

# HB0055



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0055**

Introduced 1/5/2005, by Rep. Joe Dunn

**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.

LRB094 04034 RXD 34051 b

A BILL FOR

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.

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

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

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

27 (3) Usable doors.

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

36 (B) All types of doors included in this Act,

1 including hinged doors, sliding doors, and folding  
2 doors.

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

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

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

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

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

20 (5) Accessible light switches, electrical outlets, and  
21 environmental controls.

22 (A) Operable parts of controls must be no lower  
23 than 15 inches and no higher than 48 inches from the  
24 floor.

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

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

30 (7) Usable kitchens and bathrooms.

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

35 (B) A U-shaped design shall require a minimum of 5  
36 feet in diameter clear space, or removable cabinets at

1 the base of the U-shaped design.

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

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

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

14 (8) Additional accessibility standards. If a building  
15 with 4 or more dwelling units, none of which is occupied by  
16 the owner, has no elevator and will be ready for initial  
17 occupancy, the following standards shall apply to ground  
18 floor units:

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

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

27 This subsection (a-1) shall be interpreted to be consistent  
28 with the accessibility laws and codes incorporated by reference  
29 in this Act.

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

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

35 (1) Alterations Generally. No alteration shall be  
36 undertaken that decreases or has the effect of decreasing

1 accessibility or usability of a building or facility below  
2 the requirements for new construction at the time of  
3 alteration.

4 (2) If the alteration costs 15% or less of the  
5 reproduction cost of the public facility, the element or  
6 space being altered shall comply with the applicable  
7 requirements for new construction.

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

13 (i) the element or space being altered,

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

16 (iii) all spaces and elements necessary to provide  
17 horizontal and vertical accessible routes between an  
18 accessible means entrance and means of egress and the  
19 element or space being altered,

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

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

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

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

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

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

36 (5) If the alteration costs more than 15% but less than

1 50% of the reproduction cost of the public facility, and  
2 more than \$100,000, the following shall comply with the  
3 applicable requirements for new construction:

4 (i) the element or space being altered,

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

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

16 (iv) at least one accessible toilet room for each  
17 sex or a unisex toilet, when permitted, if toilets are  
18 provided or required,

19 (v) accessible parking spaces, where parking is  
20 provided, and

21 (vi) an accessible route from public sidewalks or  
22 from the accessible parking spaces, if provided, to an  
23 accessible entrance.

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

28 (c) Alterations to Specific Categories of Public  
29 Facilities. For religious entities, private clubs, and  
30 owner-occupied transient lodging facilities of 5 units,  
31 compliance with the standards adopted by the Capital  
32 Development Board is not mandatory if the alteration costs 15%  
33 or less of the reproduction cost of the public facility.  
34 However, if the cost of the alteration exceeds \$100,000, the  
35 element or space being altered must comply with applicable  
36 requirements for new construction. Alterations over 15% of the

1 reproduction cost of these public facilities are governed by  
2 subdivisions (4), (5), and (6) of subsection (b), as  
3 applicable.

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

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

16 (f) No public facility may be constructed or altered and no  
17 multi-story housing unit may be constructed without the  
18 statement of an architect registered in the State of Illinois  
19 that the plans for the work to be performed comply with the  
20 provisions of this Act and the standards promulgated hereunder  
21 unless the cost of such construction or alteration is less than  
22 \$50,000. In the case of construction or alteration of an  
23 engineering nature, where the plans are prepared by an  
24 engineer, the statement may be made by a professional engineer  
25 registered in the State of Illinois or a structural engineer  
26 registered in the State of Illinois that the engineering plans  
27 comply with the provisions of this Act and the standards  
28 promulgated hereunder. The architect's and/or engineer's  
29 statement shall be filed by the architect or engineer and  
30 maintained in the office of the governmental unit responsible  
31 for the issuance of the building permit. In those governmental  
32 units which do not issue building permits, the statement shall  
33 be filed and maintained in the office of the county clerk.

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