

# BULLETIN

## Texas Department of Licensing and Regulation

(04/11)

### IMPORTANT INFORMATION FOR THE TENANT, PROJECT ARCHITECT, DESIGNER OR ENGINEER

Pursuant to the Texas Elimination of Barriers Act, the State of Texas has adopted the Texas Accessibility Standards (TAS), a State law that is regulated by the Texas Department of Licensing and Regulation-Architectural Barriers Division (TDLR). Although the TAS is similar to the federal ADA Accessibility Guidelines (ADAAG), the TAS in some instances is more stringent than ADAAG. The State requires that construction documents be submitted to TDLR or a "Registered Accessibility Specialist" (RAS) for plan review and a subsequent inspection to ensure compliance with TAS.

This Bulletin is intended to provide the Tenant with a general guideline of the Tenant's responsibilities related to the construction of their store, and answer some frequently asked questions with regard to TDLR process and compliance. Questions pertaining to the information in this bulletin should be directed to Simon Tenant Coordination (317) 636-1600 or the Tenant Coordination mailbox: [tmailbox@simon.com](mailto:tmailbox@simon.com). For specific questions related to TAS or TDLR, please refer to the TDLR website: <http://www.license.state.tx.us>

**A TDLR Owner Agent Designation Form** must be completed at the start of each project, so that the Tenant or Tenant's Consultant may complete & sign all paperwork (described below) related to the TDLR plan review and inspection. Contact the Landlord's required RAS listed below, or your Tenant Coordinator to obtain this form signed by the Owner.

**A TDLR Architectural Barriers-Project Registration Form** must be completed prior to submitting plans to the City or Municipality having jurisdiction. Under State Law, the City or Municipality may not accept building permit applications unless there is written confirmation that a project registration number (AB#) has been assigned by TDLR. The plan review for compliance with this item must be conducted by the Landlord's required RAS listed below.

TDLR plan review is separate from Building Department plan review for permit, and TDLR site inspection is separate from Building Department inspection. Local Building Inspectors do NOT inspect for compliance with TAS during the course of the construction of a Tenant's space.

**A TDLR Request for Inspection Form** must be completed at the conclusion of the Tenant's construction. Tenant must request the inspection from the Landlord's required RAS no later than thirty calendar days after the completion of construction.

The physical inspection of the Tenant's space for compliance with TAS must occur not later than the first anniversary of the date the construction or substantial renovation of the space is completed.

The Tenant or Tenant's Consultant must provide Simon Property Group a copy of the Inspection Report issued by the RAS. If the Inspection Report indicates that there are violations in the Tenant space, the Tenant is responsible to correct/ remedy the non-compliant items within the timeframe indicated in the Inspection Report.

Cielo Vista Mall, Sunland Park Mall

**A TDLR Architectural Barriers - Inspection Response Form** must be completed by the Tenant or Tenant's Consultant and returned to the Landlord's required RAS who completed the physical inspection of the space, once all violations have been corrected.

Failure to comply or to remedy any non-compliant items may result in a maximum fine of \$5,000 per occurrence per day.

Once the Tenant space is found to be in substantial compliance with TAS, the project will be approved. The RAS will issue a letter to this effect and forward the project file to TDLR for issuance of the Final Approval Letter.

**TDLR will issue a Final Approval Letter for the Tenant's Space.** The Tenant is required to ensure that Simon Property Group receives a copy of the Final Approval Letter from TDLR.

ALL Tenants are required to utilize the Landlord's RAS for plan review and inspection of their space. **There is no exception to this policy.** The Landlord's required RAS is:

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