

**PART 600                    DISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC  
ACCOMMODATIONS AND COMMERCIAL FACILITIES**

**SECTION 600.100    General**

**Reg. 600.101            Purpose.**

The purpose of this part is to implement the disability rights provisions of the Chicago Human Rights Ordinance, which, among other things, prohibits discrimination on the basis of disability by public accommodations and commercial facilities in the City of Chicago.

**Reg. 600.102            Application.**

(a) *General.* This part applies to any –

- (1) Public accommodation
- (2) Commercial facility; or
- (3) Private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes.

(b) *Public accommodations.*

- (1) The requirements of this part applicable to public accommodations are set forth in sections 600.200, 600.300 and 600.400 of this part.
- (2) The requirements of sections 600.200 and 600.300 of this part obligate a public accommodation only with respect to the operations of a place of public accommodation.
- (3) The requirements of section 600.400 of this part obligate a public accommodation only with respect to –
  - (i) A facility used as, or designed or constructed for use as, a place of public accommodation; or
  - (ii) A facility used as, or designed and constructed for use as, a commercial facility.

(c) *Commercial facilities.* The requirements of this part applicable to commercial facilities are set forth in section 600.400 of this part.

Effective - July 1, 2017

- (d) *Examinations and courses.* The requirements of this part applicable to private entities that offer examinations or courses as specified in paragraph (a) of this section are set forth in § 600.309.
- (e) *Exemptions and exclusions.* This part does not apply to the following:
- (1) any private club (except to the extent that the facilities of the private club are made available to customers or patrons of a public accommodation);
  - (2) the decisions of a religious society, association, organization or institution affecting the definition, promulgating or advancement of the mission, practices or beliefs of the society, association, organization or institution;
  - (3) the treatment, recommendations and diagnoses of licensed medical practitioners made in the course of their medical practice;
  - (4) the evaluations and grading decisions of teachers, professors, instructors and other education professionals; and
  - (5) the determinations, recommendations and evaluations of licensed legal practitioners made in the course of their legal practice.

**Reg. 600.103            Relationship to other laws.**

- (a) *Rule of interpretation.* Except as otherwise provided in this part, this part shall not be construed to apply a lesser standard than the standards applied under Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12181 – 12189) or Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791) or the regulations issued by Federal agencies pursuant to those titles.
- (b) *Title III of the Americans with Disabilities Act.* This part does not affect the obligations of places of public accommodation, public accommodations and commercial facilities to comply with the requirements of Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12181 – 12189) and the regulation implementing Title III (28 C.F.R. Part 36).
- (c) *Section 504.* This part does not affect the obligations of a recipient of Federal financial assistance to comply with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued by Federal agencies implementing section 504.
- (d) *Other laws.* This part does not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with them.

Effective - July 1, 2017

**Reg. 600.104 Definitions.**

For purposes of this part, the term–

*Ordinance* means the Chicago Human Rights Ordinance, 2-160-010 et seq.

*Commerce* means travel, trade, traffic, commercial activity, transportation, or communication.

*Commercial facilities* means facilities –

- (1) Whose operations affect or will affect commerce;
- (2) That are intended for nonresidential use by a private entity; and
- (3) That are not –
  - (i) Facilities that are covered or expressly exempted from coverage under the Fair Housing Act of 1968, as amended (42 U.S.C. 3601 - 3631);
  - (ii) Aircraft; or
  - (iii) Railroad locomotives, railroad freight cars, railroad cabooses, commuter or intercity passenger rail cars (including coaches, dining cars, sleeping cars, lounge cars, and food service cars), any other railroad cars described in section 242 of the ADA or covered under Title II of the ADA, or railroad rights-of-way. For purposes of this definition, "rail" and "railroad" have the meaning given the term "railroad" in section 202(e) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(e)).

*Current illegal use of drugs* means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

*Direct threat* means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services, as provided in § 600.208.

*Disability* means:

- (i) a determinable physical or mental characteristic which may result from disease, injury, congenital condition of birth or functional disorder including, but not limited to, a determinable physical characteristic which necessitates a person's use of service animal; or
- (ii) the history of such a characteristic; or

- (iii) the perception of such a characteristic by the person complained against.

*Drug* means a controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) or as defined by the State of Illinois, Cook County or the City of Chicago.

*Existing facility* means a facility in existence on any given date, without regard to whether the facility may also be considered newly constructed or altered under this part.

*Facility* means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Housing at a *place of education* means housing operated by or on behalf of an elementary, secondary, undergraduate, or postgraduate school, or other place of education, including dormitories, suites, apartments, or other places of residence.

*Illegal use of drugs* means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812) or any criminal statute of the State of Illinois, Cook County or the City of Chicago. The term "illegal use of drugs" does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of State, Federal, City or County law.

*Individual with a disability* means a person who has a disability. The term "individual with a disability" does not include an individual who is currently engaging in the illegal use of drugs, when the private entity acts on the basis of such use.

*Other power-driven mobility device* means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the ADA, 42 U.S.C. 12207(c)(2).

*Place of public accommodation* means a facility or portion of a facility owned, operated, or leased to a public accommodation that is open to members of the public.

*Private club* means a private club or establishment exempted from coverage under title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a(e)).

*Private entity* means a person or entity other than a public entity.

*Public accommodation* means a private entity whose operations affect commerce that sells, leases, provides or offers any product, facility or service to the public and falls within at least one of the following categories. These categories are to be defined broadly and the examples stated herein are not inclusive of all types of businesses or facilities that fall within each category. For purposes of this Part, a public accommodation does not need to provide goods or services in a physical location or facility and includes entities that provide goods and services via telephone, the internet and other electronic media –

- (1) Place of lodging, except for an establishment located within a facility that contains not more than five rooms for rent or hire and that actually is occupied by the proprietor of the establishment as the residence of the proprietor. For purposes of this part, a facility is a "place of lodging" if it is –
  - (i) An inn, hotel, or motel; or
  - (ii) A facility that –
    - (A) Provides guest rooms for sleeping for stays that primarily are short-term in nature (generally 30 days or less) where the occupant does not have the right to return to a specific room or unit after the conclusion of his or her stay; and
    - (B) Provides guest rooms under conditions and with amenities similar to a hotel, motel, or inn, including the following –
      - (1) On- or off-site management and reservations service;
      - (2) Rooms available on a walk-up or call-in basis;
      - (3) Availability of housekeeping or linen service; and
      - (4) Acceptance of reservations for a guest room type without guaranteeing a particular unit or room until check-in, and without a prior lease or security deposit.
- (2) A restaurant, bar, or other establishment serving food or drink;
- (3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (4) An auditorium, convention center, lecture hall, or other place of public gathering;
- (5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

- (6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;
- (7) A terminal, depot, or other station used for specified public transportation;
- (8) A museum, library, gallery, or other place of public display or collection;
- (9) A park, zoo, amusement park, or other place of recreation;
- (10) A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
- (11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
- (12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

*Public entity* means –

- (1) Any State or local government;
- (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government; and
- (3) The National Railroad Passenger Corporation, and any commuter authority (as defined in section 103(8) of the Rail Passenger Service Act). (45 U.S.C. 541)

*Qualified interpreter* means an interpreter, licensed in the State of Illinois, who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

*Qualified reader* means a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

*Readily achievable* means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable factors to be considered include –

- (1) The nature and cost of the action needed under this part;

- (2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;
- (3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
- (4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

*Religious entity* means a religious organization, including a place of worship.

