

BILL ANALYSIS

Senate Research Center

H.B. 1859
By: Hochberg (Elife)
Business & Commerce
5/16/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Federal Americans for Disabilities Act exempts religious organizations and entities from making their buildings accessible and functional for people with disabilities. The Texas Architectural Barriers Act does not include the same exemption. Therefore, in some cases, churches making renovations to their facilities have had to undergo major modifications to comply with Texas law.

H.B. 1859 would exempt projects by religious organizations or entities from architectural barrier standards, making our state law consistent with federal law. The organization would be required to apply for a waiver from the Texas Department of Licensing and Regulation.

H.B. 1859 amends current law relating to the applicability of architectural barrier standards.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 469.003(c), Government Code, as follows:

(c) Provides that the standards adopted under this chapter do not apply to a building or facility owned, operated, or controlled by a religious organization or entity controlled by a religious organization, including a place of worship, as referenced in Section 307, Americans with Disabilities Act of 1990 (42 U.S.C. Section 12187), if the religious organization or entity applies to the Texas Department of Licensing and Regulation for this exemption. Deletes existing text providing that the standards adopted under this chapter do not apply to a place used primarily for religious rituals within a building or facility of a religious organization.

SECTION 2. Amends Section 469.054(c), Government Code, as follows:

(c) Authorizes the Texas Commission of Licensing and Regulation to 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, or for an exemption from the standards under Section 469.003(c) (relating to providing that standards adopted under this chapter do not apply to a place used primarily for religious rituals within a building or facility of a religious organization).

SECTION 3. Effective date: September 1, 2011.