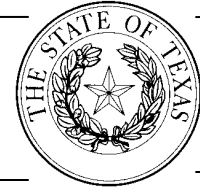


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# REGISTERED ACCESSIBILITY SPECIALIST BULLETIN

2012



TAS

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Texas Department of Licensing and Regulation • Compliance Division • Architectural Barriers

## Alterations Affecting Primary Function Areas

RAS 2012-02

**Effective Date:** April 16, 2012  
**2012 TAS Reference:** 202.4, Exception 2

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This bulletin addresses the application of 202.4, Exception 2 as it relates to the obligation of the landlord and tenant for compliance with 202.4. For purposes of compliance with 202.4, Exception 2, all references to “landlord” shall have the same meaning as “owner” as defined in Rule 68.10(14).

To facilitate the identification of construction projects that are funded by the tenant, the Department has modified the Project Registration Form (PRF) to include the question: “*Are the private funds provided by a tenant?*” The answer provided by the individual completing the PRF shall suffice as adequate documentation that the project is tenant-funded and eligible for Exception 2. RAS are not responsible for investigating or enforcing the validity of information provided on the PRF. As a reminder, a RAS is prohibited by the RAS Procedures from registering a project online for an owner or designated agent without obtaining a PRF prior to registration.

### **Private Funds Provided by Tenant:**

Exception 2 (202.4) shall apply to alteration projects for private buildings and facilities (as defined by 106.5.46) which are funded in their entirety by the tenant with private funds and do not have funding or monetary allowances / reimbursements / improvement funds of any kind provided by the landlord. Based on the Exception, the path of travel elements and spaces under the landlord’s authority would not be subject to review or inspection.

The tenant’s construction project does remain subject to compliance with 202.4. Therefore, any toilet rooms or other path of travel elements and spaces provided in areas that the tenant occupies or under the tenant’s authority shall comply with all applicable provisions of the 2012 TAS.

In addition, the landlord remains responsible to the Department for compliance with the Act, Rules, and 2012 TAS for the tenant’s construction activities in accordance with Chapter 469.058(a).

### **Private or Public Funds Provided by Landlord:**

Exception 2 (202.4) shall not apply to alteration projects for public buildings and facilities (as defined by 106.5.48) which are funded with public or private funds provided by the landlord or have monetary allowances / reimbursements / improvement funds of any kind provided by the landlord.

### **New and Altered Path of Travel Elements and Spaces:**

Any path of travel elements and spaces (identified in 106.5.41) under the landlord or tenant’s authority that are constructed, altered, renovated, or modified within the scope of work shall comply with all applicable provisions of TAS.