*Service animal* means any dog (or miniature horse, pursuant to §600.302 (c)9) that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting or alerting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence do not constitute work or tasks for the purposes of this definition. For the purposes of this definition emotional support animals are not considered service animals under § 600.302 (c).

*Specified public transportation* means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing basis.

*State* means the State of Illinois.

*Undue burden* means significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include –

- (1) The nature and cost of the action needed under this Part;
- (2) The overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;
- (3) The geographic separateness, and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;
- (4) If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and
- (5) If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

*Video remote interpreting (VRI) service* means an interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images as provided in § 600.303(f).

*Wheelchair* means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion. This definition does not apply to Federal wilderness areas; wheelchairs in such areas are defined in section 508(c)(2) of the Americans with Disabilities Act, 42 U.S.C. 12207(c)(2).

## **Reg. 600.105 - 600.199 [Reserved]**

### **SECTION 600.200 General Requirements**

#### **Reg. 600.201 General**

- (a) *Prohibition of discrimination.* No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any public accommodation by any private entity who owns, leases (or leases to), rents, operates, manages or in any way controls a public accommodation.
- (b) *Landlord and tenant responsibilities.* Both the landlord who owns the building that houses a public accommodation and the tenant who owns or operates the public accommodation are subject to the requirements of this part. As between the parties,



allocation of responsibility for complying with the obligations of this part may be determined by lease or other contract.

**Reg. 600.202            Activities**

- (a) *Denial of participation.* A public accommodation shall not subject an individual or class of individuals on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, to a denial of the opportunity of the individual or class to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation.
- (b) *Participation in unequal benefit.* A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.
- (c) *Separate benefit.* A public accommodation shall not provide an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements with a good, service, facility, privilege, advantage, or accommodation that is different or separate from that provided to other individuals, unless such action is necessary to provide the individual or class of individuals with a good, service, facility, privilege, advantage, or accommodation, or other opportunity that is as effective as that provided to others.
- (d) *Individual or class of individuals.* For purposes of paragraphs (a) through (c) of this section, the term "individual or class of individuals" refers to the clients or customers of the public accommodation that enters into the contractual, licensing, or other arrangement.

**Reg. 600.203            Integrated Settings**

- (a) *General.* A public accommodation shall afford goods, services, facilities, privileges, advantages, and accommodations to an individual with a disability in the most integrated setting appropriate to the needs of the individual.
- (b) *Opportunity to participate.* Notwithstanding the existence of separate or different programs or activities provided in accordance with this subpart, a public accommodation shall not deny an individual with a disability an opportunity to participate in such programs or activities that are not separate or different.
- (c) *Accommodations and services.*

Effective - July 1, 2017

(1) Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available under this part that such individual chooses not to accept.

(2) Nothing in the Act or this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

**Reg. 600.204            Administrative Methods**

A public accommodation shall not, directly or through contractual or other arrangements, utilize standards or criteria or methods of administration that have the effect of discriminating on the basis of disability, or that perpetuate the discrimination of others who are subject to common administrative control.

**Reg. 600.205            Association**

A public accommodation shall not exclude or otherwise deny equal goods, services, facilities, privileges, advantages, accommodations, or other opportunities to an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.

**Reg. 600.206            Retaliation or Coercion**

No person shall retaliate against any individual because that individual in good faith has made a charge, testified, assisted or participated in an investigation, proceeding or hearing under the Ordinance or this Part.

**Reg. 600.207            Places of Public Accommodation Located in Private Residences**

(a) When a place of public accommodation is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this part, but that portion used exclusively in the operation of the place of public accommodation or that portion used both for the place of public accommodation and for residential purposes is covered by this part.

(b) The portion of the residence covered under paragraph (a) of this section extends to those elements used to enter the place of public accommodation, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

**Reg. 600.208            Direct Threat**

(a) This part does not require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities, privileges, advantages and

accommodations of that public accommodation when that individual poses a direct threat to the health or safety of others.

- (b) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: The nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

**Reg. 600.209            Illegal Use of Drugs**

*(a) General.*

- (1) Except as provided in paragraph (b) of this section, this part does not prohibit discrimination against an individual based on that individual's current illegal use of drugs.
- (2) A public accommodation shall not discriminate on the basis of illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who –
- (i) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
  - (ii) Is participating in a supervised rehabilitation program; or
  - (iii) Is erroneously regarded as engaging in such use.

*(b) Health and drug rehabilitation services.*

- (1) A public accommodation shall not deny health services, or services provided in connection with drug rehabilitation, to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.
- (2) A drug rehabilitation or treatment program may deny participation to individuals who engage in illegal use of drugs while they are in the program.

*(c) Drug testing.*

- (1) This part does not prohibit a public accommodation from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

Effective - July 1, 2017

- (2) Nothing in this paragraph (c) shall be construed to encourage, prohibit, restrict, or authorize the conducting of testing for the illegal use of drugs.

**Reg. 600.210          Smoking**

This part does not preclude the prohibition of, or the imposition of restrictions on, smoking in places of public accommodation.

**Reg. 600.211          Maintenance of Accessible Features**

- (a) A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Ordinance or this Part.
- (b) This section does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs so long as the public accommodation has established and implemented a plan to maintain, test and repair the equipment in a reasonable period of time.
- (c) If subsequent versions of the Chicago Building Code reduce the technical requirements or the number of required accessible elements below the number required by the 2007 version of the Code, the technical requirements or the number of accessible elements in a facility subject to this part may be reduced in accordance with the requirements of the revised building code at the discretion of the Commissioners of the CCHR and MOPD.

**Reg. 600.212          Insurance**

- (a) This part shall not be construed to prohibit or restrict –
- (1) An insurer, hospital or medical service company, health maintenance organization, or any agent, or entity that administers benefit plans, or similar organizations from underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or
- (2) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law; or
- (3) A person or organization covered by this part from establishing, sponsoring, observing or administering the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.
- (b) Paragraphs (a) (1), (2), and (3) of this section shall not be used as a subterfuge to evade the purposes of the Ordinance or this part.

Effective - July 1, 2017

- (c) A public accommodation shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

**Reg. 600.213            Relationship of Section 600.200 to Sections 600.300 and 600.400 of This Part**

Section 600.200 of this part sets forth the general principles of nondiscrimination applicable to all entities subject to this part. Sections 600.300 and 600.400 of this part provide guidance on the application of the statute to specific situations. The specific provisions, including the limitations on those provisions, control over the general provisions in circumstances where both specific and general provisions apply.

**Reg. 600.214 – 600.299 [Reserved]**

**Section 600.300        Specific Requirements**

**Reg. 600.301            Eligibility Criteria**

- (a) *General.* A public accommodation shall not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any goods, services, facilities, privileges, advantages, or accommodations, unless such criteria can be shown to be necessary for the provision of the goods, services, facilities, privileges, advantages, or accommodations being offered.
- (b) *Safety.* A public accommodation may impose legitimate safety requirements that are necessary for safe operation. Safety requirements must be based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
- (c) *Charges.* A public accommodation may not impose a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures, such as the provision of auxiliary aids, barrier removal, alternatives to barrier removal, and reasonable modifications in policies, practices, or procedures, that are required to provide that individual or group with the nondiscriminatory treatment required by the Ordinance or this part.

