

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. If and only if House Bill 106 of the 102nd  
5 General Assembly becomes law in the form in which it passed  
6 both houses on October 28, 2021, then the Illinois Municipal  
7 Code is amended by changing Section 11-101-3 as follows:

8 (65 ILCS 5/11-101-3)

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

10 (a) A municipality that has implemented a Residential  
11 Sound Insulation Program to mitigate aircraft noise shall  
12 perform indoor air quality monitoring and laboratory analysis  
13 of windows and doors installed pursuant to the Residential  
14 Sound Insulation Program to determine whether there are any  
15 adverse health impacts associated with off-gassing from such  
16 windows and doors. Such monitoring and analysis shall be  
17 consistent with applicable professional and industry  
18 standards. The municipality shall make any final reports  
19 resulting from such monitoring and analysis available to the  
20 public on the municipality's website. The municipality shall  
21 develop a science-based mitigation plan to address significant  
22 health-related impacts, if any, associated with such windows  
23 and doors as determined by the results of the monitoring and

1 analysis. In a municipality that has implemented a Residential  
2 Sound Insulation Program to mitigate aircraft noise, if  
3 requested by the homeowner pursuant to a process established  
4 by the municipality, which process shall include, at a  
5 minimum, notification in a newspaper of general circulation  
6 and a mailer sent to every address identified as a recipient of  
7 windows and doors installed under the Residential Sound  
8 Insulation Program, the municipality shall replace all windows  
9 and doors installed under the Residential Sound Insulation  
10 Program in such homes where one or more windows or doors have  
11 been found to have caused offensive odors. Subject to  
12 appropriation, the municipality shall replace windows and  
13 doors in at least 750 residences a year. Residents who altered  
14 or modified a replacement window or accepted a replacement  
15 screen for the window as an interim solution or partial  
16 replacement that failed to mitigate, in whole or in part, an  
17 odorous or malfunctioning window shall not be disqualified  
18 from compensation or future services. Residents who have  
19 altered or modified a replacement window or accepted a  
20 replacement screen for the window as an interim solution or  
21 partial replacement who apply for future mitigation services  
22 shall be sequenced in the ordinary course of the Program upon a  
23 finding of eligibility. Only those homeowners who request that  
24 the municipality perform an odor inspection as prescribed by  
25 the process established by the municipality within 6 months of  
26 notification being published and mailers being sent shall be

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

23 (b) An advisory committee shall be formed, composed of the  
24 following: (i) 2 members of the municipality who reside in  
25 homes that have received windows or doors pursuant to the  
26 Residential Sound Insulation Program and have been identified

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

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

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

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

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

26 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;

1 101-636, eff. 6-10-20; 102-558, eff. 8-20-21; 10200HB0106.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law or on the date House Bill 106 of the 102nd General  
4 Assembly takes effect, whichever is later.