



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2956

Introduced 2/18/2016, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Environmental Barriers Act. Changes references from "accessibility standards" to "the Illinois Accessibility Code", and makes related changes. Makes changes to provisions concerning definitions. Removes a provision requiring the Capital Development Board to establish standards for areas restricted to employee use. Requires the Capital Development Board to update the Code within 3 years (rather than 2 years) after federal standards are updated. Provides that the Act generally applies to public facilities and multi-story housing constructed after May 1, 1988, with specific provisions concerning the Code's application. Requires new housing construction to comply with the Department of Housing and Urban Development's March 6, 1991 Fair Housing Accessibility Guidelines and all later versions, amendments, and supplements. Requires all alterations to public facilities and multi-story housing to comply with the Code as it exists at the time of alteration. Adds provisions concerning alterations that impact accessibility or usability of paths of travel. Repeals provisions concerning alterations. Combines provisions concerning civil enforcement and other penalties. Provides that any violation of the Code is a violation of the Act. Provides the Attorney General with discretion to investigate complaints made under the Act. Adds enforcement provisions concerning the powers of the Attorney General. Changes references from "environmentally limited persons" to "individuals with disabilities". Makes other changes.

LRB099 18105 MJP 42470 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 Sections 2, 3, 4, 5, 6, and 8 as follows:

6 (410 ILCS 25/2) (from Ch. 111 1/2, par. 3712)

7 Sec. 2. Statement of Findings and Purpose. The General  
8 Assembly finds that:

9 (a) Public facilities and multi-story housing ~~units~~ which  
10 contain environmental barriers create a serious threat to the  
11 safety and welfare of all members of society ~~both in normal~~  
12 ~~conditions and in the event of fire, panic and other emergency.~~

13 (b) Individuals with disabilities ~~Environmentally limited~~  
14 ~~persons~~ are often denied access to and use of public facilities  
15 and multi-story housing ~~units~~ due to environmental barriers  
16 which prevent them from exercising many of their rights and  
17 privileges as citizens.

18 (c) The integration of individuals with disabilities  
19 ~~environmentally limited persons~~ into the mainstream of society  
20 furthers the goals and policies of this State to assure the  
21 right of all persons to live and work as independently as  
22 possible and to participate in the life of the community as  
23 fully as possible.

1           Therefore, eliminating environmental barriers is an object  
2 of serious public concern. This Act shall be liberally  
3 construed toward that end.

4           (Source: P.A. 84-948.)

5           (410 ILCS 25/3) (from Ch. 111 1/2, par. 3713)

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

8           "2010 Standards for Accessible Design" means the  
9 regulations promulgated by the Department of Justice, 28 CFR  
10 Parts 35 and 36, pursuant to the Americans with Disabilities  
11 Act of 1990 (ADA).

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

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

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

22           "Accessible route" means a continuous unobstructed path  
23 connecting all accessible elements and spaces of a building or  
24 facility. Interior accessible routes may include corridors,  
25 floors, ramps, elevators, lifts, skywalks, tunnels, and clear

1 floor space at fixtures. Exterior accessible routes may include  
2 parking access aisles, curb ramps, crosswalks at vehicular  
3 ways, walks, ramps, and lifts.

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

9 "Adaptable dwelling unit" means a dwelling unit  
10 constructed and equipped so it can be converted with minimal  
11 structural change for use by persons with different types and  
12 degrees of disability ~~environmental limitation.~~

13 ~~"Addition" means an expansion, extension, or increase in~~  
14 ~~the gross floor area of a public facility or multi-story~~  
15 ~~housing unit.~~

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. ~~extraordinary repairs, plumbing~~  
2 ~~fixture changes, and changes or rearrangements in the plan~~  
3 ~~configuration of walls and full-height partitions.~~ The  
4 following work is not considered to be an alteration unless it  
5 affects the usability of the building or facility: normal  
6 maintenance, reroofing, painting or wallpapering interior or  
7 ~~exterior redecoration, or~~ changes to mechanical and electrical  
8 systems, ~~replacement of plumbing, piping, or valves, asbestos~~  
9 ~~removal, or installation of fire sprinkler systems.~~

10 "Built environment" means those parts of the physical  
11 environment which are designed, constructed or altered by  
12 people, including all public facilities and multi-story  
13 housing units.

