

SUBJECT: Revising provisions on the elimination of architectural barriers

COMMITTEE: Licensing & Administrative Procedures — favorable, without amendment

VOTE: 8 ayes — K. King, Walle, Goldman, Harless, Hernandez, Schaefer, Shaheen, S. Thompson

0 nays

3 absent — Herrero, T. King, Patterson

SENATE VOTE: On final passage (May 3) — 31 - 0

WITNESSES: None (*Considered in a formal meeting on May 16*)

BACKGROUND: Some have suggested that statute should be revised to align with administrative procedures stemming from a review of statutes and rules regarding the elimination of architectural barriers, which could ensure consistency with the Texas Department of Licensing and Regulation's enabling law and existing authority to improve enforcement of certain accessibility standards.

DIGEST: SB 1802 would allow the executive director of the Texas Department of Licensing and Regulation (TDLR), in addition to the Texas Commission of Licensing and Regulation (TCLR), to impose an administrative penalty on a building owner for violating provisions regarding the elimination of architectural barriers. The executive director could also impose a penalty on an owner who violated a rule adopted by TCLR under these provisions.

The bill would specify that TCLR standards and specifications regarding the elimination of architectural barriers that applied to a state agency's building or facility would also apply to a building or facility occupied by the Health and Human Services Commission, rather than the Texas Rehabilitation Commission. The bill would repeal certain provisions relating to administrative penalties and complaints.

The bill would take effect September 1, 2023, and would not affect the validity of a disciplinary action or other proceeding that was initiated before and that was pending on that date.