

1 AN ACT concerning safety.

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 5 as follows:

6 (410 ILCS 25/5) (from Ch. 111 1/2, par. 3715)

7 Sec. 5. Scope.

8 (a) The standards adopted by the Capital Development Board
9 shall apply to:

10 (1) Public Facilities; New Construction. Any new
11 public facility or portion thereof, the construction of
12 which is begun after the effective date of this Act.
13 However, any new public facility (i) for which a specific
14 contract for the planning has been awarded prior to the
15 effective date of this Act and (ii) construction of which
16 is begun within 12 months of the effective date of this Act
17 shall be exempt from compliance with the standards adopted
18 pursuant to this Act insofar as those standards vary from
19 standards in the Illinois Accessibility Code.

20 (2) Multi-Story Housing Units; New Construction. Any
21 new multi-story housing unit or portion thereof, the
22 construction of which is begun after the effective date of
23 this Act. However, any new multi-story housing unit (i) for
24 which a specific contract for the planning has been awarded
25 prior to the effective date of this Act and (ii)
26 construction of which is begun within 12 months of the
27 effective date of this Act shall be exempt from compliance
28 with the standards adopted pursuant to this Act insofar as
29 those standards vary from standards in the Illinois
30 Accessibility Code. Provided, however, that if the common
31 areas comply with the standards, if 20% of the dwelling
32 units are adaptable and if the adaptable dwelling units

1 include dwelling units of various sizes and locations
2 within the multi-story housing unit, then the entire
3 multi-story housing unit shall be deemed to comply with the
4 standards.

5 (a-1) Accessibility of structures; new construction. New
6 housing subject to regulation under this Act shall be
7 constructed in compliance with all applicable regulations and
8 with the following technical requirements provided under the
9 Accessibility Guidelines promulgated by the federal government
10 under the Fair Housing Act:

11 (1) Accessible entrance on an accessible route. If
12 there are common entrances to a multi-unit building, at
13 least one entrance, typically used by residents for
14 entering the building, shall be accessible.

15 (2) Accessible public and common use areas. Parking
16 areas, curb ramps, passenger loading areas, building
17 lobbies, lounges, halls, corridors, elevators, public use
18 restrooms, and rental or sales offices shall be accessible
19 to persons with disabilities, including such facilities as
20 drinking fountains, water coolers, mailboxes, laundry
21 rooms, community and exercise rooms, swimming pools,
22 playgrounds, recreation facilities, nature trails, and
23 other similar facilities.

24 (3) Usable doors.

25 (A) Doors shall be wide enough to enable a person
26 in a wheelchair to maneuver through them including
27 public and common-use doors, doors leading into an
28 individual dwelling unit, and all doors within the
29 dwelling unit itself. For wheelchairs, doors must have
30 a clear opening width of at least 32 inches, measured
31 from the face of the door to the stop, with the door
32 open 90 degrees.

33 (B) All types of doors included in this Act,
34 including hinged doors, sliding doors, and folding
35 doors.

36 (C) Doors leading to any outdoor amenities, the

1 dwelling or complex included in this Act, including
2 doors to such amenities as a balcony, patio, or deck.

3 (D) If a deck or patio has doorways leading into 2
4 or more separate rooms, these doors must be usable.

5 (4) Accessible routes into and through dwelling units.

6 (A) Thresholds of the exterior doors of a dwelling
7 unit may not exceed three-fourths of an inch; this Act
8 shall apply to sliding door tracks.

9 (B) In single-story units, changes in height of
10 one-fourth inch to one-half inch shall be beveled.
11 Those greater than one-half inch shall be ramped or
12 have other means of access. Minimum clear width for an
13 accessible route inside the unit is 36 inches.
14 Hallways, passages, and corridors shall be wide enough
15 to allow room to maneuver a wheelchair throughout the
16 unit.

17 (5) Accessible light switches, electrical outlets, and
18 environmental controls.

19 (A) Operable parts of controls must be no lower
20 than 15 inches and no higher than 48 inches from the
21 floor.

22 (B) Switches, outlets, thermostats, and controls
23 shall be accessible to persons in wheelchairs.

24 (6) Reinforced walls in bathrooms. Walls in bathrooms
25 shall be reinforced so that grab bars near the toilet, tub,
26 and shower seat, if not already provided, may be added.

27 (7) Usable kitchens and bathrooms.

28 (A) A minimum of 40 inches of clear floor space
29 shall be provided in kitchens to allow a person in a
30 wheelchair to maneuver between opposing base cabinets,
31 countertops, appliances, or walls.

32 (B) A U-shaped design shall require a minimum of 5
33 feet in diameter clear space, or removable cabinets at
34 the base of the U-shaped design.

35 (C) Appliances must be located so they can be used
36 by a person in a wheelchair. A 30-inch by 48-inch clear

1 floor space is required for a parallel or forward
2 approach.

3 (D) Adequate maneuvering space shall be required
4 in bathrooms so that a person in a wheelchair can
5 enter, close the door, use the facilities and fixtures,
6 and exit.

7 (E) All bathrooms shall include a basic degree of
8 maneuverability and usable doors, reinforced walls,
9 switches and outlets in accessible locations, and must
10 be on an accessible route.

11 (8) Additional accessibility standards. Dwelling units
12 and public and common use areas serving persons with
13 disabilities in all multi-unit buildings not defined as
14 multi-story for purposes of this Act shall also comply with
15 this subsection (a-1) if the building consists of 4 or more
16 dwelling units, whether for rent or sale.

17 (A) In a building with an elevator, all dwelling
18 units shall be made accessible and the elevator must
19 serve all of the units.

