



## ACCESSIBILITY

1. What does accessibility mean?
2. How do you do it?
3. How do you do it without disturbing historic integrity?
4. When must you do it?
  - a. Authority having jurisdiction requires it
    - i. Local building department
    - ii. State of Illinois
    - iii. U.S. government through right of private action
  - b. Person with disabilities asks for reasonable accommodation
    - i. No other alternative
    - ii. Financially feasible
5. What codes apply
  - a. Local Building Code
    - i. Adopted model code (likely to be ICC 2002)
    - ii. ANSI 117.1
    - iii. Local amendments to model code
  - b. Illinois Accessibility Code, April 24, 1997
  - c. Federal Americans with Disabilities Act (ADA)
    - i. ADAAG 1992
    - ii. UFAS, 1984
6. Triggers for accessibility in existing buildings:
  - a. State of Illinois:
    - i. There are no retroactive requirements under the state law. In other words, if you do not alter a space, you do not have to upgrade the access to it.



- ii. Alterations cost is less than 15% of the cost of reconstructing the building and more than \$100,000 is spent on alterations within a period of 30 months,
  - 1. only the portion of the building being changed must be made accessible.
  - 2. A hypothetical situation illustrates this point: an old stair is proposed to be rebuilt at a cost of \$150,000. The complete reconstruction cost of the building is estimated at \$1.5 million dollars. The proposed work is thus only 10% of the cost of rebuilding the entire building, therefore only the new stair that is replaced must comply with the accessibility code. The code requires that the new stair have no protruding nosings on the treads, that it be designed so that the treads are at least 11 inches wide and the risers are no higher than 7 inches, and that the handrails extend 12 inches horizontally beyond the highest riser and 23 inches beyond the lowest riser. Obviously, in some buildings the existing stair shaft may not be large enough to accommodate the new stair with its new riser-tread proportion. In that case, the stair shaft would have to be rebuilt to accommodate the new stair.
  - 3. However, if the rebuilding of the stair shaft would require that a major structural "load-bearing" member be relocated, the code says that the requirements would be waived due to "structural impracticability." The local building department official would have to agree that this is, in fact, the case.
- iii. Alteration cost 15% to 50% of cost of reconstructing the building and less than \$100,000
  - 1. The space being altered
  - 2. An accessible entrance to the building
- iv. Alteration cost 15% to 50% of cost of reconstructing the building and more than \$100,000.
  - 1. The space being altered
  - 2. An accessible entrance to the building
  - 3. Vertical and horizontal access to the space altered from the accessible entrance
    - a. Elevator is not required in buildings with 2 levels (basement and first floor, or first floor and second floor) where cost of elevator is more than 20% of cost of reconstructing the building
  - 4. Unisex toilet room
  - 5. Accessible parking
  - 6. Access from public sidewalk or accessible parking spaces to the accessible entrance.
- v. Alteration cost 50% or more
  - 1. Entire building must meet new construction requirements
- vi. Elevators are not required to serve:
  - 1. 1000 SF second story of a two-story building without a basement
  - 2. 1000 SF mezzanine of a one-story building without a basement
  - 3. 1000 SF second floor of a two-story building with a basement with less than 50% functional space
  - 4. 1000 SF mezzanine of a one-story building with a basement with less than 50% functional space
  - 5. 1000 SF functional space basement with 50% or more of functional space in a one story building

6. What is functional space?
  - a. Everything except pipe chases or tunnels.
  
- vii. What is included in alterations costs? Everything except the following
  1. Normal routine maintenance
  2. Reroofing
  3. Interior redecoration
    - a. Replacement of floor, wall and ceiling decorative finishes
    - b. Painting
    - c. Paneling
    - d. Draperies, blinds and shades
    - e. Lighting
    - f. Fixtures
    - g. Furnishings
    - h. Furniture
  4. Exterior redecoration
    - a. Replacement of finishes
    - b. Painting
  5. Changes to mechanical or electrical systems
  6. Replacement of plumbing, piping or valves
  7. Asbestos removal
  8. Installation of fire sprinkler systems
  