**Reg. 600.302            Modifications in Policies, Practices, or Procedures**

- (a) *General.* A public accommodation shall make reasonable modifications in policies, practices, or procedures, when the modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

(b) *Specialties* –

- (1) *General.* A public accommodation may refer an individual with a disability to another public accommodation, if that individual is seeking, or requires, treatment or services outside of the referring public accommodation's area of specialization, and if, in the normal course of its operations, the referring public accommodation would make a similar referral for an individual without a disability who seeks or requires the same treatment or services.
- (2) *Alternative Services.* A public accommodation may treat or provide services in an alternative manner to an individual with a disability for any non-discriminatory reason if, in the normal course of operations or business, the public accommodation would for the same reason provide services in an alternative manner to an individual who does not have a disability. A public accommodation seeking to use this defense has the burden of proving that services are being provided in an alternative manner for nondiscriminatory reasons.
- (3) *Illustration – medical specialties.* A health care provider may refer an individual with a disability to another provider, if that individual is seeking, or requires, treatment or services outside of the referring provider's area of specialization, and if the referring provider would make a similar referral for an individual without a disability who seeks or requires the same treatment or services. A physician who specializes in treating only a particular condition cannot refuse to treat an individual with a disability for that condition, but is not required to treat the individual for a different condition.

(c) *Service animals.*

- (1) *General.* Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
- (2) *Exceptions.* A public accommodation may ask an individual with a disability to remove a service animal from the premises if:
  - (i) The animal is out of control and the animal's handler, upon request of the public accommodation, does not take effective action to control it in a reasonable period of time; or
  - (ii) The animal is not housebroken.
- (3) *If an animal is properly excluded.* If a public accommodation properly excludes the animal under § 600.302(c)(2), it shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the animal on the premises.

- (4) *Animal under handler's control.* Service animals shall remain under the control of their respective handler. An animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the animal's safe, effective performance of work or tasks, in which case the animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- (5) *Care or supervision.* A public accommodation is not responsible for the care or supervision of a service animal.
- (6) *Inquiries.* A public accommodation shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A public accommodation may ask if the animal is required because of a disability, or if it has been trained to perform tasks for the individual. A public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a public accommodation may not make these inquiries about a service animal when it is readily apparent that the animal is acting in an assistive capacity for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
- (7) *Access to areas of a public accommodation.* Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go.
- (8) *Surcharges.* A public accommodation shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.
- (9) *Miniature horses.*
- (i) A public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- (ii) *Assessment factors.* In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public accommodation shall consider –

- (A) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
  - (B) Whether the handler has sufficient control of the miniature horse;
  - (C) Whether the miniature horse is housebroken; and
  - (D) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- (iii) *Other requirements.* Sections 600.302(c)(3) through (c)(8), which apply to service animals, shall also apply to miniature horses.
- (d) *Check-out aisles.* A store with check-out aisles shall ensure that an adequate number of accessible check-out aisles are kept open during store hours, or shall otherwise modify its policies and practices, in order to ensure that an equivalent level of convenient service is provided to individuals with disabilities as is provided to others. If only one check-out aisle is accessible, and it is generally used for express service, one way of providing equivalent service is to allow persons with mobility impairments to make all their purchases at that aisle.
- (e)
- (1) *Reservations made by places of lodging.* A public accommodation that owns, leases (or leases to), or operates a place of lodging shall, with respect to reservations made by telephone, in-person, via the internet, and any other electronic media, or through a third party –
    - (i) Modify its policies, practices, or procedures to ensure that individuals with disabilities can make reservations for accessible guest rooms during the same hours and in the same manner as individuals who do not need accessible rooms;
    - (ii) Identify and describe accessible features in the hotels and guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given hotel or guest room meets his or her accessibility needs. This includes providing sufficient information regarding accessible features on internet websites and in brochures and pamphlets;
    - (iii) Ensure that accessible guest rooms are held for use by individuals with disabilities until all other guest rooms of that type have been rented and the accessible room requested is the only remaining room of that type;
    - (iv) Reserve, upon request, accessible guest rooms or specific types of guest rooms and ensure that the guest rooms requested are blocked and removed from all reservations systems; and



(v) Guarantee that the specific accessible guest room reserved through its reservations service is held for the reserving customer, regardless of whether a specific room is held in response to reservations made by others.

(2) *Exception.* The requirements in paragraphs (iii), (iv), and (v) of this section do not apply to reservations for individual guest rooms or other units not owned or substantially controlled by the entity that owns, leases, or operates the overall facility.

(f) *Ticketing.*

(1) For the purposes of this section, "accessible seating" is defined as wheelchair spaces and companion seats that comply with the applicable sections of Chapter 18-11 of the Chicago Building Code along with any other seats required to be offered for sale to the individual with a disability pursuant to paragraph (4) of this section.

(2) *Ticket sales.* A public accommodation that sells tickets for a single event or series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating

(i) During the same hours;

(ii) During the same stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales;

(iii) Through the same methods of distribution (e.g. via telephone, internet or in-person sales);

(iv) In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility or third-party ticketing services, the internet or any other method made available to other patrons; and

(v) Under the same terms and conditions as other tickets sold for the same event or series of events.

(3) *Identification of available accessible seating.* A public accommodation that sells or distributes tickets for a single event or series of events shall, upon inquiry –

(i) Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility. This includes but is not limited to providing this information at in-person ticket sales locations, by phone and on the internet;

(ii) Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs; and

(iii) Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.

(4) *Ticket prices.* The price of tickets for accessible seating for a single event or series of events shall not be set higher than the price for other tickets in the same seating section for the same event or series of events. Tickets for accessible seating must be made available at all price levels for every event or series of events. If tickets for accessible seating at a particular price level cannot be provided because barrier removal in an existing facility is not readily achievable, then the that number of accessible seats (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area) shall be offered, at that price level, in the most comparable seating area of higher price and value. In those existing facilities where no higher priced seating is accessible, those seats shall be offered in lower-priced areas at the sam prices paid for other seating in those areas.

(5) *Purchasing multiple tickets.*

(i) *General.* For each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at his or her request, a public accommodation shall make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that at the time of purchase there are three such seats available. A public accommodation is not required to provide more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.

(ii) *Insufficient additional contiguous seats available.* If patrons are allowed to purchase at least four tickets, and there are fewer than three such additional contiguous seat tickets available for purchase, a public accommodation shall offer the next highest number of such seat tickets available for purchase and shall make up the difference by offering tickets for sale for seats that are as close as possible to the accessible seats. Public accommodations shall take steps to make seats available in adjacent rows so that groups that include people with disabilities may sit near each other.

(iii) *Sales limited to fewer than four tickets.* If a public accommodation limits sales of tickets to fewer than four seats per patron, then the public accommodation is only obligated to offer the same number of seats to patrons with disabilities, including the ticket for the wheelchair space, as it would offer to patrons without

disabilities. If a wheelchair user will be accompanied by an attendant, an additional ticket must be made available for purchase.

(iv) *Maximum number of tickets patrons may purchase exceeds four.* If patrons are allowed to purchase more than four tickets, a public accommodation shall allow patrons with disabilities to purchase up to the same number of tickets, including the ticket for the wheelchair space.

