



General Assembly

Amendment

February Session, 2006

LCO No. 5555

HB0581005555HDO

Offered by:

REP. LAWLOR, 99th Dist.

REP. WALLACE, 109th Dist.

To: House Bill No. 5810

File No. 504

Cal. No. 339

"AN ACT LIMITING THE USE OF EMINENT DOMAIN BY MUNICIPALITIES AND MUNICIPAL DEVELOPMENT AGENCIES AND ESTABLISHING AN OFFICE OF PROPERTY RIGHTS OMBUDSMAN."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-193 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage and*
5 *applicable to property acquired on or after said date*):

6 (a) After approval of the development plan as provided in this
7 chapter, the development agency may proceed by purchase, lease,
8 exchange or gift with the acquisition or rental of real property within
9 the project area and real property and interests therein for rights-of-
10 way and other easements to and from the project area.

11 (b) (1) The development agency may, with the approval of the
12 legislative body in accordance with this subsection, and in the name of

13 the municipality, acquire by eminent domain real property located
14 within the project area and real property and interests therein for
15 rights-of-way and other easements to and from the project area, in
16 accordance with subsection (e) of this section and in the same manner
17 that a redevelopment agency may acquire real property under sections
18 8-128 to 8-133, inclusive, as if said sections specifically applied to
19 development agencies, except that no real property may be acquired
20 by eminent domain pursuant to this subsection for the sole purpose of
21 increasing local tax revenue. The legislative body shall not approve the
22 use of eminent domain by the development agency unless the
23 legislative body has (A) considered the benefits to the public and any
24 private entity that will result from the development project and
25 determined that the public benefits outweigh any private benefits, (B)
26 determined that the current use of the real property cannot be feasibly
27 integrated into the overall development plan, and (C) determined that
28 the acquisition of the real property by eminent domain is reasonably
29 necessary to successfully achieve the objectives of the development
30 plan.

31 (2) Before the legislative body approves any acquisition by eminent
32 domain pursuant to this section, the legislative body shall conduct a
33 public hearing on the acquisition. The municipality shall cause notice
34 of the time, place and subject of the hearing to be published in a
35 newspaper having a substantial circulation in the municipality not
36 more than ten days before the date set for the hearing. Notice of the
37 time, place and subject of the hearing shall also be sent by first class
38 mail to the owners of record of the real property to be acquired by
39 eminent domain not less than ten days before the date of the hearing.

40 (3) (A) No parcel of real property may be acquired by eminent
41 domain under this section except by approval by vote of at least two-
42 thirds of the members of the legislative body of the municipality or, in
43 the case of a municipality for which the legislative body is a town
44 meeting or a representative town meeting, the board of selectmen.
45 Such approval shall be by (i) separate vote on each parcel of real
46 property to be acquired, or (ii) vote on one or more groups of such

47 parcels, provided each parcel to be acquired is identified for the
48 purposes of a vote on a group of such parcels under this
49 subparagraph.

50 (B) The municipality shall cause notice of any approved acquisition
51 under this subdivision to be published in a newspaper having a
52 substantial circulation in the municipality not more than ten days after
53 such approval.

54 (4) No parcel of real property may be acquired by eminent domain
55 more than five years after the approval of the development plan unless
56 the development agency submits documentation to the legislative
57 body sufficient for the legislative body to determine that acquisition of
58 the parcel is necessary to implement the development plan, except that
59 if there is a subsequent material change to the development plan, no
60 such parcel of real property may be acquired by eminent domain more
61 than five years after the date the material change to the plan is adopted
62 unless the development agency submits documentation to the
63 legislative body sufficient for the legislative body to determine that the
64 acquisition of the parcel is necessary to implement the development
65 plan.

66 (c) The development agency may, with the approval of the
67 legislative body and, of the commissioner if any grants were made by
68 the state under section 8-190 or 8-195 for such development project,
69 and in the name of such municipality, transfer by sale or lease at fair
70 market value or fair rental value, as the case may be, the whole or any
71 part of the real property in the project area to any person, in
72 accordance with the project plan and such disposition plans as may
73 have been determined by the commissioner.

