

Accessible Faith In Illinois



By

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for The Retirement Research Foundation

"Every valley shall be lifted up,
and every mountain and hill
be made low,
the uneven ground
shall become level,
and the rough places
a plain."

Isaiah 40:4

Accessible Faith In Illinois

Every year more and more Illinois congregations are taking steps to make their houses of worship accessible to all. However, few congregations are aware that the State of Illinois often requires accessibility improvements when other building improvements are made. This guide provides an overview of the State of Illinois code requirements and how they pertain to Illinois houses of worship. A more comprehensive overview of accessibility in houses of worship can be found in *Accessible Faith: A Technical Guide for Accessibility in Houses of Worship*, published and distributed by The Retirement Research Foundation.

In Illinois, accessibility issues are governed by the *Illinois Environmental Barriers Act ("EBA")* and the *Illinois Accessibility Code ("IAC")*.¹ Both the EBA and the IAC date to the 1980s, prior to enactment of the federal *Americans with Disabilities Act (ADA)*. In 1997, Illinois regulators revised the *IAC* to follow the *ADA* more closely. Where state and federal requirements conflicted, however, the legislature adopted the stricter of the two standards. Most significantly for Illinois congregations – and unlike the *ADA* – the *IAC* makes no blanket exemption for houses of worship. Rather, the *IAC* applies to all "public facilities."² The term is defined broadly to include "...any building, structure, or site improvement used...by the public or by employees for one or more of...the following: the purpose of gathering, recreation, transient lodging, education, employment, institutional care, or...social service establishments...."³

When a congregation alters or refurbishes its existing house of worship, constructs an addition, or builds a new facility, specific requirements of the *IAC* come into play. For both new construction and additions to existing buildings, the *IAC* mandates **full compliance** with the accessibility requirements set forth in it. These requirements closely follow the standards set forth in the *Americans with Disabilities Act Accessibility Guidelines ("ADAAG")*, but the *IAC* must be reviewed carefully to ensure full compliance.

For building additions, several other requirements apply. If the new section of the building will have no accessible entrance, then an entrance to the existing building must be made accessible, and an accessible route to the addition must be provided. Further, the overall number of restrooms must comply with the *Illinois Plumbing Code* of the *Illinois Administrative Code (Title 77, Part 890)*. If no restrooms are included in the addition, then two restrooms in the existing building must be made accessible.⁴

Most significantly for Illinois congregations, the Illinois Accessibility Code makes no blanket exemption for houses of worship.

This publication is a guide to issues relating to inclusion and accessibility in houses of worship. It is not intended to serve as an exhaustive technical source on accessibility or to provide legal advice regarding accessibility requirements, building codes, or federal, state, and local laws. See the last page of the guide for notice of revised federal accessibility standards.

¹ The *Illinois Accessibility Code* is found in its entirety on the Capital Development Board's website: www.cdb.state.il.us/forms/iac.htm

² The *Illinois Accessibility Code* of the *Illinois Administrative Code*, title 71, §400.130 (1997).

³ *Ibid.*, §400.210 (1997).

⁴ *Ibid.*, §400.310 (1997); §400.410 (1997).

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Alterations to existing houses of worship are subject to a separate set of rules. As a general matter, **all alterations** are subject to the requirement that: "No alteration shall decrease accessibility or usability of a building below the requirements for new construction at the time of the alteration."⁵ (The extent of the accessibility improvements required for any given alteration, however, depends on the monetary value of the alteration work being planned.)

The *IAC* categorizes alterations based on their relation to the total "reproduction cost" (RC) of the building being altered. The RC is defined as "the estimated cost of constructing a new building...of like size, design and materials at the site of the original building...assuming such site is clear," based on "the recognized standards of an authoritative technical organization."⁶

Historic and architecturally significant houses of worship often have soaring cathedral ceilings and majestic steeples, towers, and spires. Moreover, they often feature hand-carved stone and millwork, intricate stained glass windows, and imported marble appointments. This is particularly true for houses of worship built before World War II. Such luxuries are generally omitted from "recognized standards" found in print. In fact, the **true RC** for older houses of worship is often significantly more than the estimated value suggested by the leading published sources. Therefore, most authorities will also accept a reasonable RC developed by a professional estimator who is familiar with the unique construction methods and high quality materials used for historic buildings.