(v) *Group sales.* If a group includes one or more individuals who need to use accessible seating because of a mobility disability or because their disability requires the use of the accessible features that are provided in accessible seating, the group shall be placed in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, it should be divided so that the individuals in the group who use wheelchairs are not isolated from their group.

(6) *Hold and release of tickets for accessible seating.*

(i) *Tickets for accessible seating may be released for sale in certain limited circumstances.* A public accommodation may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following circumstances –

(A) When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold and the public accommodation has responded to all inquiries and requests for accessible seating;

(B) When all non-accessible tickets in a designated price category have been sold, the tickets for accessible seating are being released within the same designated price category and the public accommodation has responded to all inquiries and requests for accessible seating.

(ii) *No requirement to release accessible tickets.* Nothing in this paragraph requires a facility to release tickets for accessible seating to individuals without disabilities for their own use.

(iii) *Release of series-of-events tickets on a series-of-events basis.*

(A) *Series-of-events tickets sell-out when no ownership rights are attached.* When series-of-events tickets are sold out and a public accommodation releases and sells accessible seating to individuals without disabilities for a series of events, the public accommodation shall establish a process that prevents the automatic reassignment of the accessible seating to such ticket holders for future seasons, future years, or future series, so that individuals with disabilities who require the features of accessible seating and who become

newly eligible to purchase tickets when these series-of-events tickets are available for purchase have an opportunity to do so. When tickets for accessible seating are sold to individuals with disabilities they shall only be made available for one series, season or tournament, whichever is shortest and shall not be renewable.

(B) *Series-of-events tickets when ownership rights are attached – Currently owned.*

When currently owned series-of-events tickets with an ownership right in accessible seating areas are forfeited or otherwise returned to a public accommodation, the public accommodation shall modify its policies, practices, or procedures to afford individuals with mobility disabilities or individuals with disabilities that require the features of accessible seating the first opportunity to purchase such tickets in accessible seating areas. Accessible seating cannot be sold to individuals without disabilities in a manner that conveys “ownership” through the use of “licenses” or other purchase agreements.

(C) *Series-of-events tickets when ownership rights are attached – Future.* Series of events tickets for accessible seating with ownership rights attached may only be sold to individuals with disabilities and their companions. If such tickets are sold to individuals who do not have disabilities in accordance with the conditions set forth above, ownership rights for those tickets are not to be part of the sale.

(7) *Ticket transfer.* Individuals with disabilities who hold tickets for accessible seating shall be permitted to transfer tickets to third parties under the same terms and conditions and to the same extent as other spectators holding the same type of tickets, whether they are for a single event or series of events.

(8) *Secondary ticket market.*

(i) A public accommodation shall modify its policies, practices, or procedures to ensure that an individual with a disability may use a ticket acquired in the secondary ticket market under the same terms and conditions as other individuals who hold a ticket acquired in the secondary ticket market for the same event or series of events.

(ii) A public accommodation that operates as a secondary ticket vendor must make accessible tickets available to people with disabilities who use wheelchairs or would benefit for accessible seating and must take steps to ensure that those tickets are sold to individuals with disabilities.

(iii) If an individual with a disability acquires a ticket or series of tickets to an inaccessible seat through the secondary market, a public accommodation shall make reasonable modifications to its policies, practices, or procedures to allow the individual to exchange his ticket for one to an accessible seat in a comparable

location if accessible seating is vacant at the time the individual presents the ticket to the public accommodation.

- (9) *Prevention of fraud in purchase of tickets for accessible seating.* A public accommodation may not require proof of disability, including, for example, a doctor's note, before selling tickets for accessible seating.
- (i) *Single-event tickets.* For the sale of single-event tickets, it is permissible to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.
- (ii) *Investigation of fraud.* A public accommodation may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

**Reg. 600.303            Auxiliary Aids and Services**

- (a) *General.* A public accommodation shall take those steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the public accommodation can demonstrate that taking those steps would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or would result in an undue burden, i.e., significant difficulty or expense.
- (b) *Examples.* The term "auxiliary aids and services" includes but is not limited to –
- (1) Qualified interpreters licensed in the State of Illinois on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
- (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information

technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

*(c) Effective communication.*

(1) A public accommodation shall furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. This includes an obligation to provide effective communication to companions who are with individuals with disabilities.

(i) For purposes of this section, "companion" means a family member, friend, or associate of an individual seeking access to, or participating in, the goods, services, facilities, privileges, advantages, or accommodations of a public accommodation, who, along with such individual, is an appropriate person with whom the public accommodation should communicate.

(ii) The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. A public accommodation should consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the public accommodation, provided that the method chosen results in effective communication. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

(2) A public accommodation shall not require an individual with a disability to bring another individual to interpret for him or her.

(3) A public accommodation shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication, except –

(i) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or

(ii) Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

- (4) A public accommodation shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.
- (5) A public accommodation shall ensure that sign language interpreters are available in emergencies to the extent that it is not an undue burden. This includes but is not limited to entering service agreements with sign language interpreters, acquiring portable devices that allow for use of VRI, and acquiring other technology that will allow communication with people who are deaf or hard of hearing during an emergency.

*(d) Telecommunications.*

- (1) When a public accommodation uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including text telephones (TTYs) and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems.
  - (2) A public accommodation that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls using the public accommodation's equipment on more than an incidental convenience basis shall make available public telephones, TTYs, or other telecommunications products and systems for use by an individual who is deaf or hard of hearing, or has a speech impairment.
  - (3) A public accommodation may use relay services in place of direct telephone communication for receiving or making telephone calls incident to its operations.
  - (4) A public accommodation shall respond to telephone calls from a telecommunications relay service established under Title IV of the Americans with Disabilities Act in the same manner that it responds to other telephone calls.
  - (5) This part does not require a public accommodation to use a TTY for receiving or making telephone calls incident to its operations.
- (e) Closed caption decoders.* Places of lodging that provide televisions in five or more guest rooms and hospitals that provide televisions for patient use shall provide, upon request, a means for decoding captions for use by an individual with impaired hearing.
- (f) Video remote interpreting (VRI) services.* A public accommodation that chooses to provide qualified interpreters via VRI service shall ensure that it provides –
- (1) Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video

images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;

(2) A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;

(3) A clear, audible transmission of voices; and

(4) Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

(5) In certain situations use of VRI will not constitute sufficient provision of an auxiliary aid or service. Whether use of VRI will provide effective communication must be determined on a case-by-case basis examining the needs of the individual with a disability and the type of communication needed to utilize the public accommodation in question.

(g) *Alternatives.* If provision of a particular auxiliary aid or service by a public accommodation would result in a fundamental alteration in the nature of the goods, services, facilities, privileges, advantages, or accommodations being offered or in an undue burden, i.e., significant difficulty or expense, the public accommodation shall provide an alternative auxiliary aid or service, if one exists, that would not result in an alteration or such burden but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the goods, services, facilities, privileges, advantages, or accommodations offered by the public accommodation.

#### **Reg. 600.304          Removal of Barriers**

(a) *General.* A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable.

