



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4193

Introduced 10/26/2021, by Rep. Angelica Guerrero-Cuellar

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-20.1  
65 ILCS 5/11-101-3

Amends the State Finance Act. Provides for the use of moneys in the State Aviation Program Fund as distributions (currently, grants) to units of local government for specified airport-related purposes. Specifies additional uses of the moneys allocated to the Sound-Reducing Windows and Doors Replacement Fund related to the replacement, installation, and repair of sound-reducing windows and doors. Amends the Illinois Municipal Code. Provides that residents who are eligible to receive replacement windows under provisions concerning noise mitigation and air quality shall be allowed to choose the color and type of replacement window. Provides that for purposes of aiding in the selection of such replacement windows, a showcase and display of available replacement window types shall be established and located at Chicago Midway International Airport. Requires the appointment of members by the Speaker of the House of Representatives and the President of the Senate to an advisory committee concerning noise mitigation and air quality. Provides that the advisory committee shall develop a process in which homeowners can demonstrate extreme hardship. Provides that at least 10% of the homes receiving window and door replacement in a year shall be homes that have demonstrated extreme hardship. Requires the advisory committee to compile a report concerning the replacement of windows and doors. Makes conforming and other changes. Effective immediately.

LRB102 21163 RJF 30176 b

1 AN ACT concerning finance.

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

4 Section 5. The State Finance Act is amended by changing  
5 Section 6z-20.1 as follows:

6 (30 ILCS 105/6z-20.1)

7 Sec. 6z-20.1. The State Aviation Program Fund and the  
8 Sound-Reducing Windows and Doors Replacement Fund.

9 (a) The State Aviation Program Fund is created in the  
10 State Treasury. Moneys in the Fund shall be used by the  
11 Department of Transportation for the purposes of administering  
12 a State Aviation Program. Subject to appropriation, the moneys  
13 shall be used for the purpose of making distributions  
14 ~~distributing grants~~ to units of local government to be used  
15 for airport-related purposes. Distributions ~~Grants~~ to units of  
16 local government from the Fund shall be distributed  
17 proportionately based on equal part enplanements, total cargo,  
18 and airport operations. With regard to enplanements that occur  
19 within a municipality with a population of over 500,000,  
20 distributions ~~grants~~ shall be distributed only to the  
21 municipality.

22 (b) For distributions ~~grants~~ to a unit of government other  
23 than a municipality with a population of more than 500,000,

1 "airport-related purposes" means the capital or operating  
2 costs of: (1) an airport; (2) a local airport system; or (3)  
3 any other local facility that is owned or operated by the  
4 person or entity that owns or operates the airport that is  
5 directly and substantially related to the air transportation  
6 of passengers or property as provided in 49 U.S.C. 47133,  
7 including (i) the replacement of sound-reducing windows and  
8 doors installed under the Residential Sound Insulation Program  
9 and (ii) in-home air quality monitoring testing in residences  
10 in which windows or doors were installed under the Residential  
11 Sound Insulation Program.

12 (c) For distributions ~~grants~~ to a municipality with a  
13 population of more than 500,000, "airport-related purposes"  
14 means the capital costs of: (1) an airport; (2) a local airport  
15 system; or (3) any other local facility that (i) is owned or  
16 operated by a person or entity that owns or operates an airport  
17 and (ii) is directly and substantially related to the air  
18 transportation of passengers or property, as provided in 49  
19 U.S.C. 47133. For distributions ~~grants~~ to a municipality with  
20 a population of more than 500,000, "airport-related purposes"  
21 also means costs, including administrative costs, associated  
22 with the replacement of sound-reducing windows and doors  
23 installed under the Residential Sound Insulation Program.