- viii. What is included in reproduction costs?
  1. Estimated cost of building a new building identical to the existing building in form and material
  
- ix. You do not have to make a space or element accessible
  1. if it is "technically infeasible"
    - a. it cannot be done without altering a load-bearing member which is an essential feature of a structural frame (a structural column or beam)
    - b. if there are physical or site constraints
  2. If by doing so it would threaten or destroy the historic significance of the building as determined by the IHPA
  3. Technical Alternates in Illinois
    - a. Ramp slopes may be 1 inch vertical rise for every 9 inch horizontal run (a 1:9 slope), if the maximum length is 12 feet horizontally between landings. This would allow for a maximum 16 inch rise between landings.
    - b. Ramp slopes may be 1 inch vertical rise for every 6 inch horizontal run, if the maximum length is 2 feet between landings (4-inch maximum rise between landings).
    - c. Minimum clear door width
    - d. If no solution to accessibility to the front entrance is possible without having an "adverse effect" on the historic entrance, then an alternate accessible entrance may be provided with directional signs to it from the main entrance.

- e. If making a historic stair accessible would have an adverse effect on the stair, the requirements for making that stair accessible would be waived.
  - f. Where access is limited to controlled groups with assigned tour guides (such as in a historic house museum or tour home), the following additional alternates are available:
    - i. Ramp slopes may be 1-inch vertical rise for every 4-inch horizontal run (1:4 slope), if the maximum rise is 9 inches. That may be accomplished with either a permanent or portable ramp.
    - ii. Requirements for storage heights, switches or other operating devices, alarms, detectable warnings for blind people, and signs are not enforced.
- b. Federal law (Americans with Disabilities Act, along with its standards and guidelines)
- i. Retroactive barrier removal requirements
    - 1. You must remove all barriers to the extent that you can afford it. This is an ongoing requirement: you have to remove some barriers every year until all are removed. The following are examples of barrier removal actions that must be accomplished.
      - a. Installing ramps
      - b. Making curb cuts in sidewalks
      - c. Repositioning shelves
      - d. Rearranging tables, chairs, vending machines, display racks and other furniture
      - e. Repositioning telephones
      - f. Adding Braille markings on elevator control buttons
      - g. Installing flashing fire alarm lights
      - h. Widening doors
      - i. Installing offset hinges to widen doorways
      - j. Eliminating turnstiles or providing alternative accessible paths
      - k. Installing accessible door hardware (such as lever handle locks)
      - l. Installing grab bars in toilet stalls
      - m. Rearranging toilet partitions to increase maneuvering space
      - n. Installing pipe insulation under lavatories and sinks to prevent burns
      - o. Installing raised toilet seats (note that this is not permitted in Illinois)
      - p. Installing full-length bathroom mirrors
      - q. Repositioning paper-towel dispensers in a bathroom
      - r. Creating designated accessible parking spaces
      - s. Installing accessible paper-cup dispensers at an existing drinking fountain
      - t. Removing high-pile low-density carpeting
      - u. Installing hand controls
  - ii. Alterations
    - 1. Anything put in new must be made accessible

2. "Path of travel" requirements – you must spend 20% of total construction cost to create an accessible path of travel to the functional area that is altered, and should be done in the following priority order:

- a. An accessible entrance to the building
- b. An accessible route to the altered area, for example, by widening doorways or installing ramps
- c. At least one accessible restroom for each sex, by enlarging toilet stalls, installing grab bars in toilet stalls, and installing accessible faucet controls on the lavatories
- d. One or more accessible telephones, by relocating an existing telephone to an accessible height, installing amplification devices, and possibly installing a telecommunications device for deaf persons (TDD)
- e. One or more accessible drinking fountains with the spout 36 inches above the floor
- f. Accessible parking stalls that are 16 feet wide
- g. Accessible storage
- h. Visual and audible alarms

iii. You do not have to make a space or element accessible

1. If you have to remove a load bearing structural element. However the following alternates must be applied for elements that are technically infeasible to make fully accessible:

