

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. 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  
17 resulting from such monitoring and analysis available to the  
18 public on the municipality's website. The municipality shall  
19 develop a science-based mitigation plan to address significant  
20 health-related impacts, if any, associated with such windows  
21 and doors as determined by the results of the monitoring and  
22 analysis. In a municipality that has implemented a Residential  
23 Sound Insulation Program to mitigate aircraft noise, if

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

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

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

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

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

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

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

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

15 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;  
16 101-636, eff. 6-10-20; 102-558, eff. 8-20-21; 102-678, eff.  
17 12-10-21.)

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