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

18 "Common use areas" or "common areas" means areas, including  
19 interior and exterior rooms, spaces, or elements, which are  
20 held out for use by all tenants and owners in public facilities  
21 and multi-story housing, including, but not limited to,  
22 residents of an apartment building or condominium complex,  
23 occupants of an office building, or the guests of such  
24 residents or occupants. "Common use areas" or "common areas"  
25 includes, but is ~~units including, but~~ not limited to, lobbies,  
26 elevators, hallways, laundry rooms, swimming pools, storage

1 rooms, recreation areas, parking garages, building offices,  
2 conference rooms, patios, restrooms, telephones, drinking  
3 fountains, restaurants, cafeterias, delicatessens and stores.

4 ~~"Construction" means any erection, building, installation~~  
5 ~~or reconstruction. Additions shall be deemed construction for~~  
6 ~~purposes of this Act.~~

7 "Curb ramp" means a ramp that cuts through or is built up  
8 to the curb. Curb ramps can be perpendicular or parallel, or a  
9 combination of parallel and perpendicular ramps.

10 "Disability" means a physical or mental impairment that  
11 substantially limits one or more major life activities; a  
12 record or history of such an impairment; or regarded as having  
13 such an impairment.

14 "Dwelling unit" means a single unit of residence which  
15 provides a kitchen or food preparation area, in addition to  
16 rooms and spaces for living, bathing, sleeping, and the like.  
17 Dwelling units are found in ~~such~~ housing types such as  
18 townhouses and apartment buildings.

19 "Element" means an architectural, ~~or~~ mechanical (including  
20 ~~electrical and~~ plumbing), or electrical component of a  
21 building, facility, space, ~~or~~ site, or public right-of-way.  
22 ~~including but not limited to a telephone, curb ramp, door,~~  
23 ~~drinking fountain, seating, or water closet.~~

24 "Entrance" means any access point to a building or portion  
25 of a building or facility or multi-story housing ~~unit~~ used for  
26 the purpose of entering. An entrance includes the approach

1 walk, the vertical access leading to the entrance platform, the  
2 entrance platform itself, vestibules if provided, and the entry  
3 door or doors or gate or gates.

4 "Environmental barrier" means an element or space of the  
5 built environment which limits accessibility to or use of the  
6 built environment by individuals with disabilities  
7 ~~environmentally limited persons.~~

8 ~~"Environmentally limited person" means a person with a~~  
9 ~~disability or condition who is restricted in the use of the~~  
10 ~~built environment.~~

11 "Facility" means all or any portion of buildings,  
12 structures, site improvements, elements, and pedestrian routes  
13 or vehicular ways located on a site.

14 "Governmental unit" means State agencies and local  
15 government agencies as defined in the State Auditing Act,  
16 public colleges and universities, and school districts. ~~the~~  
17 ~~State or any political subdivision thereof, including but not~~  
18 ~~limited to any county, town, township, city, village,~~  
19 ~~municipality, municipal corporation, school district or other~~  
20 ~~special purpose district.~~

21 ~~"Means of egress" means a continuous and unobstructed path~~  
22 ~~of travel from any point in a building or structure to a public~~  
23 ~~way, consisting of 3 separate and distinct parts: the exit~~  
24 ~~access, the exit, and the exit discharge. A means of egress~~  
25 ~~comprises vertical and horizontal means of travel and includes~~  
26 ~~intervening room spaces, doors, hallways, corridors,~~

1 ~~passageways, balconies, ramps, stairs, enclosures, lobbies,~~  
2 ~~escalators, horizontal exits, courts, and yards.~~

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

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

10 ~~"Occupiable" means a room or enclosed space designed for~~  
11 ~~human occupancy in which individuals congregate for amusement,~~  
12 ~~educational, or similar purposes, or in which occupants are~~  
13 ~~engaged at labor, and that is equipped with means of egress,~~  
14 ~~light, and ventilation.~~

15 "Owner" means ~~the person contracting for the construction~~  
16 ~~or alteration. That person may be~~ the owner of the real  
17 property or existing facility or the ~~may be a~~ tenant of the  
18 real property or existing facility.