(b) *Examples.* Examples of steps to remove barriers include, but are not limited to, the following actions –

(1) Installing ramps;

(2) Making curb cuts in sidewalks and entrances;

(3) Repositioning shelves;

(4) Rearranging tables, chairs, vending machines, display racks, and other furniture;

(5) Repositioning telephones;



- (6) Adding raised markings on elevator control buttons;
- (7) Installing flashing alarm lights;
- (8) Widening doors;
- (9) Installing offset hinges to widen doorways;
- (10) Eliminating a turnstile or providing an alternative accessible path;
- (11) Installing accessible door hardware;
- (12) Installing grab bars in toilet stalls;
- (13) Rearranging toilet partitions to increase maneuvering space;
- (14) Insulating lavatory pipes under sinks to prevent burns;
- (15) Installing a raised toilet seat;
- (16) Installing a full-length bathroom mirror;
- (17) Repositioning the paper towel dispenser in a bathroom;
- (18) Creating designated accessible parking spaces;
- (19) Installing an accessible paper cup dispenser at an existing inaccessible water fountain;
- (20) Removing high pile, low density carpeting; or
- (21) Installing vehicle hand controls.

(c) *Priorities.* Where readily achievable, a public accommodation must take measures to comply with the barrier removal requirements of this section in accordance with the following order of priorities.

- (1) First, a public accommodation should take measures to provide access to a place of public accommodation from public sidewalks, parking, or public transportation. These measures include but are not limited to installing an entrance ramp, widening entrances, and providing accessible parking spaces.
- (2) Second, a public accommodation should take measures to provide access to those areas of a place of public accommodation where goods and services are made available to the public. These measures include but are not limited to adjusting the layout of display racks, rearranging tables, providing Brailled and raised character

signage, widening doors, providing visual alarms, and installing ramps, elevators and platform lifts.

- (3) Third, a public accommodation should take measures to provide access to restroom facilities. These measures include but are not limited to removal of obstructing furniture or vending machines, widening of doors, installation of ramps, providing accessible signage, widening of toilet stalls, installation of grab bars, installation of accessible toilets, lowering of mirrors, lowering of lavatories and lavatory counters and insulation of lavatory pipes.
- (4) Fourth, a public accommodation must take any other measures necessary to provide access to the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation.
- (5) Fifth, a public accommodation must provide notice that a facility or elements of a facility are not accessible to people with disabilities and how people with disabilities can access such a facility or elements thereof. Notice as required by this provision includes but is not limited to the following forms.
  - (i) Signs posted at entrances to the facility;
  - (ii) Information provided on websites, social media pages and other means of electronic communication;
  - (iii) Information provided on telephone answering machines, or by staff answering telephone calls; and
  - (iv) Advertisements. Public Accommodations must include these notices in every type of format they utilize. If a public accommodation uses social media, email blasts, and newspaper advertisements to advertise, information must be provided in each of those settings about how individuals with disabilities can access services, goods, or facilities of the public accommodation.

*(d) Relationship to alterations requirements of subpart D of this part.*

- (1) Except as provided in paragraph (d)(3) of this section, measures taken to comply with the barrier removal requirements of this section shall comply with the applicable requirements for alterations in § 600.402 and §§ 600.404 through 600.406 of this part for the element being altered. The path of travel requirements of § 600.403 shall not apply to measures taken solely to comply with the barrier removal requirements of this section.
- (2) *Safe harbor.* Reserved for use when changes are made to the accessibility provisions of the Chicago Building Code.

- (3) If, as a result of compliance with the alterations requirements specified in paragraph (d)(1) and (d)(2) of this section, the measures required to remove a barrier would not be readily achievable, a public accommodation may take other readily achievable measures to remove the barrier that do not fully comply with the specified requirements. Such measures include, for example, providing a ramp with a steeper slope or widening a doorway to a narrower width than that mandated by the alterations requirements. No measure shall be taken, however, that poses a significant risk to the health or safety of individuals with disabilities or others.
- (e) *Portable ramps.* Portable ramps should be used to comply with this section only when installation of a permanent ramp is not readily achievable. In order to avoid any significant risk to the health or safety of individuals with disabilities or others who use them, portable ramps must comply, to the maximum extent feasible, with all accessible ramp requirements set forth in the Chapter 18-11 of the Chicago Building Code. Under no circumstances may a portable ramp be used that does not have adequate safety features, including but not limited to nonslip surfaces, compliant handrails, edge protection and anchoring.
- (f) *Selling or serving space.* The rearrangement of temporary or movable structures, such as furniture, equipment, and display racks is not readily achievable to the extent that it results in a significant loss of selling or serving space. In those instances where rearrangement of temporary or movable structures would result in a significant loss of selling or serving space, the public accommodation must provide assistance to customers with disabilities who cannot gain access to goods or services. Examples of the types of assistance required include but are not limited to retrieving goods for patrons with disabilities who cannot get to them because there is no accessible route, providing service, sales assistance, demonstrations and information in an accessible location and allowing customers to pay for goods and services in an accessible location inside the facility or outside the facility where there is no accessible route to the sales counter.
- (g) *Limitation on barrier removal obligations.*
- (1) The requirements for barrier removal under § 600.304 shall not be interpreted to exceed the standards for alterations in Section 600.400 of this part.
  - (2) To the extent that relevant standards for alterations are not provided in Section 600.400 of this part, then the requirements of § 600.304 shall not be interpreted to exceed the standards for new construction in Section 600.400 of this part.
  - (3) This section does not apply to rolling stock and other conveyances to the extent that § 600.310 applies to rolling stock and other conveyances.
  - (4) This requirement does not apply to guest rooms in existing facilities that are places of lodging where the guest rooms are not owned by the entity that owns, leases, or

operates the overall facility and the physical features of the guest room interiors are controlled by their individual owners.

**Reg. 600.305          Alternatives to Barrier Removal**

- (a) *General.* Where a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation shall not fail to make its goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable.
  
- (b) *Examples.* Examples of alternatives to barrier removal include, but are not limited to, the following actions –
  - (1) Providing curbside service or home delivery;
  
  - (2) Retrieving merchandise from inaccessible shelves or racks;
  
  - (3) Relocating activities to accessible locations;
  
- (c) *Multiscreen cinemas – physical access.* If it is not readily achievable to remove barriers to provide access by persons with mobility impairments to all of the theaters of a multiscreen cinema, the cinema shall make as many of the theaters as is readily achievable accessible and establish a film rotation schedule that provides reasonable access for individuals who use wheelchairs to all films. The rotation shall ensure that each film is available for viewing in one of the accessible theaters on each day and each evening of the week, during the period of time the film is available at that cinema. Reasonable notice shall be provided to the public as to the location and time of accessible showings. This includes but is not limited to providing this information in listings and advertising placed in newspapers, the internet, radio and television.
  
- (d) *Multiscreen cinemas – communications access.* If it is not readily achievable to equip each theater of an existing multiscreen cinema with assistive listening systems, equipment that allows people who are deaf or hard of hearing to view movies with captioning, and systems that provide people who are blind or have visual impairments with audio description, the cinema shall equip as many of the theaters with this equipment as is readily achievable and establish a film rotation schedule that provides people with disabilities access to each type of communication access for all films. The rotation shall ensure that each film is available for viewing using each type of equipment on each day and each evening of the week, during the period of time the film is available at that cinema. Reasonable notice shall be provided to the public as to the location and time of accessible showings. This includes but is not limited to providing this information in listings and advertising placed in newspapers, the internet, radio and television. Nothing in this provision prohibits a movie theater from showing a movie that is not available in a format that supports any of these methods of communication access.

