

AN ACT concerning government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Environmental Barriers Act is amended by changing Section 6 as follows:

(410 ILCS 25/6) (from Ch. 111 1/2, par. 3716)

Sec. 6. Enforcement.

(a) The Attorney General shall have authority to enforce the Code. The Attorney General may investigate any complaint or reported violation of this Act and, where necessary to ensure compliance, may do any or all of the following:

(1) Conduct an investigation to determine if a violation of this Act and the Code exists. This includes the power to:

(A) require an individual or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider;

(B) examine under oath any person alleged to have participated in or with knowledge of the violations; and

(C) issue subpoenas or conduct hearings in aid of any investigation.

(2) Bring an action for injunction to halt construction or alteration of any public facility or multi-story housing or to require compliance with the Code by any public facility or multi-story housing which has been or is being constructed or altered in violation of this Act and the Code.

(3) Bring an action for mandamus.

(4) Bring an action for penalties as follows:

(A) any owner of a public facility or multi-story housing in violation of this Act shall be subject to civil penalties in a sum not to exceed \$250 per day, and each day the owner is in violation of this Act constitutes a separate offense;

(B) any architect or engineer negligently or intentionally stating pursuant to Section 5 of this Act that a plan is in compliance with this Act when such plan is not in compliance shall be subject to a suspension, revocation, or refusal of restoration of his or her certificate of registration or license pursuant to the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Act of 1989; and

(C) any person who knowingly issues a building permit or other official authorization for the construction or alteration of a public facility or the

construction of multi-story housing in violation of this Act shall be subject to civil penalties in a sum not to exceed \$1,000.

(5) Bring an action for any other appropriate relief, including, but not limited to, in lieu of a civil action, the entry of an Assurance of Voluntary Compliance with the individual or entity deemed to have violated this Act.

(b) A public facility or multi-story housing continues to be in violation of this Act and the Code following construction or alteration so long as the public facility or multi-story housing is not compliant with this Act and the Code.

(c) Beginning July 31, 2020 and by July 31 of every year thereafter, the Attorney General shall provide data on the Attorney General's website about annual enforcement efforts performed under this Act. The data shall include, but is not limited to, the following:

(1) The total number of open compliance investigations each year.

(2) The 10 most frequent complaints received under this Act that are under investigation each year.

(3) The total number of complaints received under this Act annually.

(4) Assistance provided to constituents throughout the State on the Attorney General's disability rights technical assistance line.

(Source: P.A. 99-582, eff. 1-1-17.)

Public Act 101-0537

SB1090 Enrolled

LRB101 06348 RJF 51375 b

Section 99. Effective date. This Act takes effect upon becoming law.