19 "Primary function area" means an area of a building or  
20 facility containing a major activity for which the building or  
21 facility is intended. There can be multiple areas containing a  
22 primary function in a single building. Primary function areas  
23 are not limited to public use areas. Mixed use facilities may  
24 include numerous primary function areas for each use. Areas  
25 containing a primary function do not include: mechanical rooms,  
26 boiler rooms, supply storage rooms, employee lounges or locker



1 rooms, janitorial closets, entrances, corridors, or restrooms.  
2 Restrooms are not areas containing a primary function unless  
3 the provision of restrooms is a primary purpose of the area,  
4 such as in highway rest stops.

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

11 ~~"Person" means one or more individuals, partnerships,~~  
12 ~~associations, unincorporated organizations, corporations,~~  
13 ~~cooperatives, legal representatives, trustees, receivers,~~  
14 ~~agents, any group of persons or any governmental unit.~~

15 ~~"Planning" means the preparation of architectural or~~  
16 ~~engineering designs or plans, technical or other~~  
17 ~~specifications, landscaping plans or other preconstruction~~  
18 ~~plans or specifications.~~

19 "Public facility" means:

20 (1) any building, structure, or site improvement which  
21 is:

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

23 (ii) leased, rented or used, in whole or in part,  
24 by a governmental unit, or

25 (iii) financed, in whole or in part, by a grant or  
26 a loan made or guaranteed by a governmental unit; ~~or~~

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

5 (i) the purpose of gathering, recreation,  
6 transient lodging, education, employment,  
7 institutional care, or the purchase, rental, sale or  
8 acquisition of any goods, personal property or  
9 services;

10 (ii) places of public display or collection;

11 (iii) social service establishments; and

12 (iv) stations used for specified public  
13 transportation; or -

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

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

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

23 "Ramp" means a walking surface that has a running slope  
24 steeper than 1:20.

25 ~~"Public" means any group of people who are users of the~~  
26 ~~building and employees of the building excluding those people~~

1 ~~who are employed by the owner of a building for construction or~~  
2 ~~alteration of a building.~~

3 ~~"Reproduction cost" means the estimated cost of~~  
4 ~~constructing a new building, structure, or site improvement of~~  
5 ~~like size, design and materials at the site of the original~~  
6 ~~building, structure, or site improvement, assuming such site is~~  
7 ~~clear. The reproduction cost shall be determined by using the~~  
8 ~~recognized standards of an authoritative technical~~  
9 ~~organization.~~

10 ~~"Site improvements" means landscaping, pedestrian and~~  
11 ~~vehicular pathways, steps, ramps, curb ramps, parking lots,~~  
12 ~~outdoor lighting, recreational facilities, and the like, added~~  
13 ~~to a site.~~

14 ~~"Space" means a definable area, such as a toilet room,~~  
15 ~~corridor, assembly area, entrance, storage room, alcove,~~  
16 ~~courtyard, or lobby.~~

17 "State" means the State of Illinois and any instrumentality  
18 or agency thereof.

19 "Technically infeasible" means, with respect to an  
20 alteration of a building or a facility, that something has  
21 little likelihood of being accomplished because existing  
22 structural conditions would require removing or altering a  
23 load-bearing member that is an essential part of the structural  
24 frame; or because other existing physical or site constraints  
25 prohibit modification or addition of elements, spaces, or  
26 features that are in full and strict compliance with the

1 minimum requirements.

2 "Temporary building" means a building or any element of a  
3 building which is not permanent and is designed to be used only  
4 for a short period of time for some special purpose. "Temporary  
5 building" includes, but is not limited to, reviewing stands,  
6 temporary classrooms, bleacher areas, stages, platforms and  
7 daises, fixed furniture systems, wall systems, exhibit areas,  
8 temporary banking facilities, and temporary health screening  
9 facilities. Structures and equipment directly associated with  
10 the actual processes of construction are not required to be  
11 accessible.

