

Frequently Asked Questions Regarding Ownership or Agent Designation for Architectural Barriers Projects

Why is the correct ownership information important?

Keeping owner contact information current is important because the Department uses that information to issue project status notifications, verify project changes, and issue legal notices. The owner is defined by Rule 68.10(18) as, "The person or persons, company, corporation, authority, commission, board, governmental entity, institution, or any other entity that holds title to the subject building or facility." The owner must comply with Texas Government Code Chapter 469, Elimination of Architectural Barriers, Texas Accessibility Standards, and administrative rules.

Documents TDLR reviews for ownership purposes:

1. Request for Inspection Form
2. Inspection Response Form
3. Project information changes per RAS procedure 3.6.1.
4. Owner Agent Designation Form

How should I proceed if the owner will not be available to sign project documents?

An owner may designate an agent to make project changes on their behalf using Form AB043, the Owner Agent Designation Form. Once the Owner Agent Designation Form is executed, the agent can sign all future project documents, as authorized by the owner. Even if an owner designates an agent to act on their behalf, the owner remains responsible for complying with the Texas Government Code Chapter 469, Elimination of Architectural Barriers, Texas Accessibility Standards, and administrative rules.

When is the Owner Agent Designation Form required?

The Owner Agent Designation Form must be on file for all project information changes that are signed by anyone other than the owner. To be

valid, the form must be signed, and all sections filled out completely.

An Owner Agent Designation Form is **NOT** needed: When a form is signed by an individual owner or employee of the entity (company, corporation, authority, commission, board, governmental entity, or institution) that owns the property. The signer would have the same entity name and same mailing address or the same email suffix.

An Owner Agent Designation Form **IS** needed:

If a single person is listed as the owner, or the person signing is an individual with different contact information than the owner. **OR** If the signature on any form cannot be confirmed as the owner or an employee of the entity, TDLR or the RAS will request a completed Owner Agent Designation Form or written documentation to correct records in TABS.

How do I provide proof of a change in ownership?

A statement from the old or new owner verifying ownership of the property must be submitted to TDLR or RAS. If the RAS receives the proof of ownership, they are required to update the contact information in TABS.

A property search from the local County Appraisal District is also valid as proof of ownership. The search information must show the new real property owner and physical address. The information must be submitted to TDLR or RAS. If the RAS receives the proof of ownership, they are required to update the contact information in TABS.

For questions please contact Architectural Barriers via email at techinfo@tdlr.texas.gov or through Customer Service at 512-539-5669.