

AN ACT concerning health.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Environmental Barriers Act is amended by changing Sections 2, 3, 4, 5, 6, and 8 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Alteration" means any modification or renovation that affects or could affect the usability of the building or facility or part of the building or facility. "Alteration" includes, but is not limited to, remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic rehabilitation, historic restoration, changes to or rearrangement of the structural parts or elements, changes to or replacement of plumbing fixtures or controls, changes to or rearrangement in the plan configuration of walls and full-height partitions, resurfacing of circulation paths or vehicular ways, and changes or

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

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

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

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

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

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

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

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

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

"Entrance" means any access point to a building or portion of a building or facility or multi-story housing ~~unit~~ used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, and the entry door or doors or gate or gates.

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

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

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

"Governmental unit" means State agencies as defined in the State Auditing Act, circuit courts, units of local government and their officers, boards of election commissioners, public colleges and universities, and school districts. ~~the State or any political subdivision thereof, including but not limited to any county, town, township, city, village, municipality, municipal corporation, school district or other special purpose district.~~

~~"Means of egress" means a continuous and unobstructed path of travel from any point in a building or structure to a public way, consisting of 3 separate and distinct parts: the exit access, the exit, and the exit discharge. A means of egress comprises vertical and horizontal means of travel and includes intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.~~

"Multi-story housing ~~unit~~" means any building of 4 or more stories containing 10 or more dwelling units constructed to be held out for sale or lease by any person to the public. "Multi-story housing" includes, but is not limited to, the following building types: apartment buildings, condominium buildings, convents, housing for the elderly, and monasteries.

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

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

"Primary function area" means an area of a building or facility containing a major activity for which the building or facility is intended. There can be multiple areas containing a primary function in a single building. Primary function areas are not limited to public use areas. Mixed use facilities may include numerous primary function areas for each use. Areas containing a primary function do not include: mechanical rooms, boiler rooms, supply storage rooms, employee lounges or employee locker rooms, janitorial closets, entrances, corridors, or restrooms. Restrooms are not areas containing a primary function unless the provision of restrooms is a primary

purpose of the area, such as in highway rest stops.

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

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

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

"Public facility" means:

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

- (i) owned by or on behalf of a governmental unit,
- (ii) leased, rented or used, in whole or in part, by a governmental unit, or
- (iii) financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; ~~or~~

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

following:

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

(ii) places of public display or collection;

(iii) social service establishments; and

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

(3) a public right-of-way.

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

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

~~"Public" means any group of people who are users of the building and employees of the building excluding those people who are employed by the owner of a building for construction or alteration of a building.~~

~~"Reproduction cost" means the estimated cost of constructing a new building, structure, or site improvement of like size, design and materials at the site of the original~~

~~building, structure, or site improvement, assuming such site is clear. The reproduction cost shall be determined by using the recognized standards of an authoritative technical organization.~~

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

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

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

"Technically infeasible" means, with respect to an alteration of a building or a facility, that a requirement of this Act or the Code has little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member that is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements.

~~"Transient lodging" means a building or facility or portion of a building or facility, excluding inpatient medical care facilities and owner-occupied buildings of 4 or fewer lodging units. "Transient lodging" may include, but is not limited to,~~

~~resorts, group homes, hotels and motels, including cabins and other detached units, and dormitories.~~

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

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

Sec. 4. Illinois Accessibility Code Standards. The Capital Development Board shall adopt and publish accessibility standards known as the Illinois Accessibility Code. With respect to Accessibility standards for public facilities, the Code shall dictate minimum design, construction, and alteration requirements to facilitate access to and use of the public facility by individuals with disabilities environmentally limited persons. With respect to Accessibility standards for multi-story housing, the Code units shall dictate minimum design and construction requirements to facilitate access to and use of the common areas by individuals with disabilities environmentally limited persons and create a number of adaptable dwelling units in accordance with Section 5. ~~With respect to areas within public facilities or multi-story housing units which areas are restricted to use by the employees of businesses or concerns occupying such restricted areas, the Capital Development Board shall promulgate standards designed to ensure that such areas will be accessible to those environmentally limited persons who can reasonably be expected to perform the duties of a job therein.~~

The Code standards shall be adopted and revised in

accordance with the Illinois Administrative Procedure Act. Beginning on the effective date of this amendatory Act of the 98th General Assembly, the Capital Development Board shall begin the process of updating the 1997 Illinois Accessibility Code and shall model the updates on the 2010 ADA Standards for Accessible Design. By no later than January 1, 2017, the Capital Development Board shall adopt and publish the updated Illinois Accessibility Code. The updated Illinois Accessibility Code may be more stringent than the 2010 ADA Standards for Accessible Design and may identify specific standards. Beginning on January 1, 2017, if the ADA Standards for Accessible Design are updated, then the Capital Development Board shall update its accessibility standards, in keeping with the ADA Standards for Accessible Design, within 3 ~~2~~ years after the ADA Standards for Accessible Design updates and shall adopt and publish an updated Illinois Accessibility Code.

