



Housing and Urban Development Committee

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LRB094 04034 RXD 41349 a

1 AMENDMENT TO HOUSE BILL 55

2 AMENDMENT NO. _____. Amend House Bill 55 by replacing
3 everything after the enacting clause with the following:

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

1 prior to the effective date of this Act and (ii)
2 construction of which is begun within 12 months of the
3 effective date of this Act shall be exempt from compliance
4 with the standards adopted pursuant to this Act insofar as
5 those standards vary from standards in the Illinois
6 Accessibility Code. Provided, however, that if the common
7 areas comply with the standards, if 20% of the dwelling
8 units are adaptable and if the adaptable dwelling units
9 include dwelling units of various sizes and locations
10 within the multi-story housing unit, then the entire
11 multi-story housing unit shall be deemed to comply with the
12 standards.

13 (a-1) Accessibility of structures; new construction. New
14 housing subject to regulation under this Act shall be
15 constructed in compliance with all applicable regulations and
16 with the following technical requirements provided under the
17 Accessibility Guidelines promulgated by the federal government
18 under the Fair Housing Act:

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

23 (2) Accessible public and common use areas. Parking
24 areas, curb ramps, passenger loading areas, building
25 lobbies, lounges, halls, corridors, elevators, public use
26 restrooms, and rental or sales offices shall be accessible
27 to persons with disabilities, including such facilities as
28 drinking fountains, water coolers, mailboxes, laundry
29 rooms, community and exercise rooms, swimming pools,
30 playgrounds, recreation facilities, nature trails, and
31 other similar facilities.

32 (3) Usable doors.

33 (A) Doors shall be wide enough to enable a person
34 in a wheelchair to maneuver through them including

1 public and common-use doors, doors leading into an
2 individual dwelling unit, and all doors within the
3 dwelling unit itself. For wheelchairs, doors must have
4 a clear opening width of at least 32 inches, measured
5 from the face of the door to the stop, with the door
6 open 90 degrees.

7 (B) All types of doors included in this Act,
8 including hinged doors, sliding doors, and folding
9 doors.

10 (C) Doors leading to any outdoor amenities, the
11 dwelling or complex included in this Act, including
12 doors to such amenities as a balcony, patio, or deck.

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

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

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

19 (B) In single-story units, changes in height of
20 one-fourth inch to one-half inch shall be beveled.
21 Those greater than one-half inch shall be ramped or
22 have other means of access. Minimum clear width for an
23 accessible route inside the unit is 36 inches.
24 Hallways, passages, and corridors shall be wide enough
25 to allow room to maneuver a wheelchair throughout the
26 unit.

27 (5) Accessible light switches, electrical outlets, and
28 environmental controls.

29 (A) Operable parts of controls must be no lower
30 than 15 inches and no higher than 48 inches from the
31 floor.

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

34 (6) Reinforced walls in bathrooms. Walls in bathrooms

1 shall be reinforced so that grab bars near the toilet, tub,
2 and shower seat, if not already provided, may be added.

3 (7) Usable kitchens and bathrooms.

4 (A) A minimum of 40 inches of clear floor space
5 shall be provided in kitchens to allow a person in a
6 wheelchair to maneuver between opposing base cabinets,
7 countertops, appliances, or walls.

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

11 (C) Appliances must be located so they can be used
12 by a person in a wheelchair. A 30-inch by 48-inch clear
13 floor space is required for a parallel or forward
14 approach.

15 (D) Adequate maneuvering space shall be required
16 in bathrooms so that a person in a wheelchair can
17 enter, close the door, use the facilities and fixtures,
18 and exit.

19 (E) All bathrooms shall include a basic degree of
20 maneuverability and usable doors, reinforced walls,
21 switches and outlets in accessible locations, and must
22 be on an accessible route.

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

29 (A) In a building with an elevator, all dwelling
30 units shall be made accessible and the elevator must
31 serve all of the units.

32 (B) In a building without an elevator, all dwelling
33 units on the ground floor shall be made accessible. The
34 accessibility requirements apply only to the ground

1 floor units, all ground floor units shall be made
2 accessible.

