



General Assembly

January Session, 2005

Committee Bill No. 5062

LCO No. 3174

03174HB05062JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT PROHIBITING THE ACQUISITION OF CERTAIN
RESIDENTIAL REAL PROPERTY BY EMINENT DOMAIN FOR USE IN
PRIVATELY OWNED OR CONTROLLED MUNICIPAL DEVELOPMENT
PROJECTS.**

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

1 Section 1. Subsection (a) of section 8-193 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) After approval of the development plan as provided in this
5 chapter, the development agency may proceed by purchase, lease,
6 exchange or gift with the acquisition or rental of real property within
7 the project area and real property and interests therein for rights-of-
8 way and other easements to and from the project area. The
9 development agency may, with the approval of the legislative body,
10 and in the name of the municipality, acquire by eminent domain real
11 property located within the project area and real property and interests
12 therein for rights-of-way and other easements to and from the project
13 area, in the same manner that a redevelopment agency may acquire
14 real property under sections 8-128 to 8-133, inclusive, as if said sections

15 specifically applied to development agencies, except that no owner-
16 occupied residential real property consisting of four or fewer dwelling
17 units may be acquired by eminent domain if the resulting project will
18 be privately owned or controlled. The development agency may, with
19 the approval of the legislative body and, of the commissioner if any
20 grants were made by the state under section 8-190 or 8-195 for such
21 development project, and in the name of such municipality, transfer by
22 sale or lease at fair market value or fair rental value, as the case may
23 be, the whole or any part of the real property in the project area to any
24 person, in accordance with the project plan and such disposition plans
25 as may have been determined by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-193(a)

Statement of Purpose:

To prohibit the acquisition of small owner-occupied residential dwellings by eminent domain for use in a municipal development project that will be privately owned or controlled.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WARD, 86th Dist.