

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 in the case where the new housing and the new housing not
9 defined as multi-story for the purposes of this Act is a
10 building in which 4 or more dwelling units or sleeping units
11 intended to be occupied as a residence are contained within a
12 single structure, with the technical requirements of the
13 Department of Housing and Urban Development's Fair Housing
14 Accessibility Guidelines published March 6, 1991, and the
15 Supplement to Notice of Fair Housing Accessibility Guidelines:
16 Questions and Answers about the Guidelines, published June 28,
17 1994.

18 This subsection (a-1) does not apply within any unit of
19 local government that by ordinance, rule, or regulation
20 prescribes requirements to increase and facilitate access to
21 the built environment by environmentally limited persons that
22 are more stringent than those contained in this Act prior to
23 the effective date of this amendatory Act of the 94th General
24 Assembly.

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

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

30 (1) Alterations Generally. No alteration shall be
31 undertaken that decreases or has the effect of decreasing
32 accessibility or usability of a building or facility below
33 the requirements for new construction at the time of
34 alteration.

35 (2) If the alteration costs 15% or less of the
36 reproduction cost of the public facility, the element or

1 space being altered shall comply with the applicable
2 requirements for new construction.

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

8 (i) the element or space being altered,

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

11 (iii) all spaces and elements necessary to provide
12 horizontal and vertical accessible routes between an
13 accessible means entrance and means of egress and the
14 element or space being altered,

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

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

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

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

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

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

31 (5) If the alteration costs more than 15% but less than
32 50% of the reproduction cost of the public facility, and
33 more than \$100,000, the following shall comply with the
34 applicable requirements for new construction:

35 (i) the element or space being altered,

36 (ii) an entrance and a means of egress intended for

1 use by the general public,

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

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

14 (v) accessible parking spaces, where parking is
15 provided, and

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

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

23 (c) Alterations to Specific Categories of Public
24 Facilities. For religious entities, private clubs, and
25 owner-occupied transient lodging facilities of 5 units,
26 compliance with the standards adopted by the Capital
27 Development Board is not mandatory if the alteration costs 15%
28 or less of the reproduction cost of the public facility.
29 However, if the cost of the alteration exceeds \$100,000, the
30 element or space being altered must comply with applicable
31 requirements for new construction. Alterations over 15% of the
32 reproduction cost of these public facilities are governed by
33 subdivisions (4), (5), and (6) of subsection (b), as
34 applicable.

35 (d) Calculation of Reproduction Cost. For the purpose of
36 calculating percentages of reproduction cost, the cost of

1 alteration shall be construed as the total actual combined cost
2 of all alterations made within any period of 30 months.

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

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

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