



General Assembly

Substitute Bill No. 5175

February Session, 2000

An Act Concerning Fair Market Value Of Brownfields.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 8-132 of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 Any person claiming to be aggrieved by the statement of
4 compensation filed by the redevelopment agency may, at any time
5 within six months after the same has been filed, apply to the superior
6 court for the judicial district in which such property is situated, or, if
7 said court is not in session, to any judge thereof, for a review of such
8 statement of compensation so far as the same affects such applicant,
9 and said court or such judge, after causing notice of the pendency of
10 such application to be given to said redevelopment agency, shall
11 appoint a state referee to make a review of the statement of
12 compensation. Such referee, having given at least ten days' notice to
13 the parties interested of the time and place of hearing, shall hear the
14 applicant and said redevelopment agency, shall view the property and
15 take such testimony as such referee deems material and shall
16 thereupon revise such statement of compensation in such manner as
17 he deems proper and forthwith report to the court. Such report shall
18 contain a detailed statement of findings by the referee, sufficient to
19 enable the court to determine the considerations upon which the
20 referee based his conclusions. The report of the referee shall take into
21 account any evidence relevant to the fair market value of the property,

22 including evidence of required environmental remediation. The referee
23 shall make a separate finding for remediation costs and the property
24 owner shall be entitled to a setoff of such costs in any pending or
25 subsequent action to recover remediation costs for the property. Such
26 report may be rejected for any irregular or improper conduct in the
27 performance of the duties of such referee. If the report is rejected, the
28 court or judge shall appoint another referee to make such review and
29 report. If the report is accepted, such statement of compensation shall
30 be conclusive upon such owner and the redevelopment agency. If no
31 appeal to the Appellate Court is filed within the time allowed by law,
32 or if one is filed and the proceedings have terminated in a final
33 judgment finding the amount due the property owner, the clerk shall
34 send a certified copy of the statement of compensation and of the
35 judgment to the redevelopment agency, which shall, upon receipt
36 thereof, pay such property owner the amount due him as
37 compensation. The pendency of any such application for review shall
38 not prevent or delay whatever action is proposed with regard to such
39 property by the project area redevelopment plan.

PD Committee Vote: Yea 16 Nay 0 JFS C/R JUD

JUD Committee Vote: Yea 40 Nay 0 JF