12 ~~"Transient lodging" means a building or facility or portion~~  
13 ~~of a building or facility, excluding inpatient medical care~~  
14 ~~facilities and owner-occupied buildings of 4 or fewer lodging~~  
15 ~~units. "Transient lodging" may include, but is not limited to,~~  
16 ~~resorts, group homes, hotels and motels, including cabins and~~  
17 ~~other detached units, and dormitories.~~

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

19 (410 ILCS 25/4) (from Ch. 111 1/2, par. 3714)

20 Sec. 4. Illinois Accessibility Code Standards. The Capital  
21 Development Board shall adopt and publish accessibility  
22 standards known as the Illinois Accessibility Code. With  
23 respect to Accessibility standards for public facilities, the  
24 Code shall dictate minimum design, construction, and  
25 alteration requirements to facilitate access to and use of the

1 public facility by individuals with disabilities  
2 ~~environmentally limited persons~~. With respect to Accessibility  
3 ~~standards for multi-story housing, the Code units~~ shall dictate  
4 minimum design and construction requirements to facilitate  
5 access to and use of the common areas by individuals with  
6 disabilities ~~environmentally limited persons~~ and create a  
7 number of adaptable dwelling units in accordance with Section  
8 5. ~~With respect to areas within public facilities or~~  
9 ~~multi story housing units which areas are restricted to use by~~  
10 ~~the employees of businesses or concerns occupying such~~  
11 ~~restricted areas, the Capital Development Board shall~~  
12 ~~promulgate standards designed to ensure that such areas will be~~  
13 ~~accessible to those environmentally limited persons who can~~  
14 ~~reasonably be expected to perform the duties of a job therein.~~

15 The Code standards shall be adopted and revised in  
16 accordance with the Illinois Administrative Procedure Act.  
17 Beginning on the effective date of this amendatory Act of the  
18 98th General Assembly, the Capital Development Board shall  
19 begin the process of updating the 1997 Illinois Accessibility  
20 Code and shall model the updates on the 2010 ADA Standards for  
21 Accessible Design. By no later than January 1, 2017, the  
22 Capital Development Board shall adopt and publish the updated  
23 Illinois Accessibility Code. The updated Illinois  
24 Accessibility Code may be more stringent than the 2010 ADA  
25 Standards for Accessible Design and may identify specific  
26 standards. Beginning on January 1, 2017, if the ADA Standards

1 for Accessible Design are updated, then the Capital Development  
2 Board shall update its accessibility standards, in keeping with  
3 the ADA Standards for Accessible Design, within 3 2 years after  
4 the ADA Standards for Accessible Design updates and shall adopt  
5 and publish an updated Illinois Accessibility Code.

6 The Capital Development Board may issue written  
7 interpretation of the Code ~~standards adopted under Section 4 of~~  
8 ~~this Act. The Capital Development Board shall issue an~~  
9 ~~interpretation~~ within 30 calendar days of receipt of a written  
10 request ~~by certified mail~~ unless a longer period is agreed to  
11 by the parties. Interpretations issued under this Section are  
12 project specific and do not constitute precedent for future or  
13 different circumstances.

14 (Source: P.A. 98-224, eff. 1-1-14; 99-61, eff. 7-16-15.)

15 (410 ILCS 25/5) (from Ch. 111 1/2, par. 3715)

16 Sec. 5. Scope.

17 (a) New construction. Any new public facility or  
18 multi-story housing, or portion thereof, the construction of  
19 which began after May 1, 1988, is subject to the current  
20 provisions of this Act. The Code adopted by the Capital  
21 Development Board shall apply as follows ~~The standards adopted~~  
22 ~~by the Capital Development Board shall apply to:~~

23 (1) Public facilities; new construction ~~Facilities;~~  
24 ~~New Construction.~~ Any new public facility or portion  
25 thereof, the construction of which is begun after May 1,

1 1988 is subject to the provisions of the Code applicable to  
2 new construction as the Code existed at the time the  
3 construction commenced. ~~the effective date of this Act.~~

4 (2) Multi-story housing; new construction. Any new  
5 multi-story housing, or portion thereof, the construction  
6 of which is begun after May 1, 1988, is subject to the  
7 provisions of the Code applicable to new construction as  
8 the Code existed at the time the construction commenced.  
9 Twenty percent, or at least one, whichever is greater, of  
10 the dwelling units in the multi-story housing shall be  
11 adaptable and the adaptable units shall be distributed  
12 throughout the multi-story housing to provide a variety of  
13 sizes and locations. In addition, all common and public use  
14 spaces shall be in compliance with the Code.

