



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3722

Introduced 2/17/2023, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-101-3

Amends the Illinois Municipal Code. 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. Provides that residents who altered or modified a replacement window or accepted a replacement screen for the window as an interim solution or partial replacement that failed to mitigate, in whole or in part, an odorous or malfunctioning window shall not be disqualified from compensation or future services (rather than residents who altered or modified a replacement window or accepted a replacement screen for the window shall not be disqualified from compensation or future services). Provides that residents who have altered or modified a replacement window, or accepted a replacement screen for the window as an interim solution or partial replacement, who apply for future mitigation services shall be sequenced in the ordinary course of the Residential Sound Insulation Program upon a finding of eligibility. Provides at least 10% of the homes receiving a replacement in a year shall be homes that have demonstrated extreme hardship, except when at least 10% of the number of applicants eligible to receive a replacement fail to demonstrate extreme hardship. Provides that the advisory committee shall accept all public questions concerning the Residential Sound Insulation Program (rather than all public questions) and furnish a written response within 2 business days. Effective immediately.

LRB103 25737 AWJ 52086 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. 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 as an interim solution or partial
14 replacement, that failed to mitigate, in whole or in part, an
15 odorous or malfunctioning window shall not be disqualified
16 from compensation or future services. Residents who have
17 altered or modified a replacement window, or accepted a
18 replacement screen for the window as an interim solution or
19 partial replacement, who apply for future mitigation services
20 shall be sequenced in the ordinary course of the Program upon a
21 finding of eligibility. Only those homeowners who request that
22 the municipality perform an odor inspection as prescribed by
23 the process established by the municipality within 6 months of
24 notification being published and mailers being sent shall be
25 eligible for odorous window and odorous door replacement.
26 Residents who are eligible to receive replacement windows

1 shall be allowed to choose the color and type of replacement
2 window. For purposes of aiding in the selection of such
3 replacement windows, a showcase and display of available
4 replacement window types shall be established and located at
5 Chicago Midway International Airport. Homes that have been
6 identified by the municipality as having odorous windows or
7 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, except when at least 10% of the number of

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

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

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

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

25 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;
26 101-636, eff. 6-10-20; 102-558, eff. 8-20-21; 102-678, eff.

1 12-10-21.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.