Sinks & Storage
- Plumbing Fixtures
- Water Closets
- Technical Memorandum
- RAS Bulletins



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TDLR's Primary Responsibilities

- Issuing licenses
- Investigating complaints
- Establishing rules and standards
- Conducting plan reviews and inspections
- Enforcing statute and rule requirements



The Architectural Barriers Program is part of the Building Safety Section.

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Ch 469.002 & 68.10 AB Program Terminology

"Act"-Texas Government Code, Chapter 469, Elimination of Architectural Barriers (Texas Architectural Barriers Act).
In the manual @ Chapter 469 tab (in the back)

"Commission"- The Texas Commission of Licensing and Regulation
In the manual @ Chapter 469 tab (in the back)

"Rules"-Title 16, Texas Administrative Code, Chapter 68, TDLR administrative rules for the Act.
In the manual @ Chapter 68 tab (in the back)

"TAS"- The 2012 **Texas Accessibility Standards** adopted by the Commission, effective March 15, 2012
In the manual @ Chapters 1-10 + Index

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Tech Memos

Rule 68.11

(b) The department may publish memoranda to provide clarification of technical matters relating to the Act, TAS and this chapter.

*Tech Memos are part of the Handouts.
They are also online: tdlr.texas.gov/ab/techmemos*

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Architectural Barriers Program Organization

Audit/Oversight

- Technical Assistance
- RAS Audits, Procedures
- Enforcement Referrals



22

Architectural Barriers Program

Communication and Education

- Presentations and Seminars
- Educational Materials
- Technical Assistance, Technical Memoranda and Bulletins



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Architectural Barriers Program

Administrative Support

- Inspection Notices
- Project Status Updates
- Project File Transfers



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**AB
Advisory
Committee**



25

469.051 Administration & Enforcement

- (a) The commission shall administer and enforce this chapter. The appropriate state rehabilitation agencies and the Governor's Committee on People with Disabilities shall assist the commission in the **administration and enforcement** of this chapter.

26

469.052 Administration & Enforcement

- (a) The commission shall adopt standards, specifications, and other rules under this chapter that are **consistent with standards, specifications, and other rules adopted under federal law**.

27

469.053 Advisory Committee

- (a) The presiding officer of the commission, with the commission's approval, shall appoint an advisory committee for the architectural barriers program.

The committee shall consist of building professionals and persons with disabilities who are familiar with architectural barrier problems and solutions.

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469.053 Advisory Committee

The committee shall consist of at least eight members.

A majority of the members of the committee must be persons with disabilities.



29

Advisory Committee

Rule 68.65

Advisory Committee

- a. The Elimination of Architectural Barriers Advisory Committee shall review **rules** relating to the Elimination of Architectural Barriers program and recommend changes to the Commission.

30

Advisory Committee

Rule 68.65

Advisory Committee

- b. The Elimination of Architectural Barriers Advisory Committee may review **Technical Memoranda** relating to the Elimination of Architectural Barriers program and recommend changes.

31

469.054 Fees

- (a) The commission shall adopt fees in accordance with Section 51.202, Occupations Code, for performing the commission's functions under this chapter.
- (b) The owner of a building or facility is responsible for paying a fee charged by the commission for performing a function under this chapter related to the building or facility.

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469.054 Fees in General

- (c) The commission may charge a fee for:
 - (1) the review of the plans or specifications of a building or facility;
 - (2) the inspection of a building or facility; and
 - (3) the processing of an application for a variance from accessibility standards for a building or facility.

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469.058 Administrative Penalty

- (a) The commission may impose an administrative penalty under Subchapter F, Chapter 51, Occupations Code, on a building owner for a violation of this chapter or a rule adopted under this chapter.
- (b) Each day that a violation is not corrected is a separate violation.

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469.059 Complaints

(a) The department shall continue to monitor a complaint made under Section 51.252, Occupations Code, that alleges that a building or facility is not in compliance with the standards and specifications adopted by the commission under this chapter until the department determines that:

- (1) the building or facility has been brought into compliance; or
- (2) the building or facility is not required to be brought into compliance because of a rule or statute, including Section 469.151.

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RAS Certification (General)



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Rule 68.90

Administrative Sanctions and Penalties

(b) If a person violates any provision of **the Act, the rules, TAS, or an order of the executive director or commission**, proceedings may be instituted to impose administrative sanctions, administrative penalties, or both administrative penalties and sanctions ...



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Rule 68.90**Administrative Sanctions and Penalties**

- (b) It is a violation of the Act for a person to perform a plan review or inspection function of the department, unless that person is a department employee or a registered accessibility specialist. A person who is **NOT** a registered accessibility specialist and performs a plan review or inspection function of the department is subject to administrative penalties in accordance with the Act or Texas Occupations Code, Chapter 51 and Title 16, Texas Administrative Code, Chapter 60.

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Rule 68.90**Administrative Sanctions and Penalties**

- (c) Cheating on an examination is grounds for denial, suspension, or revocation of a license, imposition of an administrative penalty, or both.

