

HB4558



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4558

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

410 ILCS 25/3

from Ch. 111 1/2, par. 3713

410 ILCS 25/5.1 new

Amends the Environmental Barriers Act. Provides that a public facility or multi-story housing shall have a detectable warning at the bottom step and top step of each stair run. Exempts stairs in dwelling units, stairs in enclosed stair towers, and stairs set to the side of the path of travel. Defines "detectable warning".

LRB100 17275 MJP 32435 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Barriers Act is amended by
5 changing Section 3 and by adding Section 5.1 as follows:

6 (410 ILCS 25/3) (from Ch. 111 1/2, par. 3713)

7 Sec. 3. Definitions. As used in this Act and the Illinois
8 Accessibility Code (71 Ill. Adm. Code 400):

9 "2010 Standards for Accessible Design" means the
10 regulations promulgated by the Department of Justice, 28 CFR
11 Parts 35 and 36, pursuant to the Americans with Disabilities
12 Act of 1990 (ADA).

13 "Accessibility Code" or "Code" means those standards,
14 known as the Illinois Accessibility Code, 71 Ill. Adm. Code
15 400, adopted by the Capital Development Board pursuant to
16 Section 4 of this Act.

17 "Accessible" means that a site, building, facility, or
18 portion thereof is compliant with the Code.

19 "Accessible means of egress" means a continuous and
20 unobstructed way of egress travel from any point in a building
21 or facility that provides an accessible route to an area of
22 refuge, a horizontal exit, or a public way.

23 "Accessible route" means a continuous unobstructed path

1 connecting all accessible elements and spaces of a building or
2 facility. Interior accessible routes may include corridors,
3 floors, ramps, elevators, lifts, skywalks, tunnels, and clear
4 floor space at fixtures. Exterior accessible routes may include
5 parking access aisles, curb ramps, crosswalks at vehicular
6 ways, walks, ramps, and lifts.

7 "Adaptability" or "adaptable" means the ability of certain
8 building spaces and elements, such as kitchen counters, sinks
9 and grab bars, to be added or altered so as to accommodate the
10 needs of individuals with different types or degrees of
11 disability.

12 "Adaptable dwelling unit" means a dwelling unit
13 constructed and equipped so it can be converted with minimal
14 structural change for use by persons with different types and
15 degrees of disability.

16 "Alteration" means any modification or renovation that
17 affects or could affect the usability of the building or
18 facility or part of the building or facility. "Alteration"
19 includes, but is not limited to, remodeling, renovation,
20 rehabilitation, reconstruction, historic preservation,
21 historic reconstruction, historic rehabilitation, historic
22 restoration, changes to or rearrangement of the structural
23 parts or elements, changes to or replacement of plumbing
24 fixtures or controls, changes to or rearrangement in the plan
25 configuration of walls and full-height partitions, resurfacing
26 of circulation paths or vehicular ways, and changes or

1 improvements to parking lots. The following work is not
2 considered to be an alteration unless it affects the usability
3 of the building or facility: normal maintenance, reroofing,
4 painting or wallpapering, or changes to mechanical and
5 electrical systems.

6 "Built environment" means those parts of the physical
7 environment which are designed, constructed or altered by
8 people, including all public facilities and multi-story
9 housing units.

10 "Circulation path" means an exterior or interior way of
11 passage provided for pedestrian travel, including, but not
12 limited to, walks, hallways, courtyards, elevators, platform
13 lifts, ramps, stairways, and landings.

14 "Common use areas" or "common areas" means areas, including
15 interior and exterior rooms, spaces, or elements, which are
16 held out for use by all tenants and owners in public facilities
17 and multi-story housing, including, but not limited to,
18 residents of an apartment building or condominium complex,
19 occupants of an office building, or the guests of such
20 residents or occupants. "Common use areas" or "common areas"
21 includes, but is not limited to, lobbies, elevators, hallways,
22 laundry rooms, swimming pools, storage rooms, recreation
23 areas, parking garages, building offices, conference rooms,
24 patios, restrooms, telephones, drinking fountains,
25 restaurants, cafeterias, delicatessens and stores.

26 "Detectable warning" means a standardized surface feature

1 built in or applied to walking surfaces or other elements to
2 warn people with visual impairments of hazards on the
3 circulation path.

4 "Disability" means a physical or mental impairment that
5 substantially limits one or more major life activities; a
6 record or history of such an impairment; or regarded as having
7 such an impairment.

8 "Dwelling unit" means a single unit of residence which
9 provides a kitchen or food preparation area, in addition to
10 rooms and spaces for living, bathing, sleeping, and the like.
11 Dwelling units are found in housing types such as townhouses
12 and apartment buildings.

