



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4274

Introduced 1/5/2022, by Rep. Angelica Guerrero-Cuellar - Seth Lewis

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-101-3

Amends the Illinois Municipal Code if and only if House Bill 106 of the 102nd General Assembly becomes law in the form in which it passed both houses on October 28, 2021. Allows the Minority Leader of the House of Representatives and the Minority Leader of the Senate to appoint one member each to an advisory committee that determines which homes contain windows or doors that cause offensive odors and are eligible for replacement pursuant to the Residential Sound Insulation Program. Effective immediately or the date that House Bill 106 takes effect, whichever is later.

LRB102 21878 AWJ 30999 b

1 AN ACT concerning local government.

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

4 Section 5. If and only if House Bill 106 of the 102nd
5 General Assembly becomes law in the form in which it passed
6 both houses on October 28, 2021, then the Illinois Municipal
7 Code is amended by changing Section 11-101-3 as follows:

8 (65 ILCS 5/11-101-3)

9 Sec. 11-101-3. Noise mitigation; air quality.

10 (a) A municipality that has implemented a Residential
11 Sound Insulation Program to mitigate aircraft noise shall
12 perform indoor air quality monitoring and laboratory analysis
13 of windows and doors installed pursuant to the Residential
14 Sound Insulation Program to determine whether there are any
15 adverse health impacts associated with off-gassing from such
16 windows and doors. Such monitoring and analysis shall be
17 consistent with applicable professional and industry
18 standards. The municipality shall make any final reports
19 resulting from such monitoring and analysis available to the
20 public on the municipality's website. The municipality shall
21 develop a science-based mitigation plan to address significant
22 health-related impacts, if any, associated with such windows
23 and doors as determined by the results of the monitoring and

1 analysis. In a municipality that has implemented a Residential
2 Sound Insulation Program to mitigate aircraft noise, if
3 requested by the homeowner pursuant to a process established
4 by the municipality, which process shall include, at a
5 minimum, notification in a newspaper of general circulation
6 and a mailer sent to every address identified as a recipient of
7 windows and doors installed under the Residential Sound
8 Insulation Program, the municipality shall replace all windows
9 and doors installed under the Residential Sound Insulation
10 Program in such homes where one or more windows or doors have
11 been found to have caused offensive odors. Subject to
12 appropriation, the municipality shall replace windows and
13 doors in at least 750 residences a year. Residents who altered
14 or modified a replacement window or accepted a replacement
15 screen for the window shall not be disqualified from
16 compensation or future services. Only those homeowners who
17 request that the municipality perform an odor inspection as
18 prescribed by the process established by the municipality
19 within 6 months of notification being published and mailers
20 being sent shall be eligible for odorous window and odorous
21 door replacement. Residents who are eligible to receive
22 replacement windows shall be allowed to choose the color and
23 type of replacement window. For purposes of aiding in the
24 selection of such replacement windows, a showcase and display
25 of available replacement window types shall be established and
26 located at Chicago Midway International Airport. Homes that

1 have been identified by the municipality as having odorous
2 windows or doors are not required to make said request to the
3 municipality. The right to make a claim for replacement and
4 have it considered pursuant to this Section shall not be
5 affected by the fact of odor-related claims made or
6 odor-related products received pursuant to the Residential
7 Sound Insulation Program prior to June 5, 2019 (the effective
8 date of this Section). The municipality shall also perform
9 in-home air quality testing in residences in which windows and
10 doors are replaced under this Section. In order to receive
11 in-home air quality testing, a homeowner must request such
12 testing from the municipality, and the total number of homes
13 tested in any given year shall not exceed 25% of the total
14 number of homes in which windows and doors were replaced under
15 this Section in the prior calendar year.