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RAS Application Process and Exam



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The RAS exam is not administered by TDLR.

Attending the Academy is no longer a requirement for becoming a RAS.



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469.203(a) Application Submittal Step 1

You must have an **approved RAS application** in order to take the RAS exam. An application must include:

- Application form
- \$300 application fee
- Resume or summary of experience/education



www.tdlr.texas.gov/ab/abforms.htm

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Qualifications for Certification

The documents submitted with the RAS application must demonstrate that the minimum qualifications for RAS certification have been met.

Rule 68.70 (a) (1)

CIRCLE THE OPTION THAT APPLIES

10. Please circle the one option that specifies how you satisfy the requirements for a Registered Accessibility Specialist.

OPTION 1	Degree (architecture, engineering, interior design, landscape architecture, or equivalent)	AND	One Year Experience related to building planning, accessibility design, or review or equivalent
OPTION 2	Eight Years Experience related to building planning, accessibility design, or review or equivalent		
OPTION 3	Certification as accessibility specialist granted by a Model Building Code Organization	AND	Four Years Experience related to building planning, accessibility design, or review or equivalent


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ICC

Accessibility Inspector/Plans Examiner

The International Code Council (ICC) is considered to be a model building code organization with an **Accessibility Inspector/ Plans Examiner** certification.

Information about this certification is provided on the ICC website:



www.iccsafe.org

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Rule 68.70

RAS – Qualifications for Certification


Any questions about whether or not your education or experience is acceptable can be discussed with the TDLR Licensing Division at:

512-463-6599

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Eligibility Postcard

Step 2



When a RAS application is approved by the TDLR Licensing Division, an eligibility postcard is issued.

The postcard contains instructions for **scheduling the RAS exam** with PSI.

<https://test-takers.psiexams.com/tdlnrp/test/M8ABXATQ>

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RAS Exam - PSI

Step 3

Authorization Needed: This test requires authorization from the test sponsor. If your test sponsor has already transferred a test eligibility/authorization request, it will be available to you after login.

TX Registered Accessibility Specialist

FAQs Test Instructions

PSI Exam Center Regulations - Live Proctored

1. No conversing or any other form of communication among candidates is permitted once you enter the examination area.
2. You are prohibited from reproducing, communicating or transmitting any test content in any form for any purpose. Copying or communicating content is a violation of PSI security policy. Either one may result in the disqualification of examination results, may lead to legal action and will be reported to your Sponsor.
3. Electronic devices and recording devices of any kind (including but not limited to cell phones, pagers, cameras) are NOT permitted in PSI testing centers.
4. NO personal items should be brought to the testing centers. PSI will not be responsible for any personal items, and suggests that you leave such items in another safe place of your choosing. Only non-programmable calculators that are silent, battery operated, do not have paper tape printing capabilities, and do not have an alphanumeric keypad will be allowed in the examination site.
5. You must present valid, unexpired and acceptable (ID) in order to take your test. Check your Candidate Information Bulletin.

Candidate Bulletin

Fee: \$52.00 USD
Re-Take Fee: \$52.00 USD
Cancellation Protection Fee: \$7.80 USD
What is this? ⓘ

Fee Policy

To continue the booking process and schedule your test, you must login or create an account.

LOGIN/REGISTER


<https://test-takers.psiexams.com/tdlnrp/test/M8ABXATQ>

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RAS Candidate Bulletin

TDLR Website

Additional information about the RAS exam and PSI is provided in the RAS Candidate Information Bulletin which is available on the TDLR website.



www.tdlr.texas.gov/rasexam.htm
PSI Services: 800-367-1565, www.psionline.com

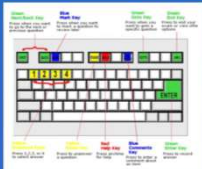
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RAS Exam - PSI

Step 3

60 Questions

5: Act - Texas Government Code, Chapter 469
5: Rules - Title 16, Texas Administrative Code, Chapter 68
50: 2012 Texas Accessibility Standards



- Minimum passing score: 70%
- 2 hours are allowed.
- Open book exam.

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REMINDER

The RAS exam is an open book test, but books that have been written in are not allowed.

According to the PSI, reference materials may be:

- Highlighted
- Underlined
- Indexed with permanent tabs

But no post-it notes, temporary tabs, or loose materials like RAS Bulletins or Technical Memos are allowed.

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Rule 68.70(c) and 469.205(a) Certification

Each applicant who satisfies all requirements (*and passes the exam*) will be provided a wallet card and a wall certificate.

The wallet card is the actual certificate of registration.



Should you have questions or issues concerning a license, you may contact the Licensing Division here:
industrial.occupations@tdlr.texas.gov

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Passed the RAS Exam?