24 (d) In each State fiscal year, the first \$7,500,000  
25 attributable to a municipality with a population of more than  
26 500,000, as provided in subsection (a) of this Section, shall

1 be transferred to the Sound-Reducing Windows and Doors  
2 Replacement Fund, a special fund created in the State  
3 Treasury. Subject to appropriation, the moneys in the Fund  
4 shall be used for costs, including administrative costs,  
5 associated with the replacement of sound-reducing windows and  
6 doors installed under the Residential Sound Insulation  
7 Program, including repair costs for any mechanical issues with  
8 replacement windows or doors and reimbursement for homeowners  
9 who replaced sound-reducing windows and doors installed under  
10 the Residential Sound Insulation Program of their own accord.  
11 Residents who received reimbursement shall receive at least  
12 15% of the costs upon proof of installation. Subject to  
13 appropriation, the moneys shall also be used to service at  
14 least 750 residences a year and at least \$1,000,000 must be  
15 used to repair mechanical issues. Residents who altered or  
16 modified a replacement window or accepted a replacement screen  
17 for the window shall not be disqualified from compensation or  
18 future services. Residents shall not be required to replace  
19 doors and may instead receive repairs to doors. Any amounts  
20 attributable to a municipality with a population of more than  
21 500,000 in excess of \$7,500,000 in each State fiscal year  
22 shall be distributed among the airports in that municipality  
23 based on the same formula as prescribed in subsection (a) to be  
24 used for airport-related purposes.

25 (Source: P.A. 101-10, eff. 6-5-19; 101-636, eff. 6-10-20.)

1           Section 10. The Illinois Municipal Code is amended by  
2 changing Section 11-101-3 as follows:

3           (65 ILCS 5/11-101-3)

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

5           (a) A municipality that has implemented a Residential  
6 Sound Insulation Program to mitigate aircraft noise shall  
7 perform indoor air quality monitoring and laboratory analysis  
8 of windows and doors installed pursuant to the Residential  
9 Sound Insulation Program to determine whether there are any  
10 adverse health impacts associated with off-gassing from such  
11 windows and doors. Such monitoring and analysis shall be  
12 consistent with applicable professional and industry  
13 standards. The municipality shall make any final reports  
14 resulting from such monitoring and analysis available to the  
15 public on the municipality's website. The municipality shall  
16 develop a science-based mitigation plan to address significant  
17 health-related impacts, if any, associated with such windows  
18 and doors as determined by the results of the monitoring and  
19 analysis. In a municipality that has implemented a Residential  
20 Sound Insulation Program to mitigate aircraft noise, if  
21 requested by the homeowner pursuant to a process established  
22 by the municipality, which process shall include, at a  
23 minimum, notification in a newspaper of general circulation  
24 and a mailer sent to every address identified as a recipient of  
25 windows and doors installed under the Residential Sound

1 Insulation Program, the municipality shall replace all windows  
2 and doors installed under the Residential Sound Insulation  
3 Program in such homes where one or more windows or doors have  
4 been found to have caused offensive odors. Only those  
5 homeowners who request that the municipality perform an odor  
6 inspection as prescribed by the process established by the  
7 municipality within 6 months of notification being published  
8 and mailers being sent shall be eligible for odorous window  
9 and odorous door replacement. Residents who are eligible to  
10 receive replacement windows shall be allowed to choose the  
11 color and type of replacement window. For purposes of aiding  
12 in the selection of such replacement windows, a showcase and  
13 display of available replacement window types shall be  
14 established and located at Chicago Midway International  
15 Airport. Homes that have been identified by the municipality  
16 as having odorous windows or doors are not required to make  
17 said request to the municipality. The right to make a claim for  
18 replacement and have it considered pursuant to this Section  
19 shall not be affected by the fact of odor-related claims made  
20 or odor-related products received pursuant to the Residential  
21 Sound Insulation Program prior to June 5, 2019 (the effective  
22 date of this Section). The municipality shall also perform  
23 in-home air quality testing in residences in which windows and  
24 doors are replaced under this Section. In order to receive  
25 in-home air quality testing, a homeowner must request such  
26 testing from the municipality, and the total number of homes

1 tested in any given year shall not exceed 25% of the total  
2 number of homes in which windows and doors were replaced under  
3 this Section in the prior calendar year.