74 [(b)] (d) A development agency shall have all the powers necessary
75 or convenient to undertake and carry out development plans and
76 development projects, including the power to clear, demolish, repair,
77 rehabilitate, operate, or insure real property while it is in its
78 possession, to make site improvements essential to the preparation of

79 land for its use in accordance with the development plan, to install,
80 construct or reconstruct streets, utilities and other improvements
81 necessary for carrying out the objectives of the development project,
82 and, in distressed municipalities, as defined in section 32-9p, to lend
83 funds to businesses and industries in a manner approved by the
84 commissioner.

85 (e) (1) On and after the effective date of this section, on the date a
86 certificate of taking is filed pursuant to section 8-129, as amended by
87 this act, for property acquired by eminent domain pursuant to this
88 section, the development agency shall record with the certificate of
89 taking separate findings that itemize the value of the real property and
90 any structures or improvements on the real property so acquired.

91 (2) (A) If real property acquired on or after the effective date of this
92 section is not used for the purpose for which it was acquired or for
93 some other public use and is subsequently offered for sale, the real
94 property shall be first offered for sale pursuant to subparagraph (B) of
95 this subdivision to the person from whom the real property was
96 acquired, or heirs of the person designated pursuant to subparagraph
97 (B) of this subdivision, if any, for a price not greater than the amount of
98 compensation paid for such real property, after any appeal or
99 settlement, less (i) the value of any structures or improvements
100 removed from the real property by the development agency or its
101 designee after the real property was acquired as set forth in the
102 recorded findings, and (ii) the amount of any depreciation, as defined
103 in section 45a-542z. After the municipality provides notice pursuant to
104 subparagraph (B) of this subdivision, the municipality may not sell
105 such property to a third party unless the municipality has permitted
106 the person or named heirs six months to exercise the right to purchase
107 the property, and an additional six months to finalize the purchase if
108 the person or named heirs provide the municipality with notice of
109 intent to purchase the property within the initial six-month period.

110 (B) For the purposes of any offer of sale pursuant to this
111 subdivision, the municipality shall provide a form to any person

112 whose property is acquired pursuant to this section to permit such
113 person to provide an address for notice of sale to be sent, or to provide
114 the name and address of an agent to receive such notice. Such form
115 shall be designed to permit the person to designate heirs of the person
116 who shall be eligible to purchase such property pursuant to this
117 subdivision. The person or agent shall update information in the form
118 in writing. If the person or agent does not provide or update the
119 information in the form in a manner that permits the municipality to
120 send notice of sale pursuant to this subsection, no such notice shall be
121 required.

122 Sec. 2. Section 8-189 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective from passage*):

124 The development agency may initiate a development project by
125 preparing a project plan [therefor] in accordance with regulations [of]
126 adopted by the commissioner pursuant to section 8-198. The project
127 plan shall meet an identified public need and include: [(a)] (1) A legal
128 description of the land within the project area; [(b)] (2) a description of
129 the present condition and uses of such land or building; [(c)] (3) a
130 description of the process utilized by the agency to prepare the plan
131 and a description of alternative approaches considered to achieve
132 project objectives; (4) a description of the types and locations of land
133 uses or building uses proposed for the project area; [(d)] (5) a
134 description of the types and locations of present and proposed streets,
135 sidewalks and sanitary, utility and other facilities and the types and
136 locations of other proposed site improvements; [(e)] (6) statements of
137 the present and proposed zoning classification and subdivision status
138 of the project area and the areas adjacent to the project area; [(f)] (7) a
139 plan for relocating project-area occupants; [(g)] (8) a financing plan;
140 [(h)] (9) an administrative plan; [(i)] (10) a marketability and proposed
141 land-use study or building use study if required by the commissioner;
142 [(j)] (11) appraisal reports and title searches; [(k)] (12) a [statement of]
143 description of the public benefits of the project including, but not
144 limited to, (A) the number of jobs which the development agency
145 anticipates would be created by the project; [and] (B) the estimated