**How do I maintain
my license?**



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68.76

Standards of Conduct for the RAS

(a) **Competency**. The registered accessibility specialist shall be knowledgeable of and adhere to:

- The Act
- The TAS
- The Rules

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68.76

Standards of Conduct for the RAS



(a) **Competency**

A registered accessibility specialist shall exercise **reasonable judgment and skill** in the performance of plan reviews, inspections, and related activities.

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Registration Renewal and Continuing Education

- After a person becomes certified as a RAS, yearly **continuing education** requirements must be met in order to renew the RAS registration.
- **4 continuing education** hours are required.
- Hours are self reporting



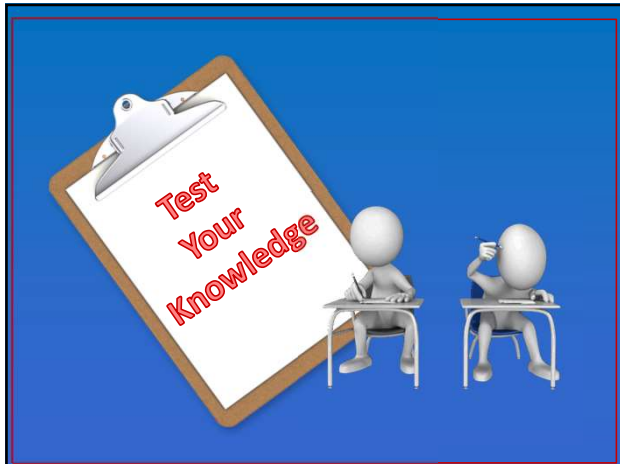
58

Chapter 68 - Administrative Rules

The rules applicable to the renewal of a RAS registration and the continuing education requirements include the following.

- 68.73 Registration Requirements – Renewal
- 68.74 Continuing Education

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True or False?

1. After attending this class, I can start reviewing and inspecting projects...


2. As long as I sign the final reports, my staff can perform the plan reviews...




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Chapter 469




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Chapter 469.001

Scope of Chapter; Public Policy

a) The intent of this chapter (*law*) is to ensure that each building and facility subject to this chapter is accessible to and functional for persons with disabilities without causing the loss of function, space, or facilities.

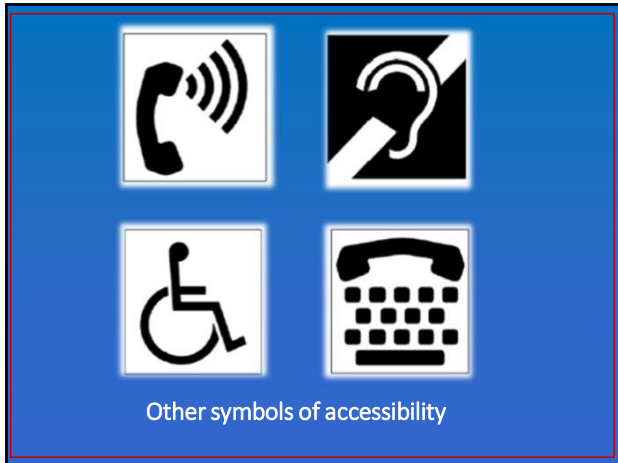


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The International Symbol of Access (ISA) leads people to believe that accessibility laws and standards only relate to persons with mobility impairments.

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People With Disabilities: A Texas Profile
Texas Workforce Investment Council
March 2019 Update

Table 9: Number of Individuals in Texas Reporting Each Type of Disability, 2017

Disability	Number	Percent
Ambulatory Difficulty	1,635,737	51.6%
Cognitive Difficulty	1,179,318	37.2%
Hearing Difficulty	899,495	28.4%
Independent Living Difficulty	1,070,777	33.8%
Self-Care Difficulty	626,680	19.8%
Vision Difficulty	684,739	21.6%
Total with a disability	3,172,799	100.00%

Table notes: 2017 ACS summary tables. Reported disability categories are not mutually exclusive and one individual could report having several disabilities. Percentages represent the portion of the population of individuals with disabilities reporting each difficulty.

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People With Disabilities: A Texas Profile
Texas Workforce Investment Council
March 2019 Update

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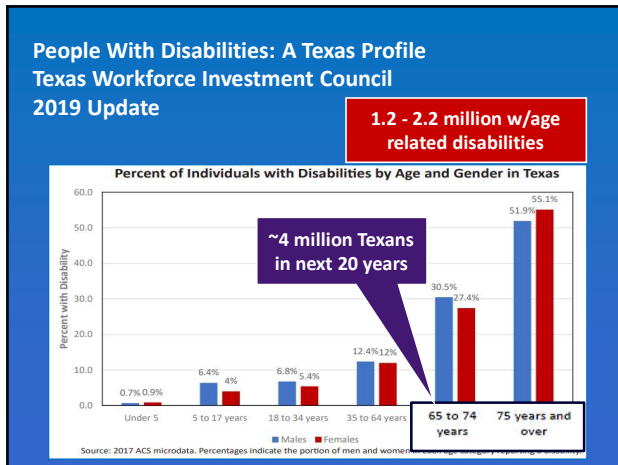
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Vision Difficulty	684,739	21.6%
Total with a disability	3,172,799	100.00%

350,000
Texas Veterans
 (96% of disabilities are service connected)

3.1
million
Texans


Table notes: 2017 ACS summary tables. Reported disability categories are not mutually exclusive and one individual could report having several disabilities. Percentages represent the portion of the population of individuals with disabilities reporting each difficulty.

