

ADA: Legal Update From Government Officials

October 27, 2011



Making Illinois accessible for people with disabilities



Office of Illinois Attorney
General
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Disability Rights Bureau

Disability Rights Bureau

- Respond to complaints of inaccessibility and other forms of disability discrimination by enforcing state and federal laws to protect the rights of people with disabilities.
- Conduct investigations, negotiate and litigate.
- Provide information and referral services on disability-related questions.
- Committees, legislation and public awareness.

Disability Rights Bureau

- Provide technical assistance to code officials, inspectors, private businesses and individuals seeking to comply with disability rights laws.
- Conducts disability training programs for law enforcement, architects, engineers, governmental entities, business owners, disability organizations and other groups upon request.

Environmental Barriers Act

- Governs physical access for people with disabilities.
- For facilities built or altered after 1985, the EBA requires that new or altered elements be accessible.
- Applies to new construction, additions and alterations.
- Covers public buildings, housing and religious entities.
- No private right of action.

Environmental Barriers Act

- The Attorney General has civil enforcement authority.
 - Injunctive relief – require construction or halt construction to achieve compliance.
 - Fines – up to \$250 per day the facility is out of compliance.
 - Architects and engineers - suspension or revocation of license.
 - Building permit official – fine not to exceed \$1000.
 - Other appropriate relief.

Illinois Accessibility Code - Definitions

- Public
 - Any group of people who are users of the building and employees of the building, excluding those who are employed for construction or alteration of the building.
- Functional Space
 - Rooms or spaces in a building that house the primary functions for the building and the secondary functions that relate to the support, maintenance or performance of the primary functions, including connective or ancillary space such as parking and storage. Unfinished or undeveloped space is included in "functional space".
- Addition
 - An expansion, extension, or increase in the gross floor area of a public facility or multi-story housing unit. Additions must provide entry from the existing building at all common levels without necessitating leaving and re-entering the building from the outside.

Government Leasing Section in the EBA

- Governmental Unit: The State...including any county, town, township, city, village, municipality, school district, park district..., local housing authority, public commission, etc.
 - IAC §400.210 Definitions
- No governmental unit may enter into a new or renewal agreement to lease, rent or use, in whole or in part...any building...that does not comply with the standards.
 - EBA §25/5(e)

Illinois Accessibility Code

- The Illinois Accessibility Code (IAC) (May 1, 1988), dictates the minimum requirements for accessibility to public and religious entities located in Illinois.

Animal Containment Areas

- Are required to be accessible under the Illinois Accessibility Code.

Alterations

- All Public Facilities – Alterations costs 15% or less.
 - Element or space being altered shall comply with new construction requirements.
 - §400.510(b)(1).
- State-owned public facilities – Alterations costs 15% - 50% of reproduction cost of the facility.
 - Element or space being altered;
 - An entrance and means of egress;
 - Horizontal/vertical access to element;
 - One accessible toilet room for each sex or a unisex toilet;
 - Accessible parking spaces;
 - Route from accessible parking or public sidewalk to accessible entrance.
 - §400.510(b)(2).

Alterations

- All Public Facilities Other Than State-Owned. Alteration costs 15% to 50% and less than \$100,000.
 - Element or space being altered; and
 - Entrance and a means of egress.
 - §400.510(b)(3).
- All Public Facilities Other Than State-owned – Alteration costs 15% - 50% and more than \$100,000.
 - Element or space being altered;
 - Entrance and means of egress;
 - Horizontal/vertical access to element;
 - One accessible toilet room for each sex or a unisex toilet;
 - Accessible parking; and
 - Route from accessible parking or public sidewalk to accessible entrance.
 - §400.510(b)(4).

Alterations

- All Public Facilities – Alteration Costs 50% of More.
 - Entire facility shall comply with new construction requirements.
 - §400.510(b)(5).
- Alterations to Specific Categories of Public Facilities.
 - All changes, improvements, or maintenance of existing parking lots including sealcoating, resurfacing, remarking, fencing, curbs, walks, and/or landscaping shall provide accessible parking spaces. In addition, there shall be provided curb ramps as necessary to provide an accessible route to an accessible entrance.
 - §400.510(e)(10).
- Calculation of Reproduction Cost
 - To calculate the percentage of reproduction cost, the cost of the alteration shall be construed as the total actual combined cost of all alterations made within any 30 month period.
 - §400.510(c).

