



**MEETING DATE:** April 16, 2025

**PRESENTED BY:** Xavier Cervantes, Director of Planning

**AGENDA ITEM:** Discussion regarding the Texas Department and Licensing and Regulation (TDLR) State Law requiring cities to require TDLR registrations for all commercial projects over \$50,000.00 in permit valuation - Cervantes

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**NATURE OF REQUEST:**

**Summary:**

- State Government Code, Title 4, Subtitle E, Chapter 469, Subchapter C, Subsection 469.101 states that if the estimated construction cost of a commercial project is \$50,000.00 or more, all plans and specifications for the construction or alteration to a building or facility is subject to Section 469.101 of the Act must be submitted by a design professional along with a form prescribed by the Texas Department of Licensing and Regulation (TDLR) to a registered accessibility specialist.
- The form must be submitted not later than the twentieth day after the plans and specifications are issued.
- When there is not a design professional with overall responsibility, the owner of a building or facility must submit the construction documents to a registered accessibility specialist prior to filing an application for building permit or commencement of construction.
- An owner or design professional may submit revised construction documents to a registered accessibility specialist to review, including change orders, addenda, or letters.
- For any new commercial building over 20,000 square feet, a licensed architect is required by the Texas Board of Architects to seal the plans but for smaller buildings the developer can simply hire a designer to draw the plans if desired. This could result in new commercial buildings not being in compliance with the Federal Americans with Disabilities Act (ADA).
- Failure to require the TDLR registration could result in fines of up to \$5,000.00 per violation to both the owner and the city.

**STAFF RECOMMENDATION**

Staff recommends starting to enforce the State Law to be in compliance with the American with Disabilities Act.

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**RECORD OF VOTE:**

**APPROVED:**

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**DISAPPROVED:**

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**TABLED:**

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\_\_\_\_\_ AYES

\_\_\_\_\_ NAYS

\_\_\_\_\_ DISSENTING \_\_\_\_\_

## State Law

facility is not required to be brought into compliance because of a rule or statute and provide a reference to the rule or statute.

(c) Repealed by Acts 2023, 88th Leg., R.S., Ch. 953 (S.B. 1802), Sec. 3, eff. September 1, 2023.

Added by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 8.007, eff. September 1, 2005.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 953 (S.B. 1802), Sec. 3, eff. September 1, 2023.

### SUBCHAPTER C. REVIEW AND APPROVAL REQUIRED FOR CERTAIN PLANS AND SPECIFICATIONS

Sec. 469.101. SUBMISSION FOR REVIEW AND APPROVAL REQUIRED. All plans and specifications for the construction of or for the substantial renovation or modification of a building or facility must be submitted to the department for review and approval if:

- (1) the building or facility is subject to this chapter; and
- (2) the estimated construction cost is at least \$50,000.

Added by Acts 2003, 78th Leg., ch. 1276, Sec. 9.005(a), eff. Sept. 1, 2003.

Sec. 469.102. PROCEDURE FOR SUBMITTING PLANS AND SPECIFICATIONS. (a) The architect, interior designer, landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the plans and specifications required under Section 469.101.

(b) The person shall submit the plans and specifications not later than the 20th day after the date the person issues the plans and specifications. If plans and specifications are issued on more than one date, the person shall submit the plans and specifications not later than the 20th day after each date the plans and specifications are issued. In computing time under this subsection, a Saturday, Sunday, or legal holiday is not included.

(c) The owner of the building or facility may not allow an application to be filed with a local governmental entity for a building construction permit related to the plans and specifications or allow construction, renovation, or modification of the building or facility to begin before the date the plans and specifications are submitted to the department. On application to a local governmental entity for a building



## TEXAS DEPARTMENT OF LICENSING & REGULATION



### ELIMINATION OF ARCHITECTURAL BARRIERS AT A GLANCE

**Statutes:** Chapter 469, Government Code

**Rules:** Title 16 T.A.C. Chapter 68

**Practice Act?** No

**Title Act?** No

**Inspections?** Yes, performed by a Registered  
Accessibility Specialist (RAS)

**Project Registration:** 24,686

**EAB Overall Population:** 25,252 (FY 24)

**Webpage:** [www.tdlr.texas.gov/ab](http://www.tdlr.texas.gov/ab)

#### Overview:

The Elimination of Architectural Barriers (EAB) law is meant to ensure that buildings and facilities constructed or altered in Texas are accessible and functional for all persons with disabilities. The statute requires compliance with the Texas Accessibility Standards (TAS).

The EAB law is intended to further the state's policy of encouraging and promoting the rehabilitation of persons with disabilities, and to eliminate unnecessary barriers that restrict their ability to engage in gainful occupations or to achieve maximum personal independence.

#### Project Registration & Review

Projects with total estimated costs of \$50,000 or more must be registered with TDLR. A full set of construction documents must be submitted to a Registered Accessibility Specialist (RAS) for review in accordance with Texas Administrative Code Rule 68.50.

If a project's total estimated cost is less than \$50,000, the project is not required to (but may) be submitted to TDLR for registration and review; however, depending on the type of project, it may still be required to comply with the Texas Accessibility Standards. A local jurisdiction or building official may require project registration even if the project cost is less than \$50,000.

For determinations of whether a facility is subject to compliance with the Texas Accessibility Standards, please see Chapter 469, Government Code, Section 469.003, and Chapter 68, TDLR Administrative Rules, Sections 68.20 and 68.30. You may also contact a TDLR program specialist by calling toll free at (877) 278-0999 or by sending your inquiry via e-mail to [techinfo@tdlr.texas.gov](mailto:techinfo@tdlr.texas.gov). If you are a member of the news media, please send your inquiry to the Media Relations Office ([media.inquiries@tdlr.texas.gov](mailto:media.inquiries@tdlr.texas.gov)) for prompt response.

Type of Fee	Amount
Project Filing Fee	\$175
Late Project Filing Fee	\$300
State Lease Inspection (no construction) Fee	\$225 per lease
Special Review or Inspection	\$215 per hour, one hour minimum
Variance Application Fee	\$175 each
Variance Appeal Fee	\$200

#### History

The Elimination of Architectural Barriers law was passed in 1969 and became effective Jan. 1, 1970. Enforcement of the law went through various agencies – the State Building Commission, the State Board of Control, the State Purchasing and General Services Commission – before finding its current home, the Texas Department of Licensing and Regulation, in 1991.

#### Landmark dates for the EAB program:

- January 1970 — Publicly owned buildings (libraries, schools, city halls, the State Capitol, etc.) had to be accessible
- January 1972 — State leased offices had to be accessible
- January 1992 — Privately owned public buildings (stores, theatres, service shops, recreation facilities, hotels, etc.) had to be accessible
- September 1993 — Facilities affecting commerce (warehouses, factories, etc.) had to be accessible

The **Elimination of Architectural Barriers Advisory Committee** has nine members serving staggered three-year terms. The committee is composed of building professionals and persons with disabilities who are familiar with architectural barriers problems and solutions. Persons with disabilities must make up a majority of the membership.