**Reg. 600.306            Personal Devices and Services**

This part does not require a public accommodation to provide its customers, clients, or participants with personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; or services of a personal nature including assistance in eating, toileting, or dressing.

**Reg. 600.307            Accessible or Special Goods**

- (a) This part does not require a public accommodation to alter its inventory to include accessible or special goods that are designed for, or facilitate use by, individuals with disabilities.
- (b) A public accommodation shall order accessible or special goods at the request of an individual with disabilities, if, in the normal course of its operation, it makes special orders on request for unstocked goods, and if the accessible or special goods can be obtained from a supplier with whom the public accommodation customarily does business.
- (c) Examples of accessible or special goods include items such as Brailled versions of books, books on audio cassettes, closed-captioned video tapes, special sizes or lines of clothing, and special foods to meet particular dietary needs.

**Reg. 600.308            Seating in Existing Assembly Areas**

- (a) *An existing public accommodation* shall provide wheelchair seating locations in accordance with the new construction requirements of this regulation and the Chicago Building Code to the extent it is readily achievable to do so.
- (b) **Specialty Seating.** An existing public accommodation shall ensure that wheelchair spaces and companion seats are provided in each specialty seating area that provides spectators with distinct services or amenities that generally are not available to other spectators. If it is not readily achievable for a public accommodation to place wheelchair spaces and companion seats in each such specialty seating area, it shall provide those services or amenities to individuals with disabilities and their companions at other designated accessible locations at no additional cost. The number of wheelchair spaces and companion seats provided in specialty seating areas shall be included in, rather than in addition to, wheelchair space requirements set forth in the Chicago Building Code.

**Reg. 600.309            Examinations and Courses**

- (a) *General.* Any private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and

manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.

(b) *Examinations.*

(1) Any private entity offering an examination covered by this section must assure that

- (i) The examination is selected and administered so as to best ensure that, when the examination is administered to an individual with a disability that impairs sensory, manual, or speaking skills, the examination results accurately reflect the individual's aptitude or achievement level or whatever other factor the examination purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills (except where those skills are the factors that the examination purports to measure);
- (ii) An examination that is designed for individuals with impaired sensory, manual, or speaking skills is offered at equally convenient locations, as often, and in as timely a manner as are other examinations; and
- (iii) The examination is administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements are made.
- (iv) Any request for documentation, if such documentation is required, is reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.
- (v) When considering requests for modifications, accommodations, or auxiliary aids or services, the entity gives considerable weight to documentation of past modifications, accommodations, or auxiliary aids or services received in similar testing situations, as well as such modifications, accommodations, or related aids and services provided in response to an Individualized Education Program (IEP) provided under the Individuals with Disabilities Education Act or a plan describing services provided pursuant to section 504 of the Rehabilitation Act of 1973, as amended (often referred as a Section 504 Plan).
- (vi) The entity responds in a timely manner to requests for modifications, accommodations, or aids to ensure equal opportunity for individuals with disabilities.

(2) Required modifications to an examination may include changes in the length of time permitted for completion of the examination and adaptation of the manner in which the examination is given.

(3) A private entity offering an examination covered by this section shall provide appropriate auxiliary aids for persons with impaired sensory, manual, or speaking skills, unless that private entity can demonstrate that offering a particular auxiliary

aid would fundamentally alter the measurement of the skills or knowledge the examination is intended to test or would result in an undue burden. Auxiliary aids and services required by this section may include taped examinations, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print examinations and answer sheets or qualified readers for individuals with visual impairments or learning disabilities, transcribers for individuals with manual impairments, and other similar services and actions.

- (4) Alternative accessible arrangements may include, for example, provision of an examination at an individual's home with a proctor if accessible facilities or equipment are unavailable. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.
- (5) Nothing in this provision shall be interpreted to allow a private entity offering an examination to fail to meet the accessibility requirements for new construction, alterations and existing facilities

(c) *Courses.*

- (1) Any private entity that offers a course covered by this section must make such modifications to that course as are necessary to ensure that the place and manner in which the course is given are accessible to individuals with disabilities.
- (2) Required modifications may include changes in the length of time permitted for the completion of the course, substitution of specific requirements, or adaptation of the manner in which the course is conducted or course materials are distributed.
- (3) A private entity that offers a course covered by this section shall provide appropriate auxiliary aids and services for persons with impaired sensory, manual, or speaking skills, unless the private entity can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden. Auxiliary aids and services required by this section may include taped texts, interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments, Brailled or large print texts or qualified readers for individuals with visual impairments and learning disabilities, classroom equipment adapted for use by individuals with manual impairments, and other similar services and actions.
- (4) Courses must be administered in facilities that are accessible to individuals with disabilities or alternative accessible arrangements must be made.
- (5) Alternative accessible arrangements may include, for example, provision of the course through videotape, cassettes, or prepared notes. Alternative arrangements must provide comparable conditions to those provided for nondisabled individuals.

- (6) Nothing in this provision shall be interpreted to allow a private entity offering courses to fail to meet the accessibility requirements for new construction, alterations and existing facilities.

**Reg. 600.310            Transportation Provided by Public Accommodations**

(a) *General.*

(1) A public accommodation that provides transportation services, but that is not primarily engaged in the business of transporting people, is subject to the general and specific provisions in subparts 600.200, 600.300, and 600.400 of this part for its transportation operations, except as provided in this section.

(2) *Examples.* Transportation services subject to this section include, but are not limited to, shuttle services operated between transportation terminals and places of public accommodation, customer shuttle bus services operated by private companies and shopping centers, student transportation systems, and transportation provided within recreational facilities such as stadiums, zoos, amusement parks, and ski resorts.

(b) *Barrier removal.* A public accommodation subject to this section shall remove transportation barriers in existing vehicles and rail passenger cars used for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift) where such removal is readily achievable.

(c) *Requirements for vehicles and systems.* With respect to a public accommodation subject to this section, the Commission shall base its determinations on the requirements pertaining to vehicles and transportation systems in the regulations issued by the Secretary of Transportation pursuant to section 306 of the Americans with Disabilities Act. Notwithstanding the above, the Commission does not adopt the regulations issued by the Secretary of Transportation or any other federal law or regulation.

**Reg. 600.311            Mobility Devices**

(a) *Use of wheelchairs and manually-powered mobility aids.* A public accommodation shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

(b) *Other power-driven mobility devices.*

(1) *Use of other power-driven mobility devices.* A public accommodation shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless



the public accommodation can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public accommodation has adopted pursuant to § 600.301(b).

- (2) *Assessment factors.* In determining whether a particular other power-driven mobility device can be allowed in a specific facility as a reasonable modification under paragraph (b)(1) of this section, a public accommodation shall consider –
- (i) The type, size, weight, dimensions, and speed of the device;
  - (ii) The facility’s volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
  - (iii) The facility’s design and operational characteristics (e.g., whether its business is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
  - (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
  - (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

(c) *Inquiries.*

- (1) *Inquiry about disability.* A public accommodation shall not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual’s disability.
- (2) *Inquiry into use of other power-driven mobility device.* A public accommodation may ask a person using an other power-driven mobility device to provide a credible assurance that the mobility device is required because of the person’s disability. A public accommodation that permits the use of an other power-driven mobility device by an individual with a mobility disability shall accept the presentation of a valid, State-issued disability parking placard or card, or State-issued proof of disability, as a credible assurance that the use of the other power-driven mobility device is for the individual’s mobility disability. In lieu of a valid, State-issued disability parking placard or card, or State-issued proof of disability, a public accommodation shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability. A "valid" disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance’s requirements for disability placards or cards.

