

HB6236



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6236

Introduced 2/11/2010, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

410 ILCS 25/5

from Ch. 111 1/2, par. 3715

Amends the Environmental Barriers Act. Sets forth certain places to which the accessibility standards adopted by the Capital Development Board shall not apply.

LRB096 17287 RPM 32637 b

A BILL FOR

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

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

14 (a-1) Accessibility of structures; new construction. New
15 housing subject to regulation under this Act shall be
16 constructed in compliance with all applicable regulations and,
17 in the case where the new housing and the new housing not
18 defined as multi-story for the purposes of this Act is a
19 building in which 4 or more dwelling units or sleeping units
20 intended to be occupied as a residence are contained within a
21 single structure, with the technical requirements of the
22 Department of Housing and Urban Development's Fair Housing
23 Accessibility Guidelines published March 6, 1991, and the
24 Supplement to Notice of Fair Housing Accessibility Guidelines:
25 Questions and Answers about the Guidelines, published June 28,
26 1994.

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

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

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

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

18 (2) If the alteration costs 15% or less of the
19 reproduction cost of the public facility, the element or
20 space being altered shall comply with the applicable
21 requirements for new construction.

22 (3) State Owned Public Facilities. If the alteration is
23 to a public facility owned by the State and the alteration
24 costs more than 15% but less than 50% of the reproduction
25 cost of the public facility, the following shall comply
26 with the 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 means entrance and means of egress and the
7 element or space being altered,
8 (iv) at least one accessible toilet room for each
9 sex or a unisex toilet when permitted, if toilets are
10 provided or required,
11 (v) accessible parking spaces, where parking is
12 provided, and
13 (vi) an accessible route from public sidewalks or
14 from accessible parking spaces, if provided, to an
15 accessible entrance.

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

- 21 (i) the element or space being altered, and
22 (ii) an entrance and a means of egress intended for
23 use by the general public.

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

1 applicable requirements for new construction:

2 (i) the element or space being altered,

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

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

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

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

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

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

26 (c) Alterations to Specific Categories of Public

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

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

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

24 (f) No public facility may be constructed or altered and no
25 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 standards promulgated hereunder
3 unless the cost of such construction or alteration is less than
4 \$50,000. In the case of construction or alteration of an
5 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 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 (g) Accessibility standards shall not apply to:

17 (1) raised areas used primarily for purposes of
18 security or life or fire safety, including, but not limited
19 to, observation or lookout galleries, prison guard towers,
20 fire towers, or fixed life guard stands;

21 (2) nonoccupiable spaces accessed only by ladders,
22 catwalks, crawl spaces, very narrow passageways, tunnels,
23 or freight (nonpassenger) elevators, and frequented only
24 by service personnel for maintenance, repair, or
25 occasional monitoring of equipment; such spaces may
26 include, but are not limited to, elevator pits, elevator

1 penthouses, piping or equipment catwalks, water or sewage
2 treatment pump rooms and stations, electric substations
3 and transformer vaults, and highway and tunnel utility
4 facilities;

5 (3) single occupant structures accessed only by a
6 passageway that is below grade or that is elevated above
7 standard curb height, including, but not limited to, toll
8 booths accessed from underground tunnels;

9 (4) raised structures used solely for refereeing,
10 judging, or scoring a sport;

11 (5) water slides;

12 (6) animal containment areas that are not for public
13 use; or

14 (7) raised boxing or wrestling rings.

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