The *IAC* recognizes four cost categories of alterations (see the flow chart for further clarification). [Figure 1] At the low end are alterations that amount to 15% or less of the building's RC. For such alterations, the Code requires only that the element or space being altered be made accessible. In this category, the Code provides an important, limited exception with respect to religious properties: **a religious entity making alterations costing less than 15% of the reproduction cost need not comply with accessibility standards unless the cost of the alteration is greater than \$100,000.**⁷

For alterations valued more than 15% but less than 50% of the RC, the element or space being altered must be made accessible. In addition, an entrance and egress intended for the general public must comply with the requirements for new construction.⁸

5 Ibid. §400.510(a) (1997). The *IAC* provides an exception to the general alterations requirements, which is rarely invoked. The exception applies to "parts of buildings which it would be technically unfeasible to make conform to the strict requirements...for new construction, with the approval of the regulatory authority [the Illinois Capital Development Board]." The *Illinois Accessibility Code of the Illinois Administrative Code*, title 71, §400.520(d) (1997).

6 Ibid. §400.210 (1997). 7 Ibid. §400.510(b)(1) and (6) (1997). 8 Ibid. §400.510(b)(3) and (4) (1997). The *IAC* defines "means of egress" as "a continuous and unobstructed path of travel from any point in a building or structure to a public way..."