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

6 This Act, together with the Illinois Accessibility Code, 71
7 Ill. Adm. Code 400, has the force of a building code and as
8 such is law in the State of Illinois.

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

11 (1) Alterations Generally. No alteration shall be
12 undertaken that decreases or has the effect of decreasing
13 accessibility or usability of a building or facility below
14 the requirements for new construction at the time of
15 alteration.

16 (2) If the alteration costs 15% or less of the
17 reproduction cost of the public facility, the element or
18 space being altered shall comply with the applicable
19 requirements for new construction.

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

25 (i) the element or space being altered,

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

28 (iii) all spaces and elements necessary to provide
29 horizontal and vertical accessible routes between an
30 accessible means entrance and means of egress and the
31 element or space being altered,

32 (iv) at least one accessible toilet room for each
33 sex or a unisex toilet when permitted, if toilets are
34 provided or required,

1 (v) accessible parking spaces, where parking is
2 provided, and

3 (vi) an accessible route from public sidewalks or
4 from accessible parking spaces, if provided, to an
5 accessible entrance.

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

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

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

14 (5) If the alteration costs more than 15% but less than
15 50% of the reproduction cost of the public facility, and
16 more than \$100,000, the following shall comply with the
17 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 entrance and means of egress and the element
24 or space being altered; however, privately owned
25 public facilities are not required to provide vertical
26 access in a building with 2 levels of occupiable space
27 where the cost of providing such vertical access is
28 more than 20% of the reproduction cost of the public
29 facility,

30 (iv) at least one accessible toilet room for each
31 sex or a unisex toilet, when permitted, if toilets are
32 provided or required,

33 (v) accessible parking spaces, where parking is
34 provided, and

1 (vi) an accessible route from public sidewalks or
2 from the accessible parking spaces, if provided, to an
3 accessible entrance.

4 (6) If the alteration costs 50% or more of the
5 reproduction cost of the public facility, the entire public
6 facility shall comply with the applicable requirements for
7 new construction.

8 (c) Alterations to Specific Categories of Public
9 Facilities. For religious entities, private clubs, and
10 owner-occupied transient lodging facilities of 5 units,
11 compliance with the standards adopted by the Capital
12 Development Board is not mandatory if the alteration costs 15%
13 or less of the reproduction cost of the public facility.
14 However, if the cost of the alteration exceeds \$100,000, the
15 element or space being altered must comply with applicable
16 requirements for new construction. Alterations over 15% of the
17 reproduction cost of these public facilities are governed by
18 subdivisions (4), (5), and (6) of subsection (b), as
19 applicable.

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

24 (e) No governmental unit may enter into a new or renewal
25 agreement to lease, rent or use, in whole or in part, any
26 building, structure or improved area which does not comply with
27 the standards. Any governmental unit which, on the effective
28 date of this Act, is leasing, renting or using, in whole or in
29 part, any building, structure or improved area which does not
30 comply with the standards shall make all reasonable efforts to
31 terminate such lease, rental or use by January 1, 1990.

32 (f) No public facility may be constructed or altered and no
33 multi-story housing unit may be constructed without the
34 statement of an architect registered in the State of Illinois

1 that the plans for the work to be performed comply with the
2 provisions of this Act and the standards promulgated hereunder
3 unless the cost of such construction or alteration is less than
4 \$50,000. In the case of construction or alteration of an
5 engineering nature, where the plans are prepared by an
6 engineer, the statement may be made by a professional engineer
7 registered in the State of Illinois or a structural engineer
8 registered in the State of Illinois that the engineering plans
9 comply with the provisions of this Act and the standards
10 promulgated hereunder. The architect's and/or engineer's
11 statement shall be filed by the architect or engineer and
12 maintained in the office of the governmental unit responsible
13 for the issuance of the building permit. In those governmental
14 units which do not issue building permits, the statement shall
15 be filed and maintained in the office of the county clerk.
16 (Source: P.A. 89-539, eff. 7-19-96.)".