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68

Differences between TAS and ADA



TAS
Proactive

- Requires project registration, review, and inspection
- Responds to complaints



ADA
Reactive

- Enforcement is driven by consumer and industry complaints and lawsuits.

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Differences between TAS and ADA



TAS
Construction Law

Applies to:

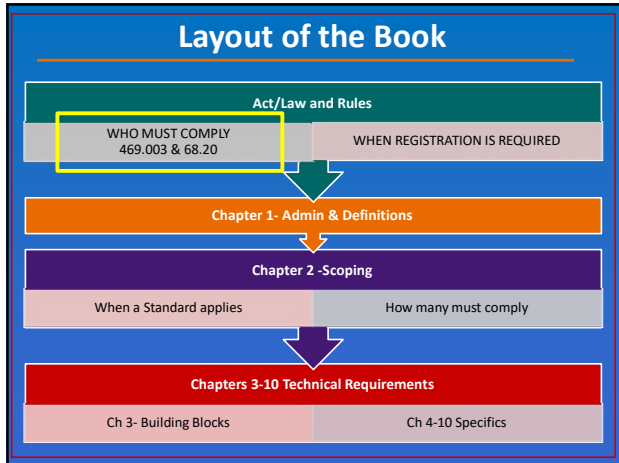
- New construction
- Renovations
- Alterations



ADA
Civil Rights Law

Public entities are required to operate entire services, programs, or activities accessibly.

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68.20 (a) Public Facilities

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68.20 (b)(1) Public Buildings & Facilities

The Standards apply to:

A building or facility, or portion of a building or facility designed, constructed, or altered **on or after January 1, 1970**

By, on behalf of, or for the use of: a **public entity** (state/local gov't or their depts., etc.) or the public

Using public funds (funds from a state or county, municipality, instrument or political subdivision of the state)

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469.003 (a) Applicability of Standards

The Standards adopted under this chapter apply to:

A building or facility used by the public that is constructed, renovated, or modified (in whole or part) **on or after January 1, 1970**, using funds from the state or county, municipality, or other political subdivision of the state

A building or facility described by this subsection or Subsection (b) that is constructed on a **temporary or emergency basis per 469.003 (a) (2)**

74

Public buildings and facilities are those that are constructed or renovated with **public funds**.



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City Council Meeting Room

Public buildings and facilities are subject to the Act.

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State Leases



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68.20 (b)(2) State Leases

State leases are the only entity in which compliance with TAS is required even if there is no construction.



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Rule 68.20(b)(2) & 68.22(a) State Leases

State leased buildings or facilities with an annual lease expense in excess of \$12,000 shall be registered with the department by completing a State Lease Registration form and submitting it along with the applicable fee(s).

This requirement applies to both initial lease agreements and lease renewals.

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469.003 (a) (3) & (b) Applicability

The standards adopted under this chapter apply to:

- A building leased for use or occupied, in whole or in part, by the state under a lease or rental agreement entered into on or after January 1, 1972
- A building or facility... leased or rented for use by the state using federal money (to the extent that there is no conflict with federal law)

81

Section 469.106

In facilities used to provide direct services to people with mobility impairments (including buildings occupied by TX Workforce Commission and the Health & Human Services Commission):

- Complete compliance is required if occupied or leased by state
- Inspection is required prior to occupancy
- State can cancel lease if building is not brought into compliance

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State Lease Reviews/Inspections Registered Accessibility Specialists

RASs are required by the RAS Procedures to notify **TDLR State Lease Coordinator** by phone, fax, or e-mail when the project is a state lease or state lease renewal and obtain **written authorization** from TDLR to proceed prior to performing a plan review or inspection.

Ginna Harris
State Lease Coordinator
512-539-5677
techinfo@tdlr.texas.gov

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68.20 (c) Private Buildings and Facilities



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68.20 (c) Public Accommodations Private Funds



Buildings and Facilities
that *are* subject to compliance

85

469.003 (a)(4) Applicability of Standards

The standards adopted under this chapter apply to:

- 4) a privately funded building or facility that is defined as a "public accommodation" by Section 301, Americans with Disabilities Act of 1990 (42 U.S.C. Section 12181), and its subsequent amendments, and that is constructed, renovated, or modified on or after **January 1, 1992**; and

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Rule 68.20 (c) Buildings and Facilities

- (1) A **place of lodging** that includes guest rooms for short-term stays of 30 days or less where the occupant does not have the right to return to a specific room or unit after the conclusion of their stay, and under conditions and with amenities similar to a hotel, motel, or inn.