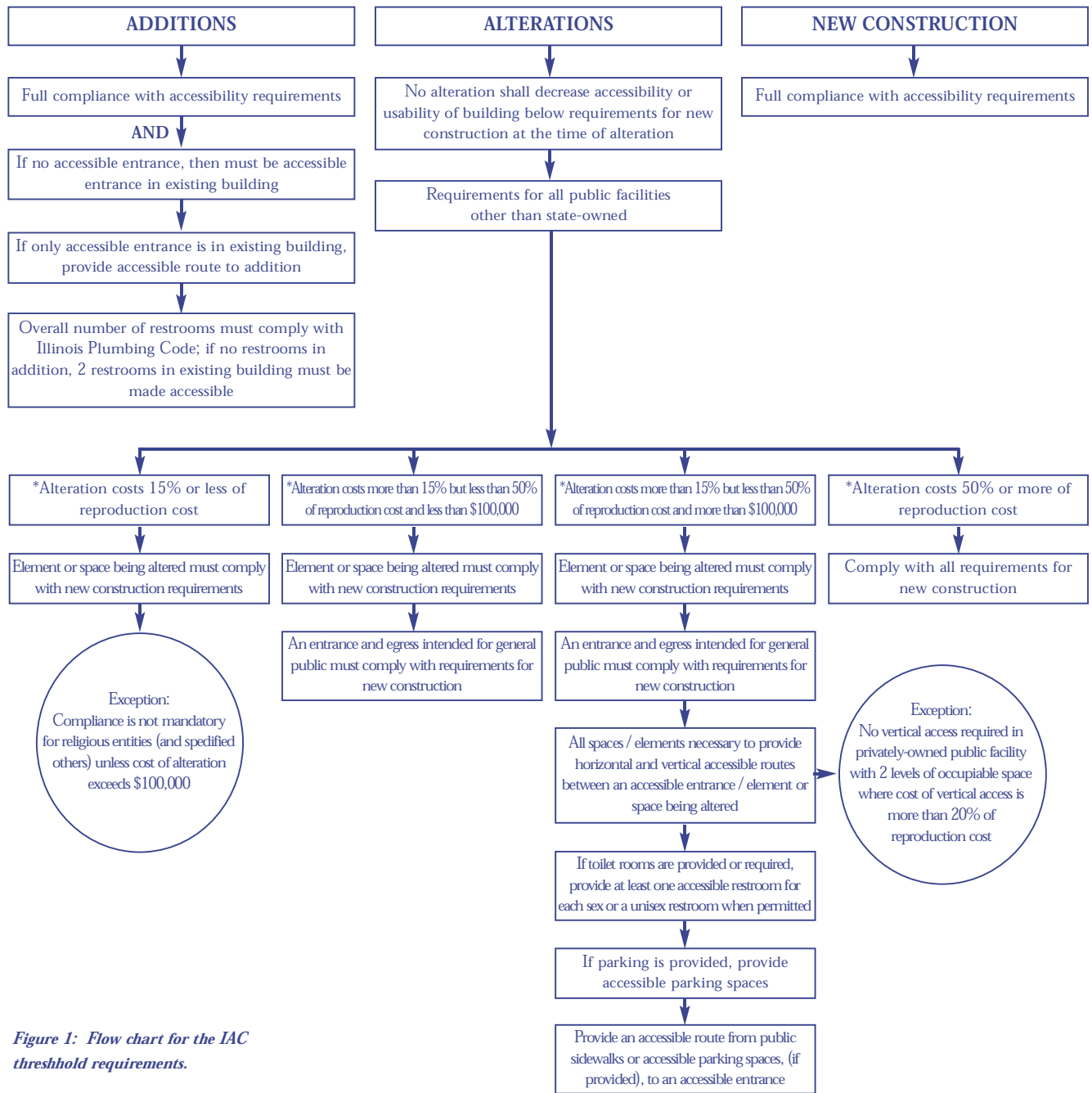


Figure 1: Flow chart for the IAC threshold requirements.

For purposes of the IAC, the cost of alteration equals “the total actual combined cost of all alterations made within any period of 30 months.”

*Reproduction cost (RC) is defined as “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.” S400.210 (1997)

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Alterations between 15% and 50% and valued at more than \$100,000 must comply with four additional requirements. First, all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible entrance and an element or space being altered must be made accessible. (However, in buildings with two levels of "occupiable" floor space, vertical access is not required if the installation cost will exceed 20% of the RC). Second, if restrooms are provided or required, at least one accessible restroom for each sex or a unisex restroom (when permitted) must be provided. Third, if parking is provided, accessible parking spaces must be provided. And, fourth, there must be an accessible route from public sidewalks or accessible parking spaces (if provided) to an accessible entrance.⁹

The final category, including alterations that cost 50% or more of the RC, requires **full compliance** with the accessibility rules for new construction.¹⁰

The *IAC* also includes special rules for structures listed in, or eligible for, the *National Register of Historic Places* or designated as local landmarks.¹¹ As in the federal *ADA*, these historic preservation provisions take into account the special challenges of making accessibility improvements in historic structures. Historic preservation projects are considered alterations under the *IAC*. As a general rule, such alterations must comply with the accessibility requirements for new construction, although the *IAC* provides minor exceptions.¹² Further, if the Illinois Historic Preservation Agency determines that the alteration would threaten or destroy the historic significance of the building, the agency can specify alternative minimum requirements.¹³ This section of the *IAC* seldom impacts houses of worship since relatively few religious buildings are officially designated landmarks.

Finally, it is important to note that the *IAC* constitutes **minimum** accessibility standards for the State of Illinois. **It is therefore essential to determine whether local authorities maintain more stringent standards before proceeding with construction.**

The following three theoretical examples are provided to help congregations consider various *IAC* requirements. The illustrations are intended to provide a sense of scale only, rather than an actual representation of the accessibility scenario described.

9 Ibid. §400.510(b)(4) (1997).

10 Ibid. §400.510(b)(5) (1997).

11 Ibid. §400.210 (1997) and §400.610 (1997).

12 Ibid. §400.610 (1997).

13 Ibid. §400.620 (1997).

Example A: Small House of Worship

Description of Work: A small (10,000 square foot {s.f.}) house of worship, built in 1929, currently lacks accessibility. The congregation plans to remodel the restrooms. [Figure 2] Due to budget constraints, there are no immediate plans to add accessibility to the building even though it is a desirable goal. The congregation has not decided whether to hire an architect but wants to determine whether the restrooms must be accessible. This would increase the estimated construction costs considerably, from \$48,000 to \$78,000. The congregation has completed no other work in the past 30 months, so there is no cumulative cost that could impact *IAC* requirements.



Figure 2: Example A.

Estimated Reproduction Cost (RC): A professional cost estimator has determined the RC to be \$485 per square foot (p.s.f.), due to the extremely high quality of construction and materials. Therefore, the RC for Example A is \$4,850,000 (10,000 s.f. x \$485/p.s.f.).

Required to Meet *IAC*? No. The highest potential cost of the alteration (\$78,000) is only 2% of the RC, and is less than \$100,000, and thereby meets the exemption for religious entities. Although the congregation should strive to improve accessibility and use this modest project to get the ball rolling, it is not legally required to make the restrooms accessible.