15 (3) Any ~~However, any~~ new public facility or multi-story  
16 housing (i) for which a specific contract for the planning  
17 has been awarded prior to the effective date of a new  
18 version of the Code ~~this Act~~ and (ii) construction of which  
19 is begun within 12 months of the effective date of the new  
20 version of the Code ~~this Act~~ shall be exempt from  
21 compliance with the new version of the Code and may instead  
22 comply with the version of the Code as it existed at the  
23 time the contract was awarded. ~~standards adopted pursuant~~  
24 ~~to this Act insofar as those standards vary from standards~~  
25 ~~in the Illinois Accessibility Code.~~

26 ~~(2) Multi Story Housing Units; New Construction. Any~~

1 ~~new multi-story housing unit or portion thereof, the~~  
2 ~~construction of which is begun after the effective date of~~  
3 ~~this Act. However, any new multi-story housing unit (i) for~~  
4 ~~which a specific contract for the planning has been awarded~~  
5 ~~prior to the effective date of this Act and (ii)~~  
6 ~~construction of which is begun within 12 months of the~~  
7 ~~effective date of this Act shall be exempt from compliance~~  
8 ~~with the standards adopted pursuant to this Act insofar as~~  
9 ~~those standards vary from standards in the Illinois~~  
10 ~~Accessibility Code. Provided, however, that if the common~~  
11 ~~areas comply with the standards, if 20% of the dwelling~~  
12 ~~units are adaptable and if the adaptable dwelling units~~  
13 ~~include dwelling units of various sizes and locations~~  
14 ~~within the multi-story housing unit, then the entire~~  
15 ~~multi-story housing unit shall be deemed to comply with the~~  
16 ~~standards.~~

17 (4) ~~(a-1)~~ Accessibility of structures; new  
18 construction. New housing subject to ~~regulation under~~ this  
19 Act shall comply ~~be constructed in compliance~~ with all  
20 applicable laws and regulations. In ~~and, in~~ the case where  
21 the new housing is ~~and the new housing~~ not defined as  
22 multi-story for the purposes of this Act, but instead is a  
23 building in which 4 or more dwelling units or sleeping  
24 units intended to be occupied as a residence are contained  
25 within a single structure, the housing shall comply with  
26 the technical guidance ~~requirements~~ of the Department of



1 Housing and Urban Development's Fair Housing Accessibility  
2 Guidelines published March 6, 1991, and all subsequent  
3 versions, amendments, or supplements ~~the Supplement to~~  
4 ~~Notice of Fair Housing Accessibility Guidelines: Questions~~  
5 ~~and Answers about the Guidelines, published June 28, 1994.~~

6 This subsection (4) ~~(a-1)~~ does not apply within any  
7 unit of local government that by ordinance, rule, or  
8 regulation prescribes requirements to increase and  
9 facilitate access to the built environment by individuals  
10 with disabilities ~~environmentally limited persons~~ that are  
11 more stringent than those contained in this Act prior to  
12 the effective date of this amendatory Act of the 94th  
13 General Assembly.

14 (5) This Act, together with the Illinois Accessibility  
15 Code, 71 Ill. Adm. Code 400, has the force of a building  
16 code and as such is law in the State of Illinois. Any  
17 violation of the Code is deemed a violation of this Act and  
18 subject to enforcement pursuant to this Act.

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

21 (1) Alterations Generally. No alteration shall be  
22 undertaken that decreases or has the effect of decreasing  
23 accessibility or usability of a building or facility below  
24 the requirements for new construction at the time of  
25 alteration.

26 (2) Applicability. Any alteration of a public facility

1 or multi-story housing shall comply with the Code  
2 provisions regarding alterations as such provisions exist  
3 at the time such alteration commences. If the alteration  
4 costs 15% or less of the reproduction cost of the public  
5 facility, the element or space being altered shall comply  
6 with the applicable requirements for new construction.