Knee/Toe Clearances

- The knee and toe clearances for elements such as lavatories, sinks, counters and tables vary from element to element.

Accessible Routes

- At least one accessible route within the boundary of the site shall be provided from:
 - Public transportation stops
 - Accessible parking
 - Accessible passenger loading zones
 - Taxi stands
 - Public streets/sidewalks to an accessible building entrance.
- §400.310(a)(1)(A).

Accessible Route

- In certain circumstances accessible routes to mezzanines may be required by the Illinois Accessibility Code (§400.310(g)(16)).
 - Example - If the mezzanine is over 1000 square feet.

Accessible Routes (Elevator/Platform lift)

- Vertical access is required to be provided in privately two-story buildings over 1000 square feet.
- There are several exemptions to providing vertical access that may be applicable. For further information refer to the Illinois Accessibility Code §400.310(g)(16) and §400.310(h).
- In government buildings (other than press boxes), there are no exemptions for vertical access.

Press Boxes

- Park Districts
 - Any newly constructed press box is required to provide vertical access.
 - No square footage requirement.
- School Districts
 - A school board does not have to comply with the IAC with respect to accessibility to press boxes that are on school property if the press boxes are in bleachers that have points of entry at only one level, and the aggregate area of the press box is no more than 500 square feet.
 - Effective date January 1, 2012

Entrances

- Door opening force
 - Exterior hinged doors = 8.5 lbf (§400.310(j)(10)(B)(i))
- Power-operated/automatic doors are not required
 - However, if door opening force cannot be adjusted to provide the 8.5 lbf, then power-operated or automatic doors may be required.

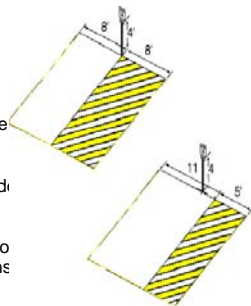
Curb Ramps

- Detectable warning
 - Truncated domes are required
 - Width of the ramp
 - 24" in the direction of travel (not the full length of the ramp)
 - Color contrast (light on dark or dark on light)
 - Design must be consistent throughout the site

Accessible Parking Spaces

- **Every accessible parking space must be a total of 16-foot wide.**

- A space may consist of an 8-foot wide vehicle space and an 8-foot wide diagonally striped access aisle or
- A space may consist of an 11-foot wide vehicle space and a 5-foot wide diagonally striped access aisle.
- Parking spaces and access aisles shall be level with surface slopes no exceeding 1:50 (2%) in all directions
- Yellow paint is required.
- §400.310(c).



Accessible Parking Access Aisle

- Illinois Accessibility Code allows the access aisle to be on either side of the vehicle space.



Accessible Parking Signs

- **Accessible Space Must be Designated by an R7-8 Sign**
 - Reserved Parking
 - International Symbol of Accessibility
 - Arrow is optional
- **R7-1101 Fine Sign**
 - Minimum \$250 Fine
 - A municipality by ordinance can set a higher fine amount up to \$350.



Stairs

- Interior and exterior stairs connecting floors and/or levels that are not connected by an elevator, platform lift or ramp, which are required as a means of egress by the applicable building code, or which are part of an accessible route, shall comply with the requirements of IAC §400.310(f).
- All stairs, except in dwelling units, enclosed stair towers, or set to the side of the path of travel, shall have a detectable warning at the top of stair runs. (§400.310(t)(3)).

Clustered Toilet Rooms

- The IAC requires all toilet rooms to be accessible with the exception of private use toilet rooms.
- The IAC provides no exception for clustered toilet rooms.

Private Toilet Rooms

- When toilet rooms are provided for the use of occupants of specific spaces (i.e., a private toilet room for the occupants of a private office), such spaces shall be adaptable.
- §400.310(n)(10).

Toilet Rooms

- The toilet centerline must be 18 inches from the side of the stall on which the grab bar is located; no range of 16 inches – 18 inches is provided for.
- §400.310(n)(5)(B)(i); Illustration B, Fig. 28.