Example B: Medium-Sized House of Worship

Description of Work: A congregation has a medium-sized (25,000 s.f.) house of worship of more contemporary design. Last year, the congregation constructed accessible restrooms as part of a first phase of work costing \$169,000. The congregation is now planning to remodel the sanctuary and a few adjacent spaces as a second phase of work. [Figure 3] The congregation would prefer to postpone further accessibility improvements until a third phase of work, since it would require other immediate project compromises. The second phase construction costs are estimated to be \$385,000, and the congregation wants to determine whether accessibility is required by the *IAC*. A new elevator would increase the total project by \$160,000.



Figure 3: Example B.

Estimated Reproduction Cost (RC): *The RC is determined to be \$130 p.s.f. according to *R.S. Means 2003 Square Foot Costs*. Therefore, the RC for example B is \$3,250,000 (25,000 s.f. x \$130 p.s.f.).

Required to Meet IAC? Yes. The cumulative cost of work for the first and second phases will be \$169,000 + \$385,000 = \$554,000. This represents 17% ($\$554,000/\$3,250,000$) of the RC and exceeds \$100,000. Therefore, following through the flow chart [Figure 1] for the third "alteration" column: 1) the sanctuary and adjacent spaces must be made accessible; 2) an accessible entrance and egress must be provided; 3) all spaces/elements that provide horizontal and vertical accessible routes must be made accessible (since the additional elevator cost of \$160,000 does not exceed 20% of the RC); 4) since restrooms are already available, additional restrooms will not be required (as long as the existing restrooms are accessible from the sanctuary); 5) accessible parking is required; and 6) an accessible route from the public sidewalk must be provided. Note: In this scenario, reducing the scope of the second phase to \$300,000 in order to fall below the 15% threshold would substantially reduce the accessibility requirements for this particular project. In this case, only the sanctuary and adjacent spaces would need to be made accessible, deferring the significant cost of the elevator and other improvements.



Figure 4: Example C.

Example C: Large House of Worship

Description of Work: A large (50,000 s.f.) house of worship, built in 1920, has some accessibility improvements. None of the work was completed in the past 30 months. The congregation is now planning a major capital campaign to rehabilitate the entire facility. [Figure 4] The rehabilitation is estimated to cost \$12 million.

Estimated Reproduction Cost (RC): A professional cost estimator has determined the RC to be \$435 p.s.f., due to the extremely high quality of construction and materials. Therefore, the RC for Example C is \$21,750,000 (50,000 s.f. x \$435/p.s.f.).

Required to Meet IAC? Yes. The \$12 million campaign goal represents 55% ($\$12,000,000/\$21,750,000$) of the RC and therefore shifts this work to column four of the flow chart under "Alterations." [Figure 1] The project must comply with all the accessibility requirements for new construction.

ILLINOIS REGULATORY AGENCIES

Capital Development Board
William G. Stratton Building-Third Floor
401 South Spring Street
Springfield, IL 62706
(217) 782-8530 (Voice)

Find the *Illinois Accessibility Code* at:
www.cdb.state.il.us/forms/iac.htm

Disability Rights Bureau Chicago
Office of Attorney General
James R. Thompson Center-11th Floor
100 West Randolph Street
Chicago, IL 60604
(312) 814-5684 (voice)
(312) 814-3374 (TTY)

Disability Rights Bureau Springfield
Office of Attorney General
500 South Second Street
Springfield, IL 62706
(217) 785-5726 (Voice)
(217) 785-2771 (TTY)

Illinois Historic Preservation Agency
One Old Capitol Plaza
Springfield, IL 62701
(217) 785-7930 (Voice)

Mayor's Office for People with Disabilities
City Hall
121 North LaSalle
Chicago, IL 60602
(312) 744-6673 (Voice)
(312) 744-2721 (Voice: Architectural Services)

Policy Advisor on Disability Rights
Office of Attorney General
500 South Second Street
Springfield, IL 62706
(217) 524-6575 (Voice)
(217) 785-2771 (TTY)

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2003 R.S. Means Square Foot Costs. (24th Annual Edition.) Kingston, MA: R.S. Means Company, Inc., 2003.

Davie, Ann Rose and Ginny Thornburgh. ***That All May Worship: An Interfaith Welcome to People with Disabilities.*** (Sixth Printing.) Washington, D.C.: National Organization on Disability, 2000.

Illinois Accessibility Code. (Fifth printing.) Springfield, IL: State of Illinois, Capital Development Board, 1997. [71 Ill. Admin. Code Part 400.]

Illinois Accessibility Code: Site Inspection Checklist. Springfield, IL: State of Illinois, Office of the Attorney General, 1997.

