

AN ACT concerning local government.

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

Section 5. The Illinois Municipal Code is amended by changing Section 11-101-3 as follows:

(65 ILCS 5/11-101-3)

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

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

requested by the homeowner pursuant to a process established by the municipality, which process shall include, at a minimum, notification in a newspaper of general circulation and a mailer sent to every address identified as a recipient of windows and doors installed under the Residential Sound Insulation Program, the municipality shall replace all windows and doors installed under the Residential Sound Insulation Program in such homes where one or more windows or doors have been found to have caused offensive odors. Subject to appropriation, the municipality shall replace windows and doors in at least 750 residences a year. 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. Only those homeowners who request that the municipality perform an odor inspection as prescribed by the process established by the municipality within 6 months of notification being published and mailers being sent shall be eligible for odorous window and odorous door replacement. Residents who are eligible to receive replacement windows shall be allowed to choose the color and type of replacement window. 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. Homes that have been identified by the municipality as having odorous windows or doors are not required to make said request to the

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

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

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

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

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

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

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

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

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