7 (3) Path of travel to primary function area. An  
8 alteration that affects or could affect the usability of or  
9 access to an area containing a primary function shall be  
10 made so as to ensure that, to the maximum extent feasible,  
11 the path of travel to the primary function area, including  
12 the entrance route to the altered area and the rest rooms,  
13 telephones, and drinking fountains serving the altered  
14 area, are readily accessible to and usable by individuals  
15 with disabilities, unless the cost of the alterations to  
16 provide an accessible path of travel to the primary  
17 function area exceeds 20% of the cost of the overall  
18 alteration, or such alterations are otherwise  
19 disproportionate to the overall alterations in terms of  
20 cost and scope as set forth in the Code. State Owned Public  
21 Facilities. If the alteration is to a public facility owned  
22 by the State and the alteration costs more than 15% but  
23 less than 50% of the reproduction cost of the public  
24 facility, the following shall comply with the applicable  
25 requirements for new construction:

26 (i) the element or space being altered,

1           ~~(ii) an entrance and a means of egress intended for~~  
2 ~~use by the general public,~~

3           ~~(iii) all spaces and elements necessary to provide~~  
4 ~~horizontal and vertical accessible routes between an~~  
5 ~~accessible means entrance and means of egress and the~~  
6 ~~element or space being altered,~~

7           ~~(iv) at least one accessible toilet room for each~~  
8 ~~sex or a unisex toilet when permitted, if toilets are~~  
9 ~~provided or required,~~

10           ~~(v) accessible parking spaces, where parking is~~  
11 ~~provided, and~~

12           ~~(vi) an accessible route from public sidewalks or~~  
13 ~~from accessible parking spaces, if provided, to an~~  
14 ~~accessible entrance.~~

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

20           ~~(i) the element or space being altered, and~~

21           ~~(ii) an entrance and a means of egress intended for~~  
22 ~~use by the general public.~~

23           ~~(5) If the alteration costs more than 15% but less than~~  
24 ~~50% of the reproduction cost of the public facility, and~~  
25 ~~more than \$100,000, the following shall comply with the~~  
26 ~~applicable requirements for new construction:~~

1 ~~(i) the element or space being altered,~~

2 ~~(ii) an entrance and a means of egress intended for~~  
3 ~~use by the general public,~~

4 ~~(iii) all spaces and elements necessary to provide~~  
5 ~~horizontal and vertical accessible routes between an~~  
6 ~~accessible entrance and means of egress and the element~~  
7 ~~or space being altered; however, privately owned~~  
8 ~~public facilities are not required to provide vertical~~  
9 ~~access in a building with 2 levels of occupiable space~~  
10 ~~where the cost of providing such vertical access is~~  
11 ~~more than 20% of the reproduction cost of the public~~  
12 ~~facility,~~

13 ~~(iv) at least one accessible toilet room for each~~  
14 ~~sex or a unisex toilet, when permitted, if toilets are~~  
15 ~~provided or required,~~

16 ~~(v) accessible parking spaces, where parking is~~  
17 ~~provided, and~~

18 ~~(vi) an accessible route from public sidewalks or~~  
19 ~~from the accessible parking spaces, if provided, to an~~  
20 ~~accessible entrance.~~

21 ~~(6) If the alteration costs 50% or more of the~~  
22 ~~reproduction cost of the public facility, the entire public~~  
23 ~~facility shall comply with the applicable requirements for~~  
24 ~~new construction.~~

25 ~~(c) Alterations to Specific Categories of Public~~  
26 ~~Facilities. For religious entities, private clubs, and~~

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

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

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

24 ~~(d) (f)~~ No public facility may be constructed or altered  
25 and no multi-story housing ~~unit~~ may be constructed without the  
26 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 Code ~~standards~~ promulgated  
3 hereunder unless the cost of such construction or alteration is  
4 less than \$50,000. In the case of construction or alteration of  
5 an 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 Code ~~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 (e) The requirements found in the Code cannot be waived by  
17 any party.

18 (Source: P.A. 94-283, eff. 1-1-06.)

