



Overview of New Disability Rights Regulations in Public Accommodations, effective January 1, 2017*

The Chicago Human Rights Ordinance prohibits discrimination against individuals based on 16 protected classes, including disability. Among other things, the Ordinance requires that businesses ensure that their facilities, products and services are available to individuals with disabilities. On January 1, 2017, new disability rights regulations passed by the Chicago Commission on Human Relations will go into effect. These regulations will set out what businesses are required to do to satisfy their obligations under the Ordinance to make their goods and services accessible to people with disabilities.

Between now and January 1, 2017:

Businesses are required to provide the same level of service and access to their facilities and products to people with disabilities as are offered to the rest of the general public, unless it creates an undue hardship, in which case the business must find a way to offer such services in an adequate alternative manner. For some businesses, this will include making physical alterations to their facilities to make them more accessible (e.g. installing ramps, widening doorways).

Starting in 2017:

Private businesses must be accessible to individuals with disabilities, when readily achievable. The regulations provide varying standards, both structural and practical, depending on what is required, including:

- The construction and alteration of facilities.
- The removal of architectural barriers that interfere with accessibility in existing facilities.
- The removal of criteria that screen out individuals with a disability.
- The revision of policies necessary to provide full and equal enjoyment.
- The provision of auxiliary aids and services necessary for effective communication.

The new regulations set forth very specific requirements for private businesses covered by the Ordinance. These requirements are nearly identical to those found in Title III of the Americans with Disabilities Act, the federal disability rights law that applies to private business.

*This flyer is meant solely for informational purposes and is not inclusive of all the new regulation provisions. It is not meant as a form of legal advice. Please call the number above with any related questions.



Structural Accessibility under the New Regulations

- New Construction
 - Facilities must be built in accordance with the accessibility requirements of the Chicago Building Code, unless a condition of the terrain makes it impossible to comply.
- Alterations to Existing Facilities
 - Any physical changes to a facility (build-outs, renovations) must be done so that the altered elements are built in accordance with the accessibility requirements of the Chicago Building Code.
 - When the primary function area of an establishment is altered (e.g. the dining room of a restaurant), improvements in access to other parts of the facility may be required.
- Existing Facilities
 - Any structural barriers preventing access to people with disabilities must be removed where such removal is readily achievable, meaning easily completed without much difficulty or expense (based on the size and resources of the business).
 - If removing a barrier is not readily achievable, the business may need to provide alternative means of providing access to their goods and services (e.g. curbside service and home delivery).
 - Businesses are under a continuing obligation to remove barriers to access over time.

Accessibility of Policies, Practices, & Procedures

- Intentional Discrimination
 - A business may not deny service to people based on their disabilities.
 - A business may not provide to people with disabilities unequal access to goods and services or access to lesser quality goods or services.
- Eligibility Criteria
 - A business may not impose rules that exclude people with disabilities, unless those rules are necessary to provide goods and services, or are related to a legitimate safety requirement.
 - Example: A store requires customers using a credit card to produce a driver's license, thereby excluding people whose disabilities prohibit them from driving (e.g. people who are blind).
- Modifications to Policies, Practices, and Procedures
 - A business must reasonably modify its procedures when necessary to afford goods or services to individuals with disabilities, unless such a modification would fundamentally alter the nature of the business.
 - Example: A café with a "no-animals" policy must modify that policy to allow people with disabilities accompanied by service animals to enter.
- Ensuring Effective Communication
 - A business must ensure that it communicates in the most effective manner with customers who have visual, hearing, or speech impairments, unless doing so would fundamentally alter the nature of the business or create significant difficulty or expense.
 - The most effective auxiliary aid or service to facilitate communication will depend on the context of the business transaction and the disability of the customer.
 - Ex: A written note might be enough to communicate with a person who is deaf at a donut shop but the same person might require a sign language interpreter when visiting a doctor's office.