



IS YOUR BUSINESS ACCESSIBLE? to wheelchair users & others with disabilities

Chicago's **Human Rights Ordinance** requires every business that serves the general public to make its services, products, and facilities accessible on an equal basis to people who use wheelchairs due to disability, to the extent possible without undue hardship.

- Existing and new businesses are covered. No business is “grandfathered.”
- Compliance with the Building Code is not enough. The Department of Buildings does not inspect for compliance with the Human Rights Ordinance.
- You can provide less than full wheelchair access if you can prove undue hardship by objective evidence; e.g., you can prove physical impossibility and/or prohibitive cost.
- Even if it is an undue hardship to make structural changes, you must provide reasonable accommodations for wheelchair users to the extent possible without undue hardship.
- Examples of reasonable accommodations include a portable ramp, a bell or buzzer to call for assistance, curb service, telephone or internet service, arrangements with a neighboring business to use their accessible restroom, and staff training.
- You may need to place signage at your entrances and notices in your advertising to inform people of any limited accessibility and your alternative arrangements.
- Carrying or lifting a wheelchair user is not a permitted accommodation.
- Federal and state discrimination laws have similar accessibility requirements.

Violations of the Human Rights Ordinance are punishable by

- Fines up to \$1,000 per incident, paid to the City of Chicago.
- Damages and attorney's fees, paid to the complaining party.
- An injunction ordering you to take specific actions to meet ordinance requirements.

A wheelchair user who claims you did not provide full or reasonable access to your business may file a disability discrimination complaint against you at the Commission on Human Relations. The Commission may also initiate a complaint. The Commission investigates and rules on each discrimination complaint through a neutral process which gives you the opportunity to present evidence and legal arguments to support your position.

SELECTED LEGAL PROVISIONS
Accessibility of Public Accommodations to People with Disabilities

Section 2-160-020(j), Chicago Municipal Code (Human Rights Ordinance)

Definition of a Public Accommodation

“Public accommodation” means a place, business establishment or agency that sells, leases, provides or offers any product, facility or service to the general public, regardless of ownership or operation (i) by a public body or agency; (ii) for or without regard to profit; or (iii) for a fee or not for a fee....

Section 2-160-070, Chicago Municipal Code (Human Rights Ordinance)

Discriminatory practices—Public Accommodations

No person that owns, leases, rents, operates, manages or in any manner controls a public accommodation shall withhold, deny, curtail, limit or discriminate concerning the full use of such public accommodation by any individual because of the individual’s...disability.

CCHR Reg. 520.105

Accommodation of Persons with Disabilities

No person who owns, leases, rents, operates, manages or in any manner controls a public accommodation shall fail to fully accommodate a person with a disability unless such person can prove that the facilities or services cannot be made fully accessible without undue hardship. In such a case, the owner, lessor, renter, operator, manager or other person in control must reasonably accommodate persons with disabilities unless such person in control can prove that he or she cannot reasonably accommodate the person with a disability without undue hardship.

CCHR Reg. 520.120

Definition of “Reasonable Accommodation”

“Reasonable Accommodation”...means, but is not limited to, accommodations (physical changes or changes in rules, policies, practices or procedures) which provide persons with a disability access to the same services, in the same manner as are provided to persons without a disability.

CCHR Reg. 520.130

Definition of “Undue Hardship”

“[U]ndue hardship will be proven if the financial costs or administrative changes that are demonstrably attributable to the accommodation of the needs of persons with disabilities would be prohibitively expensive or would unduly affect the nature of the public accommodation.

- (a) There must be objective evidence of financial costs, administrative changes, or projected costs or changes which would result from accommodating the needs of persons with disabilities.
- (b) Factors to be considered in determining whether an accommodation would impose an undue hardship include, but are not limited to:
 - (1) the nature and cost of the accommodation;
 - (2) the overall financial resources of the public accommodation, including resources of any parent organization;
 - (3) the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the public accommodation; and
 - (4) the type of operation or operations of the public accommodation.
- (c) The preference of other persons making use of the public accommodation does not constitute undue hardship

CCHR Reg. 540

Standards

[W]henver physical accommodations are required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, and where the Illinois Environmental Barriers Act (410 ILCS 25/1 *et seq.*) is also applicable, such changes shall be made in accordance with the Illinois Accessibility Code, 71 Illinois Administrative Code, Ch. 1, subchapter b: Accessibility Standards (“IAC Standards”). With respect to all other physical accommodations required to be made pursuant to the Chicago Human Rights Ordinance to fully or reasonably accommodate a person with a disability, the Commission shall refer to the Illinois Accessibility Code and the American National Standards Institute standards for persons with disabilities...[T]he Commission does not adopt the Illinois Environmental Barriers Act or any other substantive law for purposes of determining whether there has been a violation of the Human Rights Ordinance. However, the Commission does look to the Illinois Accessibility Code and the American National Standards Institute Standards...to determine whether the proposed accommodations are adequate and appropriate.