

Accessible Condominium Parking Act

Model Legislation Guide
For the 2026 Legislative Year



*Removing barriers so every disabled individual has the
opportunity to live, work, and thrive.*

INTRODUCTION

Christopher Connolly, a quadriplegic, needed a handicap parking space in order to fully access his condominium building in the heart of Chicago. Unfortunately, while there were 14 handicap spaces in his building’s parking lot, he would find the quest to secure just one of these to be impossible.

The Americans with Disabilities Act (ADA) requires that condo developers create a requisite number of handicap parking spaces when making the building’s parking lot or garage in order to accommodate the expected number of disabled residents. However, ADA is silent as to what the developer must do after creating the spaces, and it has become common practice to sell off these spaces to people without disabilities. Once a handicap parking space is “private property”, there is no way for a disabled individual to access the space unless the new owner allows it.

In Chris’s case, 12 of the 14 accessible parking spaces were occupied by able-bodied owners.¹ For seven years, Chris and his family attempted to acquire a handicap parking space that could fit his wheelchair accessible minivan. Able-bodied owners of these handicap parking spaces began to spray paint over the disability symbol to “dehandicap” the spaces. Ultimately, Chris’s family offered to purchase one of these spaces for over \$50,000. That particular able-bodied owner rejected the offer, claiming he could sell it for a higher price on the open market. Left with no other options, Chris was eventually forced to move out of his building.

This type of discrimination is unfair, yet far too common. The sale of accessible parking spaces as commodities to the highest bidder, regardless of disability, creates an environment in which the true mobility needs of the disabled community can be disregarded.

The Accessible Condominium Parking Act, based on Illinois’s new law enacted in 2024, requires that handicap parking spaces in new condo developments remain a part of the “common elements” that is jointly owned by everyone in the building and requires condominium associations to have a written policy on how they will accommodate disabled residents who need such a space.

¹ Connolly, C. D. (2024, October 14). *Dr. Christopher D. Connolly: Why am I prescribing accessible parking if developers sell it to those without disabilities?*. Chicago Tribune. <https://www.chicagotribune.com/2024/10/15/opinion-accessible-parking-sold-developers/>

This model is a great example of how the ADA does not quite go far enough to ensure accommodations for the disabled and how a state or locality can step in to ensure the disabled can have the equal access that was envisioned when the ADA was enacted.

For more information or drafting assistance, please contact us at 847.238.2102 or Info@AccessibilityPolicyInstitute.org.

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Accessible Condominium Parking Act

Section 1. Title.

This Act may be cited as the “[*Insert name of State/Locality*] Accessible Condominium Parking Act”.

Section 2. Legislative Findings and Purposes.

(a) The [*Legislature or name of local unit of government*] of [*Insert name of State/Locality*] finds that:

- (1) Disabled unit owners often have difficulty acquiring an accessible parking space in their condominiums.
- (2) Condominium boards are not required to keep handicap parking spaces available for disabled individuals.
- (3) Disabled unit owners may be forced to move to obtain an accessible parking space.
- (4) Able-bodied unit owners are selling their parking spaces for the highest price, preventing unit owners with a disability from obtaining a handicap parking space.

(b) Based on the findings in subsection (a), the [*Legislature/Locality*]’s purpose in promulgating this Act is to further the important and compelling state interest of accommodating a unit owner with a disability who requires an accessible parking space to ensure that person has access to the building.

Section 3. Definitions.

For the purposes of this Act only:

(a) “**Accessible**” means adapted for use by people with disabilities.

- (b) **“Disability”** means an individual²:
- (1) that has a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (2) that has a record of such an impairment; or
 - (3) that is being regarded as having such an impairment
- (c) **“Condominium”** means a type of residential common interest development where each member owns the title to their unit.
- (d) **“Board of managers”** means the group of unit owners governing an unincorporated association.
- (e) **“Common elements”** means all portions of the property except the units, including limited common elements unless otherwise specified.
- (f) **“Unit”** means a part of the property designed and intended for any type of independent use.
- (g) **“Unit owner”** means the person or persons whose estates or interests, individually or collectively, aggregate fee simple absolute ownership of a unit, or, in the case of a leasehold condominium, the lessee or lessees of a unit whose leasehold ownership of the unit expires simultaneously with the lease described.

Section 4. Text of the Act

- (a) The board of managers shall adopt a policy to reasonably accommodate a unit owner who is a person with a disability who requires accessible parking. Such a policy shall include, without limitation, the procedure for submitting a request for an accessible parking space and the time in which the board shall review the request.

² The [Legislature] of the State of [Insert name of State] may have a well established definition of disability. The State may reference its own definition. If the State does not have a definition of disability, the ADA definition is suitable.

- (1) The board of managers must review a request for accessible parking within 45 days of receipt of the request to do so. The board must review and decide on the request within a reasonable period of time. A copy of such policy shall be given to any unit owner upon request.
- (2) The board of managers must adopt a policy no later than 90 days after the effective date of this amendatory Act for condominiums existing on said effective date or 90 days after the date of the election of the initial board of managers to reasonably accommodate a unit owner who is a person with a disability.

(b) The board of managers shall make reasonable efforts to facilitate a resolution between unit owners to provide for accessible parking when the association does not own or otherwise control parking that meets the accessible parking needs of a unit owner who is a person with a disability who requires accessible parking.

(c) For all new construction condominiums and conversion condominiums submitted to the provisions of this Act after the effective date of this amendatory Act, all accessible parking spaces constructed or created in accordance with applicable federal, state, and local building and accessibility statutes, codes, and ordinances must remain part of the common elements. No developer or declarant shall construct, create, or otherwise make parking units (a unit as defined in Section 3 of this Act that is a parking space) or limited common elements of such accessible parking spaces. The board of managers has the authority to establish rules and regulations for the use of such common element accessible parking spaces, including, but not limited to, renting or licensing such common element accessible parking spaces to non-disabled unit owners, provided that the rules and regulations must provide that:

- (1) A unit owner who is a person with a disability who requires accessible parking has priority over non-disabled unit owners, and
- (2) A non-disabled unit owner must immediately stop using such a common element accessible parking space when a request by a unit owner who is a person with a disability for accessible parking is approved by the board.

(d) Nothing in subsection (c) shall preclude a disabled person from purchasing a parking unit or a residential unit to which a limited common element parking space is assigned, and no developer or declarant shall refuse to sell a parking unit to a disabled person or assign a limited common element parking space to a residential unit purchased by a disabled person. If a disabled

person purchases a parking unit or a residential unit to which a limited common element parking space is assigned, that unit owner who is a person with a disability who requires accessible parking may request use of a common element accessible parking space in exchange for permitting the association use of that disabled unit owner's parking unit or limited common element parking space.

(e) Subsections (a) and (b) apply to all condominiums that have parking, regardless of whether the parking comprises parking units, limited common elements, common elements, or parking rights.

(f) An aggrieved unit owner, an aggrieved prospective unit owner, or the board of managers may commence a civil action in State court against a developer or declarant who fails to comply with its requirements under subsection (c). If the court finds that the developer or declarant failed to comply with these requirements, it may award declaratory relief, actual damages, punitive damages, and, if appropriate, equitable relief. The condominium association shall not be held liable for the failure of the developer or declarant to comply with its requirements under subsection (c).

Section 5. Effective Date.

This Act takes effect on [*Insert date*].

For further information regarding this or other Accessibility Policy Institute guides, please contact:

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