20 (B) In a building without an elevator, all dwelling
21 units on the ground floor shall be made accessible. The
22 accessibility requirements apply only to the ground
23 floor units, all ground floor units shall be made
24 accessible.

25 New construction of multi-unit housing may also be subject
26 to the federal Fair Housing Act, 42 U.S.C. 3601 et seq., which
27 has different accessibility requirements.

28 This subsection (a-1) does not apply within any unit of
29 local government that by ordinance, rule, or regulation
30 prescribes requirements to increase and facilitate access to
31 the built environment by environmentally limited persons that
32 are more stringent than those contained in this Act prior to
33 the effective date of this amendatory Act of the 94th General
34 Assembly.

35 This Act, together with the Illinois Accessibility Code, 71
36 Ill. Adm. Code 400, has the force of a building code and as

1 such is law in the State of Illinois.

2 (b) Alterations. Any alteration to a public facility shall
3 provide accessibility as follows:

4 (1) Alterations Generally. No alteration shall be
5 undertaken that decreases or has the effect of decreasing
6 accessibility or usability of a building or facility below
7 the requirements for new construction at the time of
8 alteration.

9 (2) If the alteration costs 15% or less of the
10 reproduction cost of the public facility, the element or
11 space being altered shall comply with the applicable
12 requirements for new construction.

13 (3) State Owned Public Facilities. If the alteration is
14 to a public facility owned by the State and the alteration
15 costs more than 15% but less than 50% of the reproduction
16 cost of the public facility, the following shall comply
17 with the applicable requirements for new construction:

18 (i) the element or space being altered,

19 (ii) an entrance and a means of egress intended for
20 use by the general public,

21 (iii) all spaces and elements necessary to provide
22 horizontal and vertical accessible routes between an
23 accessible means entrance and means of egress and the
24 element or space being altered,

25 (iv) at least one accessible toilet room for each
26 sex or a unisex toilet when permitted, if toilets are
27 provided or required,

28 (v) accessible parking spaces, where parking is
29 provided, and

30 (vi) an accessible route from public sidewalks or
31 from accessible parking spaces, if provided, to an
32 accessible entrance.

33 (4) All Other Public Facilities. If the alteration
34 costs more than 15% but less than 50% of the reproduction
35 cost of the public facility, and less than \$100,000, the
36 following shall comply with the applicable requirements

1 for new construction:

2 (i) the element or space being altered, and

3 (ii) an entrance and a means of egress intended for
4 use by the general public.

5 (5) If the alteration costs more than 15% but less than
6 50% of the reproduction cost of the public facility, and
7 more than \$100,000, the following shall comply with the
8 applicable requirements for new construction:

9 (i) the element or space being altered,

10 (ii) an entrance and a means of egress intended for
11 use by the general public,

12 (iii) all spaces and elements necessary to provide
13 horizontal and vertical accessible routes between an
14 accessible entrance and means of egress and the element
15 or space being altered; however, privately owned
16 public facilities are not required to provide vertical
17 access in a building with 2 levels of occupiable space
18 where the cost of providing such vertical access is
19 more than 20% of the reproduction cost of the public
20 facility,

21 (iv) at least one accessible toilet room for each
22 sex or a unisex toilet, when permitted, if toilets are
23 provided or required,

24 (v) accessible parking spaces, where parking is
25 provided, and

26 (vi) an accessible route from public sidewalks or
27 from the accessible parking spaces, if provided, to an
28 accessible entrance.

29 (6) If the alteration costs 50% or more of the
30 reproduction cost of the public facility, the entire public
31 facility shall comply with the applicable requirements for
32 new construction.

33 (c) Alterations to Specific Categories of Public
34 Facilities. For religious entities, private clubs, and
35 owner-occupied transient lodging facilities of 5 units,
36 compliance with the standards adopted by the Capital

1 Development Board is not mandatory if the alteration costs 15%
2 or less of the reproduction cost of the public facility.
3 However, if the cost of the alteration exceeds \$100,000, the
4 element or space being altered must comply with applicable
5 requirements for new construction. Alterations over 15% of the
6 reproduction cost of these public facilities are governed by
7 subdivisions (4), (5), and (6) of subsection (b), as
8 applicable.

9 (d) Calculation of Reproduction Cost. For the purpose of
10 calculating percentages of reproduction cost, the cost of
11 alteration shall be construed as the total actual combined cost
12 of all alterations made within any period of 30 months.

13 (e) No governmental unit may enter into a new or renewal
14 agreement to lease, rent or use, in whole or in part, any
15 building, structure or improved area which does not comply with
16 the standards. Any governmental unit which, on the effective
17 date of this Act, is leasing, renting or using, in whole or in
18 part, any building, structure or improved area which does not
19 comply with the standards shall make all reasonable efforts to
20 terminate such lease, rental or use by January 1, 1990.

21 (f) No public facility may be constructed or altered and no
22 multi-story housing unit may be constructed without the
23 statement of an architect registered in the State of Illinois
24 that the plans for the work to be performed comply with the
25 provisions of this Act and the standards promulgated hereunder
26 unless the cost of such construction or alteration is less than
27 \$50,000. In the case of construction or alteration of an
28 engineering nature, where the plans are prepared by an
29 engineer, the statement may be made by a professional engineer
30 registered in the State of Illinois or a structural engineer
31 registered in the State of Illinois that the engineering plans
32 comply with the provisions of this Act and the standards
33 promulgated hereunder. The architect's and/or engineer's
34 statement shall be filed by the architect or engineer and
35 maintained in the office of the governmental unit responsible
36 for the issuance of the building permit. In those governmental

1 units which do not issue building permits, the statement shall
2 be filed and maintained in the office of the county clerk.

3 (Source: P.A. 89-539, eff. 7-19-96.)