16 (b) An advisory committee shall be formed, composed of the
17 following: (i) 2 members of the municipality who reside in
18 homes that have received windows or doors pursuant to the
19 Residential Sound Insulation Program and have been identified
20 by the municipality as having odorous windows or doors,
21 appointed by the Secretary of Transportation; (ii) one
22 employee of the Aeronautics Division of the Department of
23 Transportation; (iii) 2 employees of the municipality that
24 implemented the Residential Sound Insulation Program in
25 question; and (iv) 2 members appointed by the Speaker of the
26 House of Representatives, ~~and~~ 2 members appointed by the

1 President of the Senate, 1 member appointed by the Minority
2 Leader of the House of Representatives, and 1 member appointed
3 by the Minority Leader of the Senate. The advisory committee
4 shall determine by majority vote which homes contain windows
5 or doors that cause offensive odors and thus are eligible for
6 replacement, shall promulgate a list of such homes, and shall
7 develop recommendations as to the order in which homes are to
8 receive window replacement. The recommendations shall include
9 reasonable and objective criteria for determining which
10 windows or doors are odorous, consideration of the date of
11 odor confirmation for prioritization, severity of odor,
12 geography and individual hardship, and shall provide such
13 recommendations to the municipality. The advisory committee
14 shall develop a process in which homeowners can demonstrate
15 extreme hardship. As used in this subsection, "extreme
16 hardship" means: liquid infiltration of the window or door;
17 health and medical condition of the resident; and residents
18 with sensitivities related to smell. At least 10% of the homes
19 receiving a replacement in a year shall be homes that have
20 demonstrated extreme hardship. The advisory committee shall
21 compile a report demonstrating: (i) the number of homes in
22 line to receive a replacement; (ii) the number of homes that
23 received replacement windows or doors, or both; (iii) the
24 number of homes that received financial compensation instead
25 of a replacement; and (iv) the number of homes with confirmed
26 mechanical issues. Until December 31, 2022, the report shall

1 be complied monthly, after December 31, 2022, the report shall
2 be complied quarterly. The advisory committee shall accept all
3 public questions and furnish a written response within 2
4 business days. The advisory committee shall comply with the
5 requirements of the Open Meetings Act. The Chicago Department
6 of Aviation shall provide administrative support to the
7 committee. The municipality shall consider the recommendations
8 of the committee but shall retain final decision-making
9 authority over replacement of windows and doors installed
10 under the Residential Sound Insulation Program, and shall
11 comply with all federal, State, and local laws involving
12 procurement. A municipality administering claims pursuant to
13 this Section shall provide to every address identified as
14 having submitted a valid claim under this Section a quarterly
15 report setting forth the municipality's activities undertaken
16 pursuant to this Section for that quarter. However, the
17 municipality shall replace windows and doors pursuant to this
18 Section only if, and to the extent, grants are distributed to,
19 and received by, the municipality from the Sound-Reducing
20 Windows and Doors Replacement Fund for the costs associated
21 with the replacement of sound-reducing windows and doors
22 installed under the Residential Sound Insulation Program
23 pursuant to Section 6z-20.1 of the State Finance Act. In
24 addition, the municipality shall revise its specifications for
25 procurement of windows for the Residential Sound Insulation
26 Program to address potential off-gassing from such windows in

1 future phases of the program. A municipality subject to the
2 Section shall not legislate or otherwise regulate with regard
3 to indoor air quality monitoring, laboratory analysis or
4 replacement requirements, except as provided in this Section,
5 but the foregoing restriction shall not limit said
6 municipality's taxing power.

7 (c) A home rule unit may not regulate indoor air quality
8 monitoring and laboratory analysis, and related mitigation and
9 mitigation plans, in a manner inconsistent with this Section.
10 This Section is a limitation of home rule powers and functions
11 under subsection (i) of Section 6 of Article VII of the
12 Illinois Constitution on the concurrent exercise by home rule
13 units of powers and functions exercised by the State.

14 (d) This Section shall not be construed to create a
15 private right of action.

16 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;
17 101-636, eff. 6-10-20; 102-558, eff. 8-20-21; 10200HB0106.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law or on the date House Bill 0106 of the 102nd
20 General Assembly takes effect, whichever is later.