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

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

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

Sec. 5. Scope.

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

(1) Public facilities; new construction ~~Facilities; New Construction.~~ Any new public facility or portion thereof, the construction of which is begun after May 1, 1988 is subject to the provisions of the Code applicable to new construction as the Code existed at the time the construction commenced. ~~the effective date of this Act.~~

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

(3) Any ~~However, any~~ new public facility or multi-story housing (i) for which a specific contract for the planning

has been awarded prior to the effective date of a new version of the Code ~~this Act~~ and (ii) construction of which is begun within 12 months of the effective date of the new version of the Code ~~this Act~~ shall be exempt from compliance with the new version of the Code and may instead comply with the version of the Code as it existed at the time the contract was awarded. ~~standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code.~~

~~(2) Multi Story Housing Units; New Construction. Any new multi-story housing unit or portion thereof, the construction of which is begun after the effective date of this Act. However, any new multi-story housing unit (i) for which a specific contract for the planning has been awarded prior to the effective date of this Act and (ii) construction of which is begun within 12 months of the effective date of this Act shall be exempt from compliance with the standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code. Provided, however, that if the common areas comply with the standards, if 20% of the dwelling units are adaptable and if the adaptable dwelling units include dwelling units of various sizes and locations within the multi-story housing unit, then the entire multi-story housing unit shall be deemed to comply with the standards.~~

(4) ~~(a-1)~~ Accessibility of structures; new construction. New housing subject to ~~regulation under~~ this Act shall comply ~~be constructed in compliance~~ with all applicable laws and regulations. ~~In and, in~~ the case where the new housing is ~~and the new housing~~ not defined as multi-story for the purposes of this Act, but instead is a building in which 4 or more dwelling units or sleeping units intended to be occupied as a residence are contained within a single structure, the housing shall comply with the technical guidance ~~requirements~~ of the Department of Housing and Urban Development's Fair Housing Accessibility Guidelines published March 6, 1991, and all subsequent versions, amendments, or supplements ~~the Supplement to Notice of Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines, published June 28, 1994.~~

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

(5) This Act, together with the Illinois Accessibility Code, 71 Ill. Adm. Code 400, has the force of a building code and as such is law in the State of Illinois. Any

violation of the Code is deemed a violation of this Act and subject to enforcement pursuant to this Act.

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

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

(2) Applicability. Any alteration of a public facility or multi-story housing shall comply with the Code provisions regarding alterations as such provisions exist at the time such alteration commences. ~~If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction.~~

(3) Path of travel to primary function area. An alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, including the entrance route to the altered area and the rest rooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless the cost of the alterations to provide an accessible path of travel to the primary

~~function area exceeds 20% of the cost of the overall alteration, or such alterations are otherwise disproportionate to the overall alterations in terms of cost and scope as set forth in the Code. State Owned Public Facilities. If the alteration is to a public facility owned by the State and the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, the following shall comply with the applicable requirements for new construction:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(v) accessible parking spaces, where parking is~~

~~provided, and~~

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

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

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

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

(c) ~~(e)~~ No governmental unit may enter into a new or renewal agreement to lease, rent or use, in whole or in part,

any building, structure or improved area which does not comply with the Code standards. Any governmental unit which, ~~on the effective date of this Act,~~ is leasing, renting or using, in whole or in part, any building, structure or improved area which does not comply with the Code standards shall make all reasonable efforts to terminate such lease, rental or use ~~by January 1, 1990.~~

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

(e) The requirements found in the Code cannot be waived by

any party.

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

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

Sec. 6. ~~Civil~~ Enforcement.

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

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

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

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

(C) issue subpoenas or conduct hearings in aid of any investigation.

(2) Bring an action for injunction to halt construction or alteration of any public facility or multi-story housing or to require compliance with the Code ~~standards~~ by any public facility or multi-story housing which has been or is

being constructed or altered in violation of this Act and
the Code.†

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

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

(A) any owner of a public facility or multi-story housing in violation of this Act shall be subject to civil penalties in a sum not to exceed \$250 per day, and each day the owner is in violation of this Act constitutes a separate offense;

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

(C) any person who knowingly issues a building permit or other official authorization for the

construction or alteration of a public facility or the construction of multi-story housing in violation of this Act shall be subject to civil penalties in a sum not to exceed \$1,000.

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

(b) A public facility or multi-story housing continues to be in violation of this Act and the Code following construction or alteration so long as the public facility or multi-story housing is not compliant with this Act and the Code.

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

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

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

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

(410 ILCS 25/7 rep.)

Public Act 099-0582

SB2956 Enrolled

LRB099 18105 MJP 42470 b

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

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