TP Dispenser

- The location of a toilet paper dispenser may be no less than a minimum of 19 inches from the floor.
- §400.310(n)(5)(B)(v); Illustration B, Fig. 29(b).

Urinals

- Urinal flush control shall be mounted no higher than 44 inches above the finish floor.
 - §400.310(n)(6)(C).

Lavatories

- Apron Clearance = 29" from the floor to the bottom of the apron.
 - §400.310(n)(7)(B); Illustration B, Fig. 31.

Sinks

- All sinks shall be accessible with the following exceptions:
 - Bank of exam rooms – one sink required to be accessible.
 - Work areas – employee hand washing sink (example - work area in a fast food restaurant).

Alternate (Ambulatory) Stall

- Width = 36 inches.
 - §400.310(n)(5); Illustration B, Fig. 30 (b)
- Depth = 66 inches for a wall mounted water closet and 69 inches for a floor mounted water closet.
 - Illustration B, Fig. 30 (b).

Roll-in Showers

- Stalls that are 30 in. by 60 in. minimum shall not have curbs.
 - §400.310(o)(8)(B)(vi).

Shower Spray Unit

- A shower spray unit with a hose at least 60 in. long that can be used both as a fixed shower head and as a hand-held shower shall be provided (except in unmonitored facilities where vandalism is a consideration; then, a fixed shower head mounted 48 in. above the shower floor may be used). §400.310(o)(8)(v).
- The temperature of the hot water at the outlets for lavatories, bathtubs, and showers shall not exceed 110 degrees. §400.310(o)(10).

Means of Egress/Areas of Rescue Assistance

- In Illinois, there is no exemption from the requirement for an area of rescue assistance in buildings equipped with a supervised automatic sprinkler system.
 - §400.310(b)(5).

Telephones

- If public pay telephones, public closed-circuit telephones, or other public telephones are provided, then such telephones shall comply with the requirements in the IAC. (§400.310(v))
 - Clear floor space.
 - Mounting height.
 - Protruding object.
 - Hearing aid compatible and volume control.
 - Controls.
 - Telephone books (reach range).
 - Cord length.

Assembly Areas

Number of fixed seats	# of wheelchair seating locations
1 TO 25	1
26 TO 50	2 together
51 TO 100	4
101 TO 150	5
151 TO 200	6
201 TO 300	7
301 TO 400	8
401 TO 500	9
501 TO 1000	2% OF TOTAL #
OVER 1000	20 PLUS 1 FOR EACH 100 OVER 1000

Assembly Areas

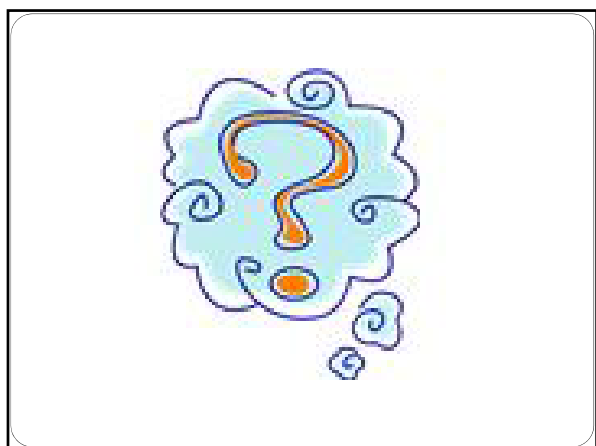
- At least one companion fixed seat shall be provided next to each wheelchair seating area.
 - §400.320(a)(3).

Sales and Service Counters

- 34" maximum height (accessible portion).
 - §400.320(h)(1).

Complaint procedure

- | | |
|---|--|
| • Complaint received <ul style="list-style-type: none">• Phone• Mail/e-mail• In-person | • Inspection of Facility |
| • Determine Jurisdiction <ul style="list-style-type: none">• Request Building Permits<ul style="list-style-type: none">• Original date of construction• Alterations | • 30-Day Letter <ul style="list-style-type: none">• Requesting plan of compliance |
| | • Final Notice <ul style="list-style-type: none">• Sent if no contact from facility owner |
| | • Review for Litigation |



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