87

Rule 68.20 (c) Buildings and Facilities

- (A) Amenities include:
 - (i) on or off-site management and reservations service;
 - (ii) rooms available on a walk-up or call-in basis;
 - (iii) available housekeeping or linen service; and
 - (iv) acceptance of reservations for a guest room type without guaranteeing a particular unit or room until checking in, and without prior lease or security deposit.

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Rule 68.20 (c) Buildings and Facilities

- (2) an establishment that serves food or drink, including restaurant, bar;
- (3) a sports or entertainment venue, including movie theater, concert hall, stadium, or other place of exhibition or entertainment;



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Rule 68.20 (d) Buildings and Facilities

- (4) a public gathering venue, including an auditorium, convention center, or lecture hall;
- (5) a sales or rental establishment, like grocery or clothing stores, bakeries, or shopping centers;



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Rule 68.20 (c) Buildings and Facilities

- (6) a service establishment, including a laundromat, dry-cleaner, bank, barber shop, salon, gas station, professional office, medical facility, health care provider, or hospital;



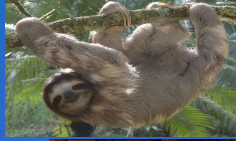
91

Rule 68.20 (c) Buildings and Facilities

(7) a public transportation station, including terminal, depot;



(8) a place of recreation, including park, zoo, or amusement park;



(9) a public display or collection, including museum, library, or gallery;



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Rule 68.20 (c) Buildings and Facilities

(10) a **place of education**, including nursery, elementary, secondary, undergraduate, or postgraduate private school;



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Buildings and Facilities Rule 68.20 (c)

(11) a **social service center establishment**, including senior citizen center, homeless shelter, food bank, or adoption agency;

(12) A **place of exercise or recreation**, including gymnasium, health spa, bowling alley, golf course;



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Buildings and Facilities Rule 68.20 (d)

- (13) A residential amenity space open to the public which is used, leased, or rented to residents, members, non-residents, or non-members; and
- (14) A building or facility that is constructed, renovated, or modified on a temporary or emergency basis including workforce housing, man camps, fixed furniture systems, wall systems, and exhibit areas.

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Examples: Public Accommodations



96

Examples: Public Accommodations



97

Examples: Public Accommodations



98

Commercial Facilities Private Funds



99

469.003 (a)(5) Applicability of Standards

5) a privately funded building or facility that is defined as a "**commercial facility**" by Section 301, Americans with Disabilities Act of 1990 (42 U.S.C. Section 12181), and its subsequent amendments, and that is constructed, renovated, or modified on or after **September 1, 1993**

100

Commercial Facilities

Private Funds

Commercial facilities are subject if they are for **non-residential use** and if their operations **affect commerce**.



101

Commercial Facilities

Private Funds

Commercial facilities typically are **not open to the public** but provide **employment** and a **product or service**. In many cases, they are **Both** commercial facilities and public accommodations.

For example, a power plant is a **commercial facility**, however...



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...the building where you go to make utility payments is a **public accommodation**.



103

Another Example

A Walmart store that operates as a sales and service establishment is a **public accommodation**.



104

... the Walmart distribution center that is not open to the public is a **commercial facility**.



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201.3 Temporary Structures

The TAS applies to buildings and facilities constructed on temporary (7 days or less) or emergency basis. Including, but not limited to:

- Reviewing stands
- Temp. classrooms
- Bleacher areas
- Stages
- Platforms
- Fixed furniture systems
- Wall systems
- Exhibit areas
- Temp. banking facilities
- Temp. health screening facilities

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201.3 Temporary Structures



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Accessibility Required?

A group of food trucks come to the same location every weekday.



108

Accessibility Required?

A group of food trucks at a food court...



109

Accessibility Required?

A portable office building is being stored on-site until it is permanently located. What's required?



110

Accessibility Required?

A small apartment building has 12 units, one of which is used as a leasing office. New owners are doing a property-wide remodel.



111

Your Take On It

"We just moved into an older apartment complex. My wife is in a wheelchair and we need handicapped parking and there isn't any nearby!"

ADA Information Line
1-800-514-0301 (voice) or 1-800-514-0383.

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Exceptions & Exemptions




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Exceptions and Exemptions

As noted in 201.1, TAS applies to all areas of a facility unless exempted, or where scoping limits the number of multiple elements required to be accessible.

- Exceptions are identified in **TAS 203** and in other sections of TAS
- Exemptions are identified in **Rule 68.30** and in **469.003**



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Exemptions

Rule 68.30

1. Federal Property
2. Places Used Primarily for Religious Rituals
3. Van Accessible Parking at Garages
Constructed Prior to April 1994
4. Residential Facilities (Private)
5. Bed and Breakfast

Law 469.003

(c) Place used primarily for religious rituals

(d) The nonresidential portion of a residential building for use by residents and their guests

115

Exemption 68.30(4)

DOES NOT apply to:

- Crew quarters: Emergency Response Personnel
- Social Service Establishments
- Graduate Student/ Faculty Housing

...because compliance with the residential requirements of 233 and 809 is required by TAS.