**Reg. 600.312 – 600.399 [Reserved]**

**Section 600.400 New Construction and Alterations**

**Reg. 600.401 New Construction**

*(a) General.*

- (1) Except as provided in paragraphs (b) and (c) of this section, discrimination for purposes of this part includes a failure to design and construct facilities for first occupancy after December 31, 2016, that are readily accessible to and usable by individuals with disabilities. A facility designed and constructed in accordance with the new construction requirements of the Chicago Building Code is deemed to be readily accessible to and usable by individuals with disabilities as required by this provision
- (2) For purposes of this section, a facility is designed and constructed for first occupancy after December 31, 2016, only –
  - (i) If the last application for a building permit for the facility is received by the City of Chicago after December 31, 2016.

*(b) Commercial facilities located in private residences.*

- (1) When a commercial facility is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subpart, but that portion used exclusively in the operation of the commercial facility or that portion used both for the commercial facility and for residential purposes is covered by the new construction and alterations requirements of this subpart.
- (2) The portion of the residence covered under paragraph (b)(1) of this section extends to those elements used to enter the commercial facility, including the homeowner’s front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by employees or visitors of the commercial facility, including restrooms.

*(c) Exception for structural impracticability.*

- (1) Full compliance with the requirements of this section is not required where an entity can demonstrate that it is structurally impracticable to meet the requirements. Full compliance will be considered structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.

(2) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.

(3) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.

*(d) Elevator exemption.*

(1) For purposes of this paragraph (d) –

(i) Professional office of a health care provider means a location where a person or entity regulated by the State of Illinois to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility housing the "professional office of a health care provider" only includes floor levels housing at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(ii) Shopping center or shopping mall means –

(A) A building housing five or more sales or rental establishments; or

(B) A series of buildings on a common site, either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodations of the types listed in paragraph (5) of the definition of "public accommodation" in section § 600.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(2) This section does not require the installation of an elevator in a facility that is less than three stories and has less than 1000 square feet per story and 1000 feet or less of usable or occupiable floor area, exclusive of shafts, partitions, columns, walls, elevators, stairs, permanent fixtures, toilet rooms, janitor closets, mechanical rooms, electrical rooms and telephone equipment rooms, except with respect to any facility that houses one or more of the following:

(i) A shopping center or shopping mall, or a professional office of a health care provider.

- (ii) A terminal, depot, or other station used for specified public transportation, or an airport passenger terminal. In such a facility, any area housing passenger services, including boarding and debarking, loading and unloading, baggage claim, dining facilities, and other common areas open to the public, must be on an accessible route from an accessible entrance.
- (3) The elevator exemption set forth in this paragraph (d) does not obviate or limit, in any way the obligation to comply with the other accessibility requirements established in paragraph (a) of this section. For example, in a facility that houses a shopping center or shopping mall, or a professional office of a health care provider, the floors that are above or below an accessible ground floor and that do not house sales or rental establishments or a professional office of a health care provider, must meet the requirements of this section but for the elevator.

**Reg. 600.402          Alterations**

(a) *General.*

- (1) Any alteration to a place of public accommodation or a commercial facility, after December 31, 2016, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. A facility altered in accordance with the existing facilities requirements of the Chicago Building Code, is deemed to be readily accessible to and usable by individuals with disabilities as required by this provision.
  - (2) An alteration is deemed to be undertaken after December 31, 2016, if the physical alteration of the property begins after that date.
- (b) *Alteration.* For the purposes of this part, an alteration is a change to a place of public accommodation or a commercial facility that affects or could affect the usability of the building or facility or any part thereof.
- (1) Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.
  - (2) If existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of the Chicago Building Code.
- (c) *To the maximum extent feasible.* The phrase "to the maximum extent feasible," as used in this section, applies to the occasional case where the nature of an existing facility

makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In these circumstances, the alteration shall provide the maximum physical accessibility feasible. Any altered features of the facility that can be made accessible shall be made accessible. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches, those who have impaired vision or hearing, or those who have other impairments).

**Reg. 600.403          Alterations: Path of Travel.**

(a) *General.*

(1) An alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration.

(b) *Primary function.* A "primary function" is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function.

(c) Alterations to an area containing a primary function.

(1) Alterations that affect the usability of or access to an area containing a primary function include, but are not limited to –

- (i) Remodeling merchandise display areas or employee work areas in a department store;
- (ii) Replacing an inaccessible floor surface in the customer service or employee work areas of a bank;
- (iii) Redesigning the assembly line area of a factory; or
- (iv) Installing a computer center in an accounting firm.

(2) For the purposes of this section, alterations to windows, hardware, controls, electrical outlets, and signage shall not be deemed to be alterations that affect the usability of or access to an area containing a primary function.

(d) *Landlord/tenant:* If a tenant is making alterations as defined in § 600.402 that would trigger the requirements of this section, those alterations by the tenant in areas that only the tenant occupies do not trigger a path of travel obligation upon the landlord with respect to areas of the facility under the landlord's authority, if those areas are not otherwise being altered.

(e) *Path of travel.*

(1) A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) An accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

(3) For the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving the altered area.

(f) *Disproportionality.*

(1) Alterations made to provide an accessible path of travel to the altered area will be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area.

(2) Costs that may be counted as expenditures required to provide an accessible path of travel may include:

(i) Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;

(ii) Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;

(iii) Costs associated with providing accessible telephones, such as relocating the telephone to an accessible height, installing amplification devices, or installing a text telephone (TTY);

(iv) Costs associated with relocating an inaccessible drinking fountain.

(g) Duty to provide accessible features in the event of disproportionality.

- (1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the extent that it can be made accessible without incurring disproportionate costs.
- (2) In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access, in the following order:
  - (i) An accessible entrance;
  - (ii) An accessible route to the altered area;
  - (iii) At least one accessible restroom for each sex or a single unisex restroom;
  - (iv) Accessible telephones;
  - (v) Accessible drinking fountains; and
  - (vi) When possible, additional accessible elements such as parking, storage, and alarms.

(h) Series of smaller alterations.

- (1) The obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking.
- (2) If an area containing a primary function has been altered without providing an accessible path of travel to that area, and subsequent alterations of that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to the primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making that path of travel accessible is disproportionate.
- (3) Only alterations undertaken after December 31, 2016, shall be considered in determining if the cost of providing an accessible path of travel is disproportionate to the overall cost of the alterations.

**Reg. 600.404          Alterations: Elevator Exemption.**

- (a) This section does not require the installation of an elevator in an altered facility that is less than three stories or has less than 1,000 square feet per story and 1,000 square feet

or less of usable or occupiable floor area, exclusive of shafts, partitions, columns, walls, elevators, stairs, permanent fixtures, toilet rooms, janitor closets, mechanical rooms, electrical rooms and telephone equipment rooms, except with respect to any facility that houses a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot, or other station used for specified public transportation, or an airport passenger terminal.