146 property tax benefits; (C) the number and types of existing housing
147 units in the municipality in which the project would be located, and in
148 contiguous municipalities, which would be available to employees
149 filling such jobs; [and (I)] (D) a general description of infrastructure
150 improvements, including public access, facilities or use, that the
151 development agency anticipates may be needed to implement the
152 development plan; (E) a general description of the development
153 agency's goals for blight remediation or, if known, environmental
154 remediation; (F) a general description of any aesthetic improvements
155 that the development agency anticipates may be generated by the
156 project; (G) a general description of the project's intended role in
157 increasing or sustaining market value of land in the municipality; (H) a
158 general description of the project's intended role in assisting residents
159 of the municipality to improve their standard of living; and (I) a
160 general statement of the project's role in maintaining or enhancing the
161 competitiveness of the municipality; (13) findings that (A) the land and
162 buildings within the project area will be used principally for industrial
163 or business purposes; [that] (B) the plan is in accordance with the plan
164 of development for the municipality adopted by its planning
165 commission under section 8-23, as amended, and the plan of
166 development of the regional planning agency adopted under section 8-
167 35a, as amended, if any, for the region within which the municipality is
168 located; [that] (C) the plan is not inimical to [any] the state plan of
169 conservation and development adopted under chapter 297 and any
170 other state-wide planning program objectives of the state or state
171 agencies as coordinated by the Secretary of the Office of Policy and
172 Management; [that] and (D) the project will contribute to the economic
173 welfare of the municipality and the state; and that to carry out and
174 administer the project, public action under this chapter is required;
175 and (14) a preliminary statement describing the proposed process for
176 acquiring each parcel of real property. Any plan [which] that has been
177 prepared by a redevelopment agency under chapter 130 may be
178 submitted by the development agency to the legislative body and to
179 the commissioner in lieu of a plan initiated and prepared in accordance
180 with this section, provided all other requirements of this chapter for

181 obtaining the approval of the commissioner of the project plan are
182 satisfied.

183 Sec. 3. Section 8-191 of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective from passage*):

185 (a) Before the development agency adopts a plan for a development
186 project, (1) the planning commission of the municipality shall find that
187 the plan is in accord with the plan of development for the
188 municipality; and (2) the regional planning agency, if any, for the
189 region within which such municipality is located shall find that such
190 plan is in accord with the plan of development for such region, or if
191 such agency fails to make a finding concerning [said] the plan within
192 thirty-five days of receipt [thereof] of the plan by such agency, it shall
193 be presumed that such agency does not disapprove of [such] the plan;
194 and (3) the development agency shall hold at least one public hearing
195 [thereon] on the plan. At least thirty-five days prior to any public
196 hearing the development agency shall post the draft plan on the
197 Internet web site of the development agency, if any. Upon approval by
198 the development agency, the agency shall submit [such] the plan to the
199 legislative body which shall vote to approve or disapprove the plan.
200 After approval of the plan by the legislative body, the development
201 agency shall submit the plan for approval to the commissioner. Notice
202 of the time, place and subject of any public hearing held under this
203 section shall be published once in a newspaper of general circulation in
204 [such town] the municipality, such publication to be made not less
205 than one week nor more than three weeks prior to the date set for the
206 hearing. In the event the commissioner requires a substantial
207 modification of the project plan before giving approval, then upon the
208 completion of such modification such plan shall first have a public
209 hearing and then be approved by the development agency and the
210 legislative body. Any legislative body, agency or commission in
211 approving a plan for a development project shall specifically approve
212 the findings made [therein] in the plan.

213 (b) The provisions of subsection (a) of this section with respect to

214 submission of a development project to and approval by the
215 commissioner shall not apply to a project for which no grant has been
216 made under section 8-190 and no application for a grant is to be made
217 under section 8-195.

218 Sec. 4. Section 8-200 of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective from passage and*
220 *applicable to property acquired on or after said date*):

221 (a) A development plan may be modified at any time by the
222 development agency, provided, if modified after the lease or sale of
223 real property in the development project area, the modification must
224 be consented to by the lessees or purchasers of such real property or
225 their successor or successors in interest affected by the proposed
226 modification. Where the proposed modification will substantially
227 change the development plan as previously approved, the
228 modification must be approved in the same manner as the
229 development plan.