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TM 2013-16



TM 2013-16 was issued on June 1, 2013 to clarify 68.30(4) and Residential Amenity Centers.

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Exemptions



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203 General Exceptions

- 203.2 Construction Sites
- 203.3 Raised Areas (for security, life/fire safety)
- 203.4 Limited Access Spaces
- 203.5 Machinery Spaces
- 203.6 Single Occupant Structures
- 203.7 Detention & Correctional Facilities

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120



121

203 General Exceptions (cont.)

- 203.8 Residential Facilities
- 203.9 Employee Work Areas
- 203.10 Raised Referee, Judging & Scoring Areas
- 203.11 Water Slides
- 203.12 Animal Containment
- 203.13 Raised Boxing or Wrestling Rings
- 203.14 Raised Diving Boards & Platforms

122



123

TEXAS
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Variances



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68.31 Variances

Requests to waive or modify an accessibility standard must :

- Be submitted on a Variance Application form by the owner
- Use a separate application for each condition
- Include plans and supporting docs

Results are based only on the information and docs provided with the application, and are given to the owner/applicant in writing.

125

A request for a variance, waiver, or modification of a specific Standard must provide proof of one or more of the following conditions as grounds for the request:

TAS 103- Equivalent Facilitation

“Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.”

126

Example - 103 “Equivalent Facilitation”

A request to allow a portion of a trail to comply with the Outdoor Developed Areas Guidelines can be considered as Equivalent Facilitation through a variance.



The request must reference the specific section(s) of the proposed alternative standard and its applicable location.

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Example

TDLR could waive compliance with the water closet location requirements of 604.2 for a toilet room serving bariatric patients if another code (like Title 25 Hospital Licensing Rules) requires more space around the toilet.



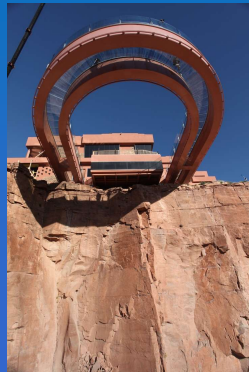
128

106.5.66 Structural Impracticability

“...Full compliance will be considered **structurally impracticable** only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features...”

129

106.5.66 “Structurally Impracticable”



130

106.5.25 "Disproportionality"

Submit detailed and verifiable cost estimates and documentation demonstrating that 20% of the cost has already been, or will be, expended toward bringing Path of Travel elements into compliance with TAS.

Path of Travel elements:

- (i) accessible entrance and an accessible route to the altered area
- (ii) Costs associated with making restrooms accessible
- (iii) Costs associated with providing accessible telephones
- (iv) Costs associated with relocating an inaccessible drinking fountain.

131

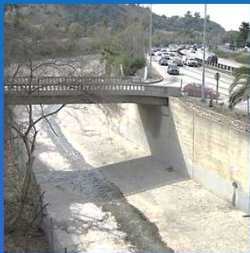
106.5.68 "Technically Infeasible"

Something that has little likelihood of being accomplished because:

Existing structural conditions would require removing or altering a **load-bearing member** that is an **essential** part of the structural frame...



132



...or because other **existing physical or site constraints** prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

133

106.5.37 "Maximum Extent Feasible"

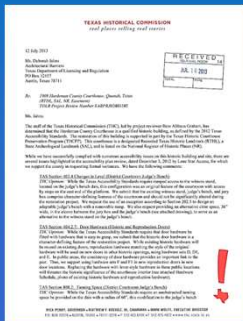
Applies where the nature of an existing facility makes it **virtually impossible** to comply through a planned alteration.

In these circumstances, the alteration must provide the maximum physical accessibility feasible.



134

202.5 Exception "Historic"



Letter of determination from the **Texas Historic Commission** stating that compliance with a particular section of TAS will **threaten or destroy** the building's historic significance is **required**.

135

469.151 Waiver/Mod Permitted

- (a) The commission may waive or modify accessibility standards if:
- (1) the commission considers the application of the standards to be **irrelevant to the nature, use, or function** of a building or facility...
 - (2) the owner of the building or facility for which a request for a waiver or modification is made presents proof to the commission that compliance with a specific standard is **impractical**

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469.152 Waiver/Mod Not Permitted

The commission may not waive or modify accessibility standards if:

- (1) the waiver or modification would significantly impair the acquisition of goods and services by persons with disabilities or substantially reduce the potential for employment of persons with disabilities;

137

469.152 Waiver/Mod Not Permitted

The commission may not waive or modify accessibility standards if:

- 2) the commission knows that the waiver or modification would result in a violation of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and its subsequent amendments;
- 3) the proof presented to the commission under Section 469.151(a)(2) is not adequate.

