



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3176

Introduced 2/6/2024, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-20.1
65 ILCS 5/11-80-25 new

Amends the Illinois Municipal Code. Provides that a municipality contained within any part of an area where a noise analysis for a Type II federal or federal-aid highway project has occurred shall implement a residential sound insulation program to mitigate interstate highway noise. Includes requirements of the program, including replacement of all windows and doors installed under the program in homes where one or more windows or doors have been found to have caused offensive odors. Provides for the creation of an advisory board to determine which homes contain windows or doors that cause offensive odors and thus are eligible for replacement, to develop recommendations as to the order in which homes are to receive window replacement, to develop a process in which homeowners can demonstrate extreme hardship, and to compile a report. Provides that a municipality shall consider the recommendations of the advisory committee but shall retain final decision-making authority over replacement of windows. Contains other provisions relating to reports by the municipality, funding for claims under the program, and indoor air quality monitoring, laboratory analysis, or replacement requirements. Limits the concurrent exercise of home rule powers. Amends the State Finance Act to make a conforming change.

LRB103 37117 AWJ 67236 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 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 distributing grants to units
14 of local government to be used for airport-related purposes.
15 Grants to units of local government from the Fund shall be
16 distributed proportionately based on equal part enplanements,
17 total cargo, and airport operations. With regard to
18 enplanements that occur within a municipality with a
19 population of over 500,000, grants shall be distributed only
20 to the municipality.

21 (b) For grants to a unit of government other than a
22 municipality with a population of more than 500,000,
23 "airport-related purposes" means the capital or operating

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

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

23 (d) In each State fiscal year, \$9,500,000 attributable to
24 a municipality with a population of more than 500,000, as
25 provided in subsection (a) of this Section, shall be
26 transferred to the Sound-Reducing Windows and Doors

1 Replacement Fund, a special fund created in the State
2 Treasury. Subject to appropriation, the moneys in the Fund
3 deposited under this subsection shall be used solely for
4 costs, including administrative costs, associated with the
5 mechanical repairs and the replacement of sound-reducing
6 windows and doors installed under the Residential Sound
7 Insulation Program. Any amounts attributable to a municipality
8 with a population of more than 500,000 in excess of \$7,500,000
9 deposited under this subsection in each State fiscal year
10 shall be distributed among the airports in that municipality
11 based on the same formula as prescribed in subsection (a) to be
12 used for airport-related purposes.

13 (e) Appropriations or grants may be deposited into the
14 Sound-Reducing Windows and Doors Replacement Fund for use by a
15 residential sound insulation program to mitigate interstate
16 highway noise under Section 11-80-25 of the Illinois Municipal
17 Code for the purposes allowed in Section 11-80-25.
18 Appropriations or grants deposited in the Sound-Reducing
19 Windows and Doors Replacement Fund for the purposes of
20 residential sound insulation programs to mitigate interstate
21 highway noise may only be used for those purposes.

22 (Source: P.A. 103-8, eff. 7-1-23.)

23 Section 10. The Illinois Municipal Code is amended by
24 adding Section 11-80-25 as follows:

1 (65 ILCS 5/11-80-25 new)

2 Sec. 11-80-25. Residential sound insulation program;
3 interstate highways.

4 (a) A municipality contained within any part of an area
5 where a noise analysis for a Type II federal or federal-aid
6 highway project has occurred shall implement a residential
7 sound insulation program to mitigate interstate highway noise.
8 Using the funds appropriated for the program, the municipality
9 shall install windows and doors to mitigate interstate highway
10 noise and perform an indoor noise monitoring and analysis of
11 windows and doors installed pursuant to the program to
12 determine whether there are any adverse health impacts
13 associated with off-gassing from the windows and doors. The
14 monitoring and analysis shall be consistent with applicable
15 professional and industry standards. The municipality shall
16 make final reports resulting from the monitoring and analysis
17 available to the public on the municipality's website. The
18 municipality shall develop a science-based mitigation plan to
19 address significant health-related impacts, if any, associated
20 with the windows and doors installed under the program as
21 determined by the results of the monitoring and analysis.
22 Subject to appropriation, the municipality shall replace
23 windows and doors in at least 750 residences a year within the
24 area where a noise analysis for the Type II federal or
25 federal-aid highway project has occurred.

26 (b) In a municipality that has implemented a residential

1 sound insulation program to mitigate interstate highway noise
2 under subsection (a), the municipality shall replace all
3 windows and doors installed under the program in homes where
4 one or more windows or doors have been found to have caused
5 offensive odors if requested by the homeowner, except as
6 provided in this subsection. The replacement shall be made
7 pursuant to a process established by the municipality, which
8 shall include, at a minimum, notification in a newspaper of
9 general circulation and a mailer sent to every address
10 identified as a recipient of windows and doors installed under
11 the program.