13 "Element" means an architectural, mechanical (including
14 plumbing), or electrical component of a building, facility,
15 space, site, or public right-of-way.

16 "Entrance" means any access point to a building or portion
17 of a building or facility or multi-story housing used for the
18 purpose of entering. An entrance includes the approach walk,
19 the vertical access leading to the entrance platform, the
20 entrance platform itself, vestibules if provided, and the entry
21 door or doors or gate or gates.

22 "Environmental barrier" means an element or space of the
23 built environment which limits accessibility to or use of the
24 built environment by individuals with disabilities.

25 "Facility" means all or any portion of buildings,
26 structures, site improvements, elements, and pedestrian routes

1 or vehicular ways located on a site.

2 "Governmental unit" means State agencies as defined in the
3 State Auditing Act, circuit courts, units of local government
4 and their officers, boards of election commissioners, public
5 colleges and universities, and school districts.

6 "Multi-story housing" means any building of 4 or more
7 stories containing 10 or more dwelling units constructed to be
8 held out for sale or lease by any person to the public.

9 "Multi-story housing" includes, but is not limited to, the
10 following building types: apartment buildings, condominium
11 buildings, convents, housing for the elderly, and monasteries.

12 "Owner" means the owner of the real property or existing
13 facility or the tenant of the real property or existing
14 facility.

15 "Primary function area" means an area of a building or
16 facility containing a major activity for which the building or
17 facility is intended. There can be multiple areas containing a
18 primary function in a single building. Primary function areas
19 are not limited to public use areas. Mixed use facilities may
20 include numerous primary function areas for each use. Areas
21 containing a primary function do not include: mechanical rooms,
22 boiler rooms, supply storage rooms, employee lounges or
23 employee locker rooms, janitorial closets, entrances,
24 corridors, or restrooms. Restrooms are not areas containing a
25 primary function unless the provision of restrooms is a primary
26 purpose of the area, such as in highway rest stops.

1 "Public" means any group of people who are users of the
2 building or employees of the building. The term "public" is not
3 intended to include those people who are employed by the owner
4 of a building for the sole purpose of construction or
5 alteration of a building during the time in which the building
6 is being constructed or altered.

7 "Public facility" means:

8 (1) any building, structure, or site improvement which
9 is:

10 (i) owned by or on behalf of a governmental unit,

11 (ii) leased, rented or used, in whole or in part,

12 by a governmental unit, or

13 (iii) financed, in whole or in part, by a grant or
14 a loan made or guaranteed by a governmental unit;

15 (2) any building, structure, or site improvement used
16 or held out for use or intended for use by the public or by
17 employees for one or more of, but not limited to, the
18 following:

19 (i) the purpose of gathering, recreation,
20 transient lodging, education, employment,
21 institutional care, or the purchase, rental, sale or
22 acquisition of any goods, personal property or
23 services;

24 (ii) places of public display or collection;

25 (iii) social service establishments; and

26 (iv) stations used for specified public

1 transportation; or

2 (3) a public right-of-way.

3 "Public right-of-way" means public land or property,
4 usually in interconnected corridors, that is acquired for or
5 dedicated to transportation purposes.

6 "Public way" means any street, alley, or other parcel of
7 land open to the outside air leading to a public street, which
8 has been deeded, dedicated, or otherwise permanently
9 appropriated to the public for public use, and which has a
10 clear width and height of not less than 10 feet (3048 mm).

11 "State" means the State of Illinois and any instrumentality
12 or agency thereof.

13 "Technically infeasible" means, with respect to an
14 alteration of a building or a facility, that a requirement of
15 this Act or the Code has little likelihood of being
16 accomplished because existing structural conditions would
17 require removing or altering a load-bearing member that is an
18 essential part of the structural frame; or because other
19 existing physical or site constraints prohibit modification or
20 addition of elements, spaces, or features that are in full and
21 strict compliance with the minimum requirements.

22 (Source: P.A. 99-582, eff. 1-1-17.)

23 (410 ILCS 25/5.1 new)

24 Sec. 5.1. Detectable warnings at stairs. Except as
25 otherwise provided in this Section, a public facility or

1 multi-story housing the construction of which commences after
2 the effective date of this amendatory Act of the 100th General
3 Assembly shall have a detectable warning at the bottom step and
4 top step of each stair run. This Section does not apply to
5 stairs in dwelling units, stairs in enclosed stair towers, or
6 stairs set to the side of the path of travel.