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68.31 Variances

A denial of a **Variance** may be appealed to the Director of Compliance within thirty calendar days (in writing).

A denial of a **Variance Appeal** may be appealed to the TDLR Executive Director.

TEXAS DEPARTMENT OF LICENSING AND REGULATION
 400 West 17th Street, Suite 1000 • Austin, Texas 78701 • (512) 261-0000
 Fax: (512) 261-0000 • Email: info@tdlr.state.tx.us • Website: www.tdlr.state.tx.us

APPEAL RESULTS

Name of Applicant: _____ Date of Decision: _____ (MM/DD/YYYY)

Address of Applicant: _____

City/State/Zip: _____

Phone: () _____

Case Number: _____

Appeal Status: ☐ Agreed ☐ Disagreed ☐ Postponed ☐ Not Requested ☐ Withdrawn

Appeal Status: ☐ Appeal Granted ☐ Appeal Denied

Decision: _____

Reason for Decision: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

139

Creative Variance Requests

Showers are used only for storage?

Ramp is an assembly area?

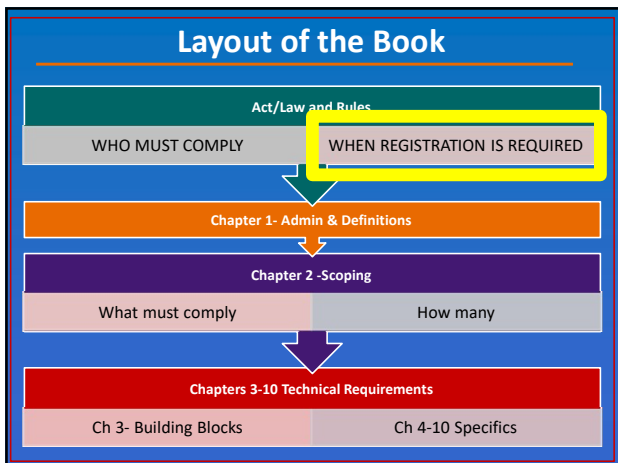
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TEXAS
ACCESSIBILITY
ACADEMY

Architectural
Barriers Program

Registration

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"Compliance begins with Dollar One."

-Robert Posey
Program Manager
Architectural Barriers Program
TDLR Compliance Division

143

469.101 Submit Plans for Review

Plans must be submitted to a RAS for review when:

- (1) The building or facility is subject to this chapter; **and**
- (2) The **Estimated Construction Cost** is at least \$50,000

144

Rule 68.10 (13) Estimated Construction Cost

Estimated cost of construction ... Includes all costs for construction of a project except site acquisition, architectural, engineering and consulting fees, furniture, and equipment unless the equipment is part of the mechanical, electrical, or plumbing systems.

**Registered Accessibility Specialist set and collect their own fees (Rule 68.75(a)).*



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Estimated Cost of Construction

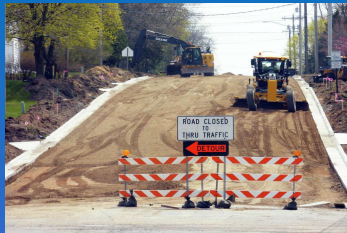
...**NOT** including:

- Site acquisition
- Architectural, engineering or consulting fees
- Furnishings
- Equipment that is not part of the building mechanical systems

146

Estimated Construction Cost 68.102(b)

Roadway projects:



...estimated cost of construction for project shall be based on pedestrian elements only.

147

Example: Estimated Construction Cost



The costs for the dental equipment is not included...

...the costs for the electrical and plumbing work necessary to operate the equipment must be included.



148

Does it need to be registered?

The FDA is building a new \$50 million laboratory. They will be offering public tours for people to see the facility and volunteer to be guinea pigs for new products.

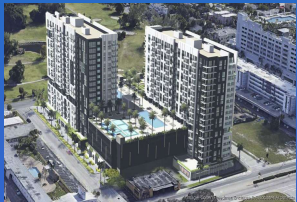


Also, they will have an onsite interactive museum where people can learn the history of the FDA and a gift shop for visitors.

149

Does it need to be registered?

A developer is planning on building a \$150 million luxury apartment complex with two towers. No expense will be spared! The development will include a convention center in between the towers that will have two rooftop pools and cabana rentals. These amenities may only be used by residents, when the areas are not being rented out.



150

Does it need to be registered?



A resident doctor is venturing into private practice and is planning a renovation of their office that is located in a shopping center. The cost of construction will total \$150,000.

It will include upgrading the waiting area and exam rooms with all the latest tech, and the toilet rooms with luxurious bidets straight from France.



151

Does it need to be registered?

A peaceful mountain side church has recently had an abundance of parishioners welcome many new bundles of joy. Unfortunately, this is disrupting the services for many others. The church decides it is time to renovate and add a cry room that views into the nave. The total cost of the renovation will be \$65,000.



152

Does it need to be registered?