Illinois Plumbing Code. Springfield, IL: State of Illinois, Illinois Department of Public Health, 1999. [77 Ill. Admin. Code Part 890.]

Patterson, Elizabeth A. and Neal A. Vogel. ***Accessible Faith: A Technical Guide for Accessibility in Houses of Worship.*** Chicago, IL: The Retirement Research Foundation, 2003.

Notice on New ADA Standards for Accessible Design, Issued by U.S. Department of Justice.

This guide uses the accessibility standards in the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and amendments.

On July 26, 2010, the US Department of Justice issued new ADA Standards for Accessible Design, also referred to as the “2010 Standards.”

Accessible Faith is now undergoing a revision that will reflect the 2010 Standards. In the meantime, we provide the following information from the Department of Justice on when and how to use the new 2010 Standards:

These standards, as adopted by the Department of Justice (DOJ) in September 2010, will take effect March 15, 2012 and replace DOJ’s original ADA standards. DOJ is allowing immediate use of the 2010 standards as an alternative to the original 1991 standards. DOJ’s standards apply to facilities covered by the ADA, including places of public accommodation, commercial facilities, and state and local government facilities. They do not apply to transportation facilities, including bus stops and rail stations, which are subject to similar [standards](#) issued by the Department of Transportation.

Updated ADA [regulations](#) issued by DOJ implement these standards and provide important information on their use in new construction and alterations. DOJ’s title II regulation addresses state and local government facilities and its title III regulation covers places of public accommodation and commercial facilities. Other sections of these regulations address program access (title II) and removal of barriers in existing facilities (title III).

Supplementary Provisions to the Standards

These standards are consistent with the updated ADA [guidelines](#) issued by the Board in 2004. However, DOJ’s revised title II regulation (§35.151) and title III regulation (§36.406) implement additional provisions concerning:

- *Social Service Center Establishments (access to beds and roll-in showers)*
- *Housing at Places of Education (application of provisions for transient lodging and for residential facilities, and kitchen access and accessible circulation within units)*
- *Assembly Areas (additional criteria for the location and dispersion of wheelchair spaces and companion seats in assembly areas, including stadium-style movie theaters)*
- *Medical Care Facilities (dispersion of accessible patient bedrooms)*
- *Residential Dwelling Units (coverage of dwelling units designed, constructed, or altered by state and local governments for sale to individuals)*

- *Detention and Correctional Facilities (enhanced scoping (3%) for accessible cells, dispersion, and coverage of altered cells)*
- *Places of Lodging (application of scoping provisions to sites with multiple facilities, alterations, and exclusion of residential-only units)*

These supplementary requirements are noted below in Chapter 2 of the standards at sections 221 (Assembly Areas), 223 (Medical Care and Long-Term Care Facilities), 224 (Transient Lodging Guest Rooms), 232 (Detention Facilities and Correctional Facilities), and 233 (Residential Facilities).

Technical Assistance

For technical assistance on provisions of the standards as they apply in new construction and alterations contact:

U.S. Access Board

phone: (800) 872-2253 (voice) or (800) 993-2822 (TTY)

email: ta@access-board.gov

fax: 202-272-0081

Direct other questions on the standards or on DOJ's regulations, including effective dates and requirements for existing facilities, to:

- *U.S. Department of Justice (www.ada.gov) at (800) 514-0301 (voice) or (800) 514-0383 (TTY), or the*
- *National Network of ADA Centers (www.adata.org) at (800) 949-4232 (voice /TTY).*

<http://www.access-board.gov/ada-aba/ada-standards-doj.cfm>

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You may be interested in a national overview of this subject, covered by *Accessible Faith: A Technical Guide for Accessibility in Houses of Worship*. For more information about this publication, contact the Foundation directly or download a copy from the Foundation's website, www.rrf.org.

This work was made possible only through the generous support, assistance, and guidance of many people. Those worthy of special mention include: Ms. Denise R. Arnold, Mayor's Office for People with Disabilities, City of Chicago; Mr. Doug Gamble, Capital Development Board, State of Illinois; Heitzman Architects, Oak Park; Mr. Mike Jackson, Illinois Historic Preservation Agency; LCM Architects; Ms. Carol McLaughlin, Farr Associates; and William Worn Architects, P.C.

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This guide was developed to assist Illinois congregations in navigating and interpreting the Illinois Accessibility Code as it pertains to religious properties. It is not intended to provide legal advice regarding the Code or Illinois law.

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