



Rep. Angelica Guerrero-Cuellar

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10300HB3722ham001

LRB103 25737 AWJ 59729 a

1 AMENDMENT TO HOUSE BILL 3722

2 AMENDMENT NO. _____. Amend House Bill 3722 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-101-3 as follows:

6 (65 ILCS 5/11-101-3)

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

8 (a) A municipality that has implemented a Residential
9 Sound Insulation Program to mitigate aircraft noise shall
10 perform indoor air quality monitoring and laboratory analysis
11 of windows and doors installed pursuant to the Residential
12 Sound Insulation Program to determine whether there are any
13 adverse health impacts associated with off-gassing from such
14 windows and doors. Such monitoring and analysis shall be
15 consistent with applicable professional and industry
16 standards. The municipality shall make any final reports

1 resulting from such monitoring and analysis available to the
2 public on the municipality's website. The municipality shall
3 develop a science-based mitigation plan to address significant
4 health-related impacts, if any, associated with such windows
5 and doors as determined by the results of the monitoring and
6 analysis. In a municipality that has implemented a Residential
7 Sound Insulation Program to mitigate aircraft noise, if
8 requested by the homeowner pursuant to a process established
9 by the municipality, which process shall include, at a
10 minimum, notification in a newspaper of general circulation
11 and a mailer sent to every address identified as a recipient of
12 windows and doors installed under the Residential Sound
13 Insulation Program, the municipality shall replace all windows
14 and doors installed under the Residential Sound Insulation
15 Program in such homes where one or more windows or doors have
16 been found to have caused offensive odors. Subject to
17 appropriation, the municipality shall replace windows and
18 doors in at least 750 residences a year. Residents who altered
19 or modified a replacement window or accepted a replacement
20 screen for the window shall not be disqualified from
21 compensation or future services. Only those homeowners who
22 request that the municipality perform an odor inspection as
23 prescribed by the process established by the municipality
24 within 6 months of notification being published and mailers
25 being sent shall be eligible for odorous window and odorous
26 door replacement. Residents who are eligible to receive

1 replacement windows shall be allowed to choose the color and
2 type of replacement window. For purposes of aiding in the
3 selection of such replacement windows, a showcase and display
4 of available replacement window types shall be established and
5 located at Chicago Midway International Airport. Homes that
6 have been identified by the municipality as having odorous
7 windows or doors are not required to make said request to the
8 municipality. The right to make a claim for replacement and
9 have it considered pursuant to this Section shall not be
10 affected by the fact of odor-related claims made or
11 odor-related products received pursuant to the Residential
12 Sound Insulation Program prior to June 5, 2019 (the effective
13 date of this Section). The municipality shall also perform
14 in-home air quality testing in residences in which windows and
15 doors are replaced under this Section. In order to receive
16 in-home air quality testing, a homeowner must request such
17 testing from the municipality, and the total number of homes
18 tested in any given year shall not exceed 25% of the total
19 number of homes in which windows and doors were replaced under
20 this Section in the prior calendar year.

21 (b) An advisory committee shall be formed, composed of the
22 following: (i) 2 members of the municipality who reside in
23 homes that have received windows or doors pursuant to the
24 Residential Sound Insulation Program and have been identified
25 by the municipality as having odorous windows or doors,
26 appointed by the Secretary of Transportation; (ii) one

1 employee of the Aeronautics Division of the Department of
2 Transportation; (iii) 2 employees of the municipality that
3 implemented the Residential Sound Insulation Program in
4 question; and (iv) 2 members appointed by the Speaker of the
5 House of Representatives, ~~and~~ 2 members appointed by the
6 President of the Senate, one member appointed by the Minority
7 Leader of the House of Representatives, and one member
8 appointed by the Minority Leader of the Senate. The advisory
9 committee shall determine by majority vote which homes contain
10 windows or doors that cause offensive odors and thus are
11 eligible for replacement, shall promulgate a list of such
12 homes, and shall develop recommendations as to the order in
13 which homes are to receive window replacement. The
14 recommendations shall include reasonable and objective
15 criteria for determining which windows or doors are odorous,
16 consideration of the date of odor confirmation for
17 prioritization, severity of odor, geography and individual
18 hardship, and shall provide such recommendations to the
19 municipality. The advisory committee shall develop a process
20 in which homeowners can demonstrate extreme hardship. As used
21 in this subsection, "extreme hardship" means: liquid
22 infiltration of the window or door; health and medical
23 condition of the resident; and residents with sensitivities
24 related to smell. At least 10% of the homes receiving a
25 replacement in a year shall be homes that have demonstrated
26 extreme hardship. The advisory committee shall compile a

1 report demonstrating: (i) the number of homes in line to
2 receive a replacement; (ii) the number of homes that received
3 replacement windows or doors, or both; (iii) the number of
4 homes that received financial compensation instead of a
5 replacement; and (iv) the number of homes with confirmed
6 mechanical issues. Until December 31, 2022, the report shall
7 be compiled ~~complied~~ monthly, after December 31, 2022, the
8 report shall be complied quarterly. The advisory committee
9 shall accept all public questions and furnish a written
10 response within 2 business days. The advisory committee shall
11 comply with the requirements of the Open Meetings Act. The
12 Chicago Department of Aviation shall provide administrative
13 support to the committee. The municipality shall consider the
14 recommendations of the committee but shall retain final
15 decision-making authority over replacement of windows and
16 doors installed under the Residential Sound Insulation
17 Program, and shall comply with all federal, State, and local
18 laws involving procurement. A municipality administering
19 claims pursuant to this Section shall provide to every address
20 identified as having submitted a valid claim under this
21 Section a quarterly report setting forth the municipality's
22 activities undertaken pursuant to this Section for that
23 quarter. However, the municipality shall replace windows and
24 doors pursuant to this Section only if, and to the extent,
25 grants are distributed to, and received by, the municipality
26 from the Sound-Reducing Windows and Doors Replacement Fund for

1 the costs associated with the replacement of sound-reducing
2 windows and doors installed under the Residential Sound
3 Insulation Program pursuant to Section 6z-20.1 of the State
4 Finance Act. In addition, the municipality shall revise its
5 specifications for procurement of windows for the Residential
6 Sound Insulation Program to address potential off-gassing from
7 such windows in future phases of the program. A municipality
8 subject to the Section shall not legislate or otherwise
9 regulate with regard to indoor air quality monitoring,
10 laboratory analysis or replacement requirements, except as
11 provided in this Section, but the foregoing restriction shall
12 not limit said municipality's taxing power.

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

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

22 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;
23 101-636, eff. 6-10-20; 102-558, eff. 8-20-21; 102-678, eff.
24 12-10-21.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".