- a. Ramp slopes may be built steeper than normal – 1 inch vertical rise to 10 inch horizontal run for a 6 inch maximum height, or 1 inch vertical rise in 8 inch horizontal run for a 3 inch height, instead of the normal 1 inch in 12 inch.
- b. Handrail extensions are not required if they would be located in such a way as to be hazardous.
- c. Minimum elevator cab dimensions may be 48 inches x 48 inches, instead of 51 inches x 68 inches.
- d. Minimum clear door width is 31 3/8 inches instead of 32 inches.
- e. Minimum 3 foot wide accessible toilet stalls instead of 5 foot wide stalls.
- f. Spaces for wheelchairs may be clustered rather than dispersed in assembly areas.
- g. Platform lifts may be used instead of elevators.
- h. One accessible dressing room may serve both sexes instead of providing one for each sex.

2. If by doing so it would threaten or destroy the historic significance of the building as determined by the IHPA – alternative "minimum" means of accessibility can be applied

- a. Only one accessible path of travel to an accessible entrance need be provided
- b. One entrance door, instead of all, may be made accessible. If no public entrance can be made accessible without negatively affecting the historic integrity, then a secondary entrance may be made accessible,

as long as directional signs are provided at one or more of the non-accessible entrances.

c. Ramp slopes may be made steeper over short distances. A maximum slope of 1 inch rise in 6 inches horizontal run may be used for a maximum length of 24 inches on the exterior only.

d. Access must be provided to all publicly-used spaces on the level of entrance.

e. Displays and written information must be located so that they can be seen by seated persons (no higher than 44 inches above the floor).

7. Enforcement procedures
  - a. Local building permit can be withheld or revoked
  - b. Illinois Attorney General demand or suit
  - c. U.S. Justice Department suit
  - d. Federal district court demand or suit
8. When should you do it?
  - a. Disabled person requests it
  - b. Make your building more marketable or profitable
  - c. Good PR
  - d. Prepare for the future
  - e. Negotiating proposal in planned development proceedings
9. What is Universal Design?
10. When should you not do it?
  - a. Leads to less choice
  - b. Leads to negative impact on the building's historic integrity
    - i. If no code requirement
    - ii. If no current request by individual with disabilities
11. Who pays for accessibility?
  - a. Owner
  - b. Tenant
  - c. Role of lease
12. Will it increase payback on your building?
  - a. Building is more marketable
  - b. Building is easily accessed by all
  - c. Less expensive to do it now rather than in the future and higher financing costs
13. What are the financial incentives?
  - a. The federal government currently offers two programs to assist a building owner or tenant in making accessibility provisions less costly.
    - i. Title 26 of the Internal Revenue Code (1990) allows for a maximum tax deduction of \$15,000 per year for removal of barriers.

- ii. A tax credit is also available to businesses with \$1 million or less in gross receipts or thirty or fewer full-time employees during the preceding year. The credit is 50% of the amount between \$250 and \$10,250 spent during the year for removal of barriers to comply with the ADA. The maximum tax credit is \$5,125 per year.
14. What technical assistance is available?
- a. Local building department
  - b. Great Lakes ADA & Accessible IT Center (1-312-413-1407)
  - c. Equip for Equality
  - d. Local Accessibility Commission
  - e. Local Historic Preservation Commission
  - f. Illinois Historic Preservation Agency
  - g. Centers for Independent Living ("CIL"s)
  - h. Coalition of Citizens with Disabilities in Illinois (<http://www.ccdionline.org/> )
  - i. Access Living Chicago
  - j. Mayor's Office for People with Disabilities, Chicago
  - k. Center for Universal Design, North Carolina State University

### **ACCESSIBILITY WEB RESOURCES**

Illinois Accessibility Code [www.cdb.state.il.us/IAC.shtml](http://www.cdb.state.il.us/IAC.shtml)

The follow are publications from the Oak Park Universal Access Commission  
[www.accessoakpark.org](http://www.accessoakpark.org)

Illinois and Federal Accessibility Laws and their Impact on Historic Buildings  
<http://academics.triton.edu/faculty/fheitzman/ihpabrochure.html>

Universal Access Checklist for Existing Buildings  
<http://academics.triton.edu/faculty/fheitzman/Checklist.html>