19 (410 ILCS 25/6) (from Ch. 111 1/2, par. 3716)

20 Sec. 6. ~~Civil~~ Enforcement.

21 (a) The Attorney General shall have authority to enforce  
22 the Code ~~the standards~~. The Attorney General may ~~shall~~  
23 investigate any complaint or reported violation of this Act  
24 and, where necessary to ensure compliance, may do ~~bring an~~  
25 ~~action for~~ any or all of the following:

1           (1) Conduct an investigation to determine if a  
2 violation of this Act and the Code exist. This includes the  
3 power to: mandamus;

4                 (A) require the individual or entity to file a  
5 statement or report in writing under oath or otherwise,  
6 as to all information the Attorney General may  
7 consider;

8                 (B) examine under oath any person alleged to have  
9 participated in or with knowledge of the violations;  
10 and

11                 (C) issue subpoenas or conduct hearing in aid of  
12 any investigation.

13           (2) Bring an action for injunction to halt construction  
14 or alteration of any public facility or multi-story housing  
15 or to require compliance with the Code ~~standards~~ by any  
16 public facility or multi-story housing which has been or is  
17 being constructed or altered in violation of this Act and  
18 the Code.†

19           (3) Bring an action for mandamus. ~~injunction to halt~~  
20 ~~construction of any multi-story housing unit or to require~~  
21 ~~compliance with the standards by any multi-story housing~~  
22 ~~unit which has been or is being constructed in violation of~~  
23 ~~this Act; or~~

24           (4) Bring an action for penalties as follows: ~~other~~  
25 ~~appropriate relief.~~

26                 (A) any owner of a public facility or multi-story

1           housing in violation of this Act shall be subject to  
2           civil penalties in a sum not to exceed \$250 per day,  
3           and each day the owner is in violation of this Act  
4           constitutes a separate offense;

5           (B) any architect or engineer negligently or  
6           intentionally stating pursuant to Section 5 of this Act  
7           that a plan is in compliance with this Act when such  
8           plan is not in compliance shall be subject to a  
9           suspension, revocation, or refusal of restoration of  
10          his or her certificate of registration or license  
11          pursuant to the Illinois Architecture Practice Act of  
12          1989, the Professional Engineering Practice Act of  
13          1989, and the Structural Engineering Practice Act of  
14          1989; and

15          (C) any person issuing a building permit or other  
16          official authorization for the construction or  
17          alteration of a public facility or the construction of  
18          multi-story housing in violation of this Act shall be  
19          subject to civil penalties in a sum not to exceed  
20          \$1,000.

21          (5) Bring an action for any other appropriate relief,  
22          including, but not limited to, in lieu of a civil action,  
23          the entry of an Assurance of Voluntary Compliance with the  
24          individual or entity deemed to have violated this Act.

25          (b) A public facility or multi-story housing continues to  
26          be in violation of this Act and the Code following construction



1 or alteration so long as the public facility is not compliant  
2 with this Act and the Code.

3 (Source: P.A. 91-357, eff. 7-29-99.)

4 (410 ILCS 25/8) (from Ch. 111 1/2, par. 3718)

5 Sec. 8. Local Standards. The provisions of this Act and the  
6 Code adopted under this Act ~~regulations and standards~~  
7 ~~promulgated hereunder~~ constitute minimum requirements for all  
8 governmental units, including home rule units. Any  
9 governmental unit may enact ~~prescribe~~ more stringent  
10 requirements to increase and facilitate access to the built  
11 environment by individuals with disabilities ~~environmentally~~  
12 ~~limited persons.~~

13 (Source: P.A. 84-948.)

14 (410 ILCS 25/7 rep.)

15 Section 10. The Environmental Barriers Act is amended by  
16 repealing Section 7.

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INDEX

Statutes amended in order of appearance

- 410 ILCS 25/2 from Ch. 111 1/2, par. 3712
- 410 ILCS 25/3 from Ch. 111 1/2, par. 3713
- 410 ILCS 25/4 from Ch. 111 1/2, par. 3714
- 410 ILCS 25/5 from Ch. 111 1/2, par. 3715
- 410 ILCS 25/6 from Ch. 111 1/2, par. 3716
- 410 ILCS 25/8 from Ch. 111 1/2, par. 3718
- 410 ILCS 25/7 rep.