12 Residents who altered or modified a replacement window or
13 door or accepted a replacement screen for a window shall not be
14 disqualified from compensation or future services. Only those
15 homeowners who request that the municipality perform an odor
16 inspection as prescribed by the process established under this
17 subsection within 6 months of notification being published and
18 mailers being sent are eligible for odorous window and odorous
19 door replacement. Residents who are eligible to receive
20 replacement windows or doors shall be allowed to choose the
21 color and type of replacement window or door. For purposes of
22 aiding in the selection of the replacement windows and doors,
23 a showcase and display of available replacement window and
24 door types shall be established and located within the area
25 where the noise analysis for a Type II federal or federal-aid
26 highway project has occurred. Homes that have been identified

1 by the municipality as having odorous windows or doors are not
2 required to make a request to the municipality. The
3 municipality shall also perform in-home air quality testing in
4 residences in which windows and doors are replaced under this
5 subsection. In order to receive in-home air quality testing, a
6 homeowner must request the testing from the municipality, and
7 the total number of homes tested in any given year may not
8 exceed 25% of the total number of homes in which windows and
9 doors were replaced under subsection (a) in the prior calendar
10 year.

11 (c) An advisory committee shall be formed and composed of
12 the following: (i) 2 members of the municipality who reside in
13 homes that have received windows or doors pursuant to the
14 program and have been identified by the municipality as having
15 odorous windows or doors, appointed by the Secretary of
16 Transportation; (ii) one employee of the Department of
17 Transportation's Office of Highways Project and
18 Implementation; (iii) 2 employees of the municipality that
19 implemented the program; and (iv) 2 members appointed by the
20 Speaker of the House of Representatives, 2 members appointed
21 by the President of the Senate, one member appointed by the
22 Minority Leader of the House of Representatives, and one
23 member appointed by the Minority Leader of the Senate. The
24 advisory committee shall recommend, by majority vote, which
25 homes contain windows or doors that cause offensive odors and
26 thus are eligible for replacement under subsection (b), shall

1 create a list of the homes, and shall develop recommendations
2 as to the order in which homes are to receive window or door
3 replacement. The advisory committee recommendations shall
4 include reasonable and objective criteria for determining
5 which windows or doors are odorous, consideration of the date
6 of odor confirmation for prioritization, severity of odor, and
7 geography, and individual hardship.

8 The advisory committee shall develop a process in which
9 homeowners can demonstrate extreme hardship. As used in this
10 subsection, "extreme hardship" means liquid infiltration of
11 the window or door, health and medical condition of the
12 resident, and residents with sensitivities related to smell.
13 At least 10% of the homes receiving a replacement in a year
14 shall be homes that have demonstrated extreme hardship.

15 The advisory committee shall compile a report
16 demonstrating: (i) the number of homes in line to receive a
17 replacement; (ii) the number of homes that received
18 replacement windows or doors, or both; (iii) the number of
19 homes that received financial compensation instead of a
20 replacement; and (iv) the number of homes with confirmed
21 mechanical issues. Until December 31, 2025, the report shall
22 be compiled monthly, and, after December 31, 2025, the report
23 shall be compiled quarterly.

24 The advisory committee shall accept all public questions
25 and furnish a written response within 10 business days. The
26 advisory committee shall comply with the requirements of the

1 Open Meetings Act. The Cook County Department of
2 Transportation and Highways shall provide administrative
3 support to the advisory committee.

4 (d) The municipality shall consider the recommendations of
5 the advisory committee but shall retain final decision-making
6 authority over replacement of windows and doors installed
7 under the program and shall comply with all federal, State,
8 and local laws involving procurement. A municipality
9 administering claims pursuant to this Section shall provide to
10 every address identified as having submitted a valid claim
11 under this Section a quarterly report setting forth the
12 municipality's activities undertaken pursuant to this Section
13 for that quarter. However, the municipality shall replace
14 windows and doors pursuant to this Section only if and to the
15 extent grants are distributed to and received by the
16 municipality from the Sound-Reducing Windows and Doors
17 Replacement Fund for the costs associated with the replacement
18 of sound-reducing windows and doors installed under the
19 program pursuant to subsection (e) of Section 6z-20.1 of the
20 State Finance Act. The municipality shall revise its
21 specifications for procurement of windows and doors for the
22 program to address potential off-gassing from the windows or
23 doors in future phases of the program. A municipality subject
24 to the Section may not adopt an ordinance or resolution or
25 otherwise regulate with regard to indoor air quality
26 monitoring, laboratory analysis, or replacement requirements,

1 except as provided in this Section, but the limits on
2 regulation of indoor air quality monitoring, laboratory
3 analysis, or replacement requirements may not be construed to
4 limit the municipality's taxing power.

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

12 (f) This Section may not be construed to create a private
13 right of action.