A couple recently purchased a rundown 5 bedroom house, with the intention of renovating it into a beautiful bed and breakfast. They purchased the house for \$300,000 and intend to spend another \$100,000 on the renovation. The couple plans on sprucing up the 5 bedrooms they will offer to guests, the kitchen, restrooms, and landscaping.



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TEXAS
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Architectural
Barriers Program



Procedure for Submitting Plans and Specifications



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Procedure for Submitting Plans and Specifications

There are different procedures and requirements for submitting plans and specifications for each of the following:

- Design Professionals
- Owners
- Building Officials

155

469.102(a)(b) and 68.50(a)

Submission of Construction Documents

An architect, interior designer, landscape architect, or engineer with **overall responsibility** for the design of a building or facility must mail, ship, or hand-deliver the construction documents to the reviewer...

Within **20 days** of the plans/docs being Issued.



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469.104

Failure to Submit Plans

The commission shall report to the Texas Board of Architectural Examiners, the Texas Board of Professional Engineers, or another appropriate licensing authority the failure of any architect, interior designer, landscape architect, or engineer to submit or resubmit in a timely manner plans and specifications as required by this subchapter.

157

469.102(c) and 68.50(b)**Submission of Construction Documents**

If there isn't a design professional, the **Owner**, or their **designated agent**, must submit the plans for review before applying for a permit.

"Owner"- Any person(s) that hold(s) title to the subject building or facility. 68.10(18) & 68.10(21)

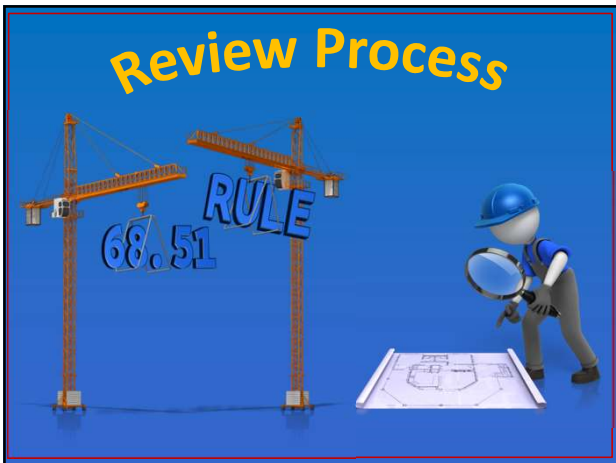
An owner may designate an agent to act on their behalf by submitting a form prescribed by the department. - "Designated Agent"

158

469.102(d)**Procedure for Submitting Plans & Specifications**

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.

159

Review Process

160

Rule 68.51(c)

Review of Construction Documents

After review, the owner and the person making the submission will be advised in writing of the plan review findings by the RAS.

The RAS has 30 days to issue the findings to the owner and upload into the Texas Architectural Barriers online System (TABS)


****Construction documents received by... a registered accessibility specialist... shall become the property of the department.****

161

469.103

Modification of Plans and Specifications

Plans and specifications to which any substantial modification is made shall be resubmitted to a RAS for review and comment.

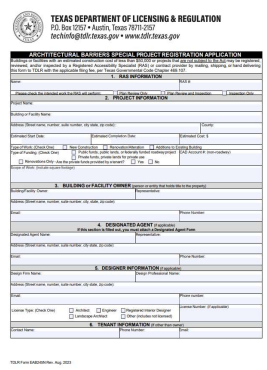


162

Rule 68.21 (c) and 469.107

Projects with an estimated construction cost of **less than \$50,000** (or projects not subject to the Law)...

Can receive a written Plan Review, Project Inspection, and Certification of Compliance if the project is registered with a **Special Registration** form.



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Inspection Due

469.105(a)(3)- The owner of a building or facility ... is responsible for having the building or facility inspected...not later than the **first anniversary** of the date the **construction ...is completed**.

166

Inspectors

The inspection must be performed by a person who holds a certificate of registration...

469.105 (b)(3) and 469 201 (a)*

*(b) Does not apply to an employee of:

- 1) the department; or
- 2) an entity with which the commission contracts under Section 469.055.

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Rule 68.52 Inspections

(c)(1) The **owner** shall be advised in writing of the results of each inspection.

The RAS has 30 days to issue the findings to the owner and upload into the Texas Architectural Barriers online System (TABS)



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Rule 68.52(d)

Corrective Modifications

When corrective modifications are required to achieve compliance... an owner... shall:

- (1) respond to the inspection report by submitting a form prescribed by the department to the registered accessibility specialist not later than the 30th day of the date of the inspection report; and
- (2) complete corrective modifications by the 270th day after the date of the inspection report.

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Rule 68.60

Notice of Substantial Compliance

After a **newly constructed** building or facility has had a satisfactory inspection or verification of corrective modifications has been submitted the Department will provide a Notice of Substantial Compliance to the owner...

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Next:
SECTION 2

Definitions
Building Blocks

Go to Section 3

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