



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/09/04, by Julie Hamos

SYNOPSIS AS INTRODUCED:

410 ILCS 25/5

from Ch. 111 1/2, par. 3715

Amends the Environmental Barriers Act. Provides that new housing subject to regulation under the Act shall be constructed in compliance with specified accessibility guidelines.

LRB093 16593 RXD 42242 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public 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 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 (2.5) Accessibility of structures. New housing subject
6 to regulation under this Act shall be constructed in
7 compliance with all applicable regulations and with the
8 following technical requirements in the Accessibility
9 Guidelines promulgated by the federal government under the
10 Fair Housing Act:

11 (A) Accessible entrance on an accessible route.

12 (i) If there are separate entrances for ground
13 floor units, each entrance shall be accessible.

14 (ii) If there are common entrances to a
15 multi-unit building, at least one entrance,
16 typically used by residents for entering the
17 building, shall be accessible.

18 (B) Accessible public and common use areas.

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

28 (C) Usable doors.

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

1 degrees.

2 (ii) All types of doors included in this Act,
3 including hinged doors, sliding doors, and folding
4 doors.

5 (iii) Doors leading to any outdoor amenities,
6 the dwelling or complex included in this Act,
7 including doors to such amenities as a balcony,
8 patio, or deck.

9 (iv) If a deck or patio has doorways leading
10 into 2 or more separate rooms, these doors must be
11 usable.

12 (D) Accessible routes into and through dwelling
13 units.

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

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

25 (E) Accessible light switches, electrical outlets,
26 and environmental controls.

27 (i) Operable parts of controls must be no lower
28 than 15 inches and no higher than 48 inches from
29 the floor.

30 (ii) Switches, outlets, thermostats, and
31 controls shall be accessible to persons in
32 wheelchairs.

33 (F) Reinforced walls in bathroom. Walls in
34 bathrooms shall be reinforced so that grab bars near
35 the toilet, tub, and shower seat, if not already
36 provided, may be added.

1 (G) Usable kitchens and bathrooms.

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

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

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

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

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

21 (H) Additional accessibility standards. If a
22 building with 4 or more dwelling units, none of which
23 is occupied by the owner, has no elevator and will be
24 ready for initial occupancy, the following standards
25 shall apply to ground floor units:

26 (i) In a building with an elevator, all
27 dwelling units shall be made accessible and the
28 elevator must serve all of the units.

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

34 (iii) This subsection shall be interpreted to
35 be consistent with the accessibility laws and
36 codes incorporated by reference in this Act.

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

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

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

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

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

20 (i) the element or space being altered,

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

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

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

30 (v) accessible parking spaces, where parking is
31 provided, and

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

35 (4) All Other Public Facilities. If the alteration
36 costs more than 15% but less than 50% of the reproduction

1 cost of the public facility, and less than \$100,000, the
2 following shall comply with the applicable requirements
3 for new construction:

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

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

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

11 (i) the element or space being altered,

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

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

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

26 (v) accessible parking spaces, where parking is
27 provided, and

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

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

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

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

1 maintained in the office of the governmental unit responsible
2 for the issuance of the building permit. In those governmental
3 units which do not issue building permits, the statement shall
4 be filed and maintained in the office of the county clerk.

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