(1) For the purposes of this section, "professional office of a health care provider" means a location where a person or entity regulated by a State to provide professional services related to the physical or mental health of an individual makes such services available to the public. The facility that houses a "professional office of a health care provider" only includes floor levels housing by at least one health care provider, or any floor level designed or intended for use by at least one health care provider.

(2) For the purposes of this section, shopping center or shopping mall means –

(i) A building housing five or more sales or rental establishments; or

(ii) A series of buildings on a common site, connected by a common pedestrian access route above or below the ground floor, that is either under common ownership or common control or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. For purposes of this section, places of public accommodations of the types listed in paragraph (5) of the definition of "public accommodation" in § 600.104 are considered sales or rental establishments. The facility housing a "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level designed or intended for use by at least one sales or rental establishment.

(b) The exemption provided in paragraph (a) of this section does not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the accessible ground floor must be accessible regardless of whether the altered facility has an elevator.

**Reg. 600.405            Alterations: Historic Preservation.**

(a) Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 et seq.) or are designated as historic under State or local law, shall comply to the maximum extent feasible with Chapter 18-11 of the Chicago Building Code.

(b) If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of



access shall be provided pursuant to the requirements of §§ 600.300 – 600.399 of this part.

**Reg. 600.406           Standards for New Construction and Alterations.**

*(a) Accessibility standards and compliance date.*

(1) New construction and alterations subject to §§ 600.401 or 600.402 shall comply with the current version of the Chicago Building Code and all standards, codes or requirements referenced therein, in effect at the time when the last application for a building permit or permit extension governing that construction or alteration is approved by the City of Chicago.

(2) For the purposes of this section, "start of physical construction or alterations" does not mean ceremonial groundbreaking or razing of structures prior to site preparation.

*(3) Noncomplying new construction and alterations.*

(i) Newly constructed or altered facilities or elements covered by §§ 600.401 or 600.402 that do not comply with the applicable requirements, must be made accessible in accordance with the requirements of the Chicago Building Code in effect at the time the building is brought into compliance unless the Commissioner of the Mayor's Office for People with Disabilities determines that it is in the best interest of the community for the building to be made accessible in accordance with the accessibility provisions of the Chicago Building Code in effect at the time the building was built or altered.

*(b) Places of lodging.* Places of lodging subject to this part shall comply with the provisions of the Chicago Building Code applicable to transient lodging, including, but not limited to, the requirements for transient lodging guest rooms in the applicable sections of the Chicago Building Code.

(1) *Guest rooms.* Guest rooms with mobility features in places of lodging subject to the transient lodging requirements of the Chicago Building Code shall be provided as follows –

(i) Facilities that are subject to the same permit application on a common site that each have 50 or fewer guest rooms may be combined for the purposes of determining the required number of accessible rooms and type of accessible bathing facility in accordance with the applicable sections of the Chicago Building Code.

(ii) Facilities with more than 50 guest rooms shall be treated separately for the purposes of determining the required number of accessible rooms and type of

accessible bathing facility in accordance with the applicable sections of the Chicago Building Code.

- (2) *Facilities with residential units and transient lodging units.* Residential dwelling units that are designed and constructed for residential use exclusively are not subject to the transient lodging standards.
- (c) *Social service center establishments.* Group homes, halfway houses, shelters, or similar social service center establishments that provide either temporary sleeping accommodations or residential dwelling units that are subject to this part shall comply with the provisions of the Chicago Building Code applicable to residential facilities.
- (1) In sleeping rooms with more than 10 beds covered by this part, a minimum of 5% of the beds shall have clear floor space in accordance with the Chicago Building Code.
- (2) Facilities with more than 10 beds covered by this part that provide common use bathing facilities shall provide at least one roll-in shower with a seat that complies with the relevant provisions of the Chicago Building Code. Transfer-type showers are not permitted in lieu of a roll-in shower with a seat, and any applicable exceptions for residential dwelling units are not permitted. When separate shower facilities are provided for men and for women, at least one roll-in shower shall be provided for each group.
- (d) *Housing at a place of education.* Housing at a place of education that is subject to this part shall comply with the provisions of the Chicago Building Code applicable to transient lodging, subject to the following exceptions. For the purposes of the application of this section, the term "sleeping room" is intended to be used interchangeably with the term "guest room" as it is used in the transient lodging standards.
- (1) Kitchens within housing units containing accessible sleeping rooms with mobility features (including suites and clustered sleeping rooms) or on floors containing accessible sleeping rooms with mobility features shall provide turning spaces and kitchen work surfaces that comply with the Chicago Building Code .
- (2) Multi-bedroom housing units containing accessible sleeping rooms with mobility features shall have an accessible route throughout the unit in accordance with the Chicago Building Code.
- (3) Apartments or townhouse facilities that are provided by or on behalf of a place of education, which are leased on a year-round basis exclusively to graduate students or faculty and do not contain any public use or common use areas available for educational programming, are subject to both the transient lodging standards and the applicable requirements for residential facilities in the Chicago Building Code.

- (e) *Assembly areas.* Assembly areas that are subject to this part shall comply with the provisions of the Chicago Building Code applicable to assembly areas. In addition, assembly areas shall ensure that –
- (1) In stadiums, arenas, and grandstands, wheelchair spaces and companion seats are dispersed to all levels that include seating served by an accessible route;
  - (2) In assembly areas that are required to horizontally disperse wheelchair spaces and companion seats by the Chicago Building Code and that have seating encircling, in whole or in part, a field of play or performance, wheelchair spaces and companion seats are dispersed around that field of play or performance area;
  - (3) Wheelchair spaces and companion seats are not located on (or obstructed by) temporary platforms or other movable structures, except that when an entire seating section is placed on temporary platforms or other movable structures in an area where fixed seating is not provided, in order to increase seating for an event, wheelchair spaces and companion seats may be placed in that section. When wheelchair spaces and companion seats are not required to accommodate persons eligible for those spaces and seats, individual, removable seats may be placed in those spaces and seats;
  - (4) In stadium-style movie theaters, wheelchair spaces and companion seats are located on a riser or cross-aisle in the stadium section that satisfies at least one of the following criteria –
    - (i) It is located within the rear 60% of the seats provided in an auditorium; or
    - (ii) It is located within the area of an auditorium in which the vertical viewing angles (as measured to the top of the screen) are from the 40th to the 100th percentile of vertical viewing angles for all seats as ranked from the seats in the first row (1st percentile) to seats in the back row (100th percentile).
- (f) *Medical care facilities.* Medical care facilities that are subject to this part shall comply with the provisions of the Chicago Building Code applicable to medical care facilities. In addition, medical care facilities that do not specialize in the treatment of conditions that affect mobility shall disperse the accessible patient bedrooms required by the Chicago Building Code in a manner that is proportionate by type of medical specialty.

**Reg. 600.407 – 600.499 [Reserved]**

**Reg. 600.500            Effective Date**

- (a) *General.* Except as otherwise provided in this section and in this part, this Part shall become effective on January 1, 2017. All references to the Chicago Building Code shall refer to the version of the Chicago Building Code and all standards, codes, and/or requirements referenced therein, in effect at the time of the conduct in question.

Effective - July 1, 2017

(b) *Transportation services provided by public accommodations.* Newly purchased or leased vehicles required to be accessible by § 600.310 must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, if the solicitation for the vehicle is made after December 31, 2016.