



Connecticut **Business & Industry Association**

**TESTIMONY OF
ERIC J. BROWN
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CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
BEFORE THE JUDICIARY COMMITTEE
MARCH 17, 2006**

Good afternoon. My name is Eric Brown and I serve as associate counsel for the Connecticut Business and Industry Association (CBIA) and director of CBIA's Environmental Policies Council. CBIA represents thousands of businesses across the state of Connecticut, ranging from large industrial corporations to small businesses with one or two employees. The vast majority of our members, about 90 percent, have fewer than 50 employees.

Thank you for this opportunity to comment on:

Raised Bill No. 5810 AN ACT LIMITING THE USE OF EMINENT DOMAIN BY MUNICIPALITIES AND MUNICIPAL DEVELOPMENT AGENCIES AND ESTABLISHING AN OFFICE OF PROPERTY RIGHTS OMBUDSMAN.

CBIA opposes this bill

CBIA appreciates the committee's interest in the application of the authority provided by the Constitution for governments to acquire private property for public use through eminent domain. While a recent ruling concerning a New London neighborhood (Kelo) has caused some policy-makers to take a closer look at the State's eminent domain laws, the ruling itself was consistent, in our view, with earlier judicial interpretations of the relevant Constitutional and statutory laws.

Both the use and the potential use of eminent domain have been critical components of many significant economic development projects in Connecticut in just the past dozen years. Some carefully researched and drafted modifications to our eminent domain laws may be appropriate to provide better clarity and public accountability regarding the use of eminent domain in Connecticut. However, CBIA is concerned that the recent political debate could result in well-intentioned proposals that

would have significant negative consequences with respect to the ability of the government to return properties that are deteriorating, unsafe, abandoned, or stigmatized by real or perceived contamination to productive use for the benefit the communities in which they are located. In our view, Raised Bill No. 5810 is just such a proposal.

Our concerns with the bill include the following:

- Section 1 of the bill would remove eminent domain authority from municipal development agencies;
- Section 2 of the bill would remove condemnation authority from municipal development agencies with respect to the implementation of a development plan;
- Section 3 would remove municipal authority to condemn property for purposes of implementation of a development project;
- Sections 5-14 of the bill would create a new state bureaucracy under the name, “Office of Property Rights Ombudsman” that could potentially create a significant impediment to economic development.

Raised Bill No. 5810 represents precisely the type of prescriptive over-reaction to the Kelo decision that CBIA is concerned about. Municipalities should be encouraged to redevelop areas that are unsafe, contaminated or otherwise deteriorated. As related above, the powers of condemnation and eminent domain have been important factors in the ability of many important development projects to go forward in Connecticut. Removing those powers and creating a new bureaucracy is, in our view, the wrong public policy for Connecticut and our future economic prosperity. Existing state and federal laws provide substantial protections to the rights of property owners. We do not need, nor should we aspire to have, a new agency to entangle itself in the well established law of the land. **Accordingly, CBIA urges you to reject Raised Bill 5810.**

Thank you for this opportunity to provide comment.