4 (b) An advisory committee shall be formed, composed of the  
5 following: (i) 2 members of the municipality who reside in  
6 homes that have received windows or doors pursuant to the  
7 Residential Sound Insulation Program and have been identified  
8 by the municipality as having odorous windows or doors,  
9 appointed by the Secretary of Transportation; (ii) one  
10 employee of the Aeronautics Division of the Department of  
11 Transportation; ~~and~~ (iii) 2 employees of the municipality that  
12 implemented the Residential Sound Insulation Program in  
13 question; and (iv) 2 members appointed by the Speaker of the  
14 House of Representatives and 2 members appointed by the  
15 President of the Senate. The advisory committee shall  
16 determine by majority vote which homes contain windows or  
17 doors that cause offensive odors and thus are eligible for  
18 replacement, shall promulgate a list of such homes, and shall  
19 develop recommendations as to the order in which homes are to  
20 receive window replacement. The recommendations shall include  
21 reasonable and objective criteria for determining which  
22 windows or doors are odorous, consideration of the date of  
23 odor confirmation for prioritization, severity of odor,  
24 geography and individual hardship, and shall provide such  
25 recommendations to the municipality. The advisory committee  
26 shall develop a process in which homeowners can demonstrate

1 extreme hardship. Extreme hardship shall be defined as: liquid  
2 infiltration of the window or door; health and medical  
3 condition of the resident; and residents with sensitivities  
4 related to smell. At least 10% of the homes receiving a  
5 replacement in a year shall be homes that have demonstrated  
6 extreme hardship. The advisory committee shall compile a  
7 report demonstrating: (i) the number of homes in line to  
8 receive a replacement; (ii) the number of homes that received  
9 replacement windows or doors, or both; (iii) the number of  
10 homes that received financial compensation instead of a  
11 replacement; and (iv) the number of homes with confirmed  
12 mechanical issues. Until December 31, 2022, the report shall  
13 be compiled monthly, after December 31, 2022, the report shall  
14 be compiled quarterly. The advisory committee shall accept all  
15 public questions and furnish a written response within 2  
16 business days. The advisory committee shall comply with the  
17 requirements of the Open Meetings Act. The Chicago Department  
18 of Aviation shall provide administrative support to the  
19 committee. The municipality shall consider the recommendations  
20 of the committee but shall retain final decision-making  
21 authority over replacement of windows and doors installed  
22 under the Residential Sound Insulation Program, and shall  
23 comply with all federal, State, and local laws involving  
24 procurement. A municipality administering claims pursuant to  
25 this Section shall provide to every address identified as  
26 having submitted a valid claim under this Section a quarterly



1 report setting forth the municipality's activities undertaken  
2 pursuant to this Section for that quarter. However, the  
3 municipality shall replace windows and doors pursuant to this  
4 Section only if, and to the extent, distributions ~~grants~~ are  
5 distributed to, and received by, the municipality from the  
6 Sound-Reducing Windows and Doors Replacement Fund for the  
7 costs associated with the replacement of sound-reducing  
8 windows and doors installed under the Residential Sound  
9 Insulation Program pursuant to Section 6z-20.1 of the State  
10 Finance Act. In addition, the municipality shall revise its  
11 specifications for procurement of windows for the Residential  
12 Sound Insulation Program to address potential off-gassing from  
13 such windows in future phases of the program. A municipality  
14 subject to the Section shall not legislate or otherwise  
15 regulate with regard to indoor air quality monitoring,  
16 laboratory analysis or replacement requirements, except as  
17 provided in this Section, but the foregoing restriction shall  
18 not limit said municipality's taxing power.

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

26 (d) This Section shall not be construed to create a

1 private right of action.

2 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;  
3 101-636, eff. 6-10-20; 102-558, eff. 8-20-21.)

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