230 (b) If after three years from the date of approval of the development
231 plan the development agency has been unable to transfer by sale or
232 lease at fair market value or fair rental value, as the case may be, the
233 whole or any part of the real property acquired in the project area to
234 any person in accordance with the project plan, and no grant has been
235 made for such project pursuant to section 8-195, the municipality may,
236 by vote of its legislative body, abandon the project plan and such real
237 property may be conveyed free of any restriction, obligation or
238 procedure imposed by the plan but shall be subject to all other local
239 and state laws, ordinances or regulations, including, but not limited to,
240 any offer of sale required under subsection (e) of section 8-193, as
241 amended by this act.

242 Sec. 5. Section 32-224 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective from passage and*
244 *applicable to property acquired on or after said date*):

245 (a) Any municipality which has a planning commission may, by

246 vote of its legislative body, designate an implementing agency to
247 exercise the powers granted under sections 32-220 to 32-234, inclusive.
248 Any municipality may, with the approval of the commissioner,
249 designate a separate implementing agency for each municipal
250 development project undertaken by such municipality pursuant to
251 said sections.

252 (b) The implementing agency may initiate a municipal development
253 project by preparing and submitting a development plan to the
254 commissioner. Such plan shall meet an identified public need and
255 include: (1) A legal description of the real property within the
256 boundaries of the project area; (2) a description of the present
257 condition and uses of such real property; (3) a description of the
258 process utilized by the agency to prepare the plan and a description of
259 alternative approaches considered to achieve project objectives; (4) a
260 description of the types and locations of land uses or building uses
261 proposed for the project area; [(4)] (5) a description of the types and
262 locations of present and proposed streets, sidewalks and sanitary,
263 utility and other facilities and the types and locations of other
264 proposed project improvements; [(5)] (6) statements of the present and
265 proposed zoning classification and subdivision status of the project
266 area and the areas adjacent to the project area; [(6)] (7) a plan for
267 relocating project area occupants; [(7)] (8) a financing plan; [(8)] (9) an
268 administrative plan; [(9)] (10) an environmental analysis, marketability
269 and proposed land use study, or building use study if required by the
270 commissioner; [(10)] (11) appraisal reports and title searches if
271 required by the commissioner; [(11)] (12) a description of the
272 [economic] public benefit of the project, including, but not limited to,
273 (A) the number of jobs which the implementing agency anticipates
274 would be created or retained by the project, (B) the estimated property
275 tax benefits, [and] (C) the number and types of existing housing units
276 in the municipality in which the project would be located, and in
277 contiguous municipalities, which would be available to employees
278 filling such jobs, [and (12)] (D) a general description of infrastructure
279 improvements, including public access, facilities or use, that the

280 implementing agency anticipates may be needed to implement the
281 development plan; (E) a general description of the implementing
282 agency's goals for blight remediation or, if known, environmental
283 remediation; (F) a general description of any aesthetic improvements
284 that the implementing agency anticipates may be generated by the
285 project; (G) a general description of the project's intended role in
286 increasing or sustaining market value of land in the municipality; (H) a
287 general description of the project's intended role in assisting residents
288 of the municipality to improve their standard of living; and (I) a
289 general statement of the project's role in maintaining or enhancing the
290 competitiveness of the municipality; (13) a finding that (A) the land
291 and buildings within the boundaries of the project area will be used
292 principally for manufacturing or other economic base business
293 purposes or business support services; (B) the plan is in accordance
294 with the plan of development for the municipality, if any, adopted by
295 its planning commission under section 8-23, as amended, and the plan
296 of development of the regional planning agency adopted under section
297 8-35a, as amended, if any, for the region within which the municipality
298 is located; (C) the plan is not inimical to [any] the state plan of
299 conservation and development adopted under chapter 297 and any
300 other state-wide planning program objectives of the state or state
301 agencies as coordinated by the Secretary of the Office of Policy and
302 Management; and (D) the project will contribute to the economic
303 welfare of the municipality and the state and that to carry out and
304 administer the project, public action under sections 32-220 to 32-234,
305 inclusive, is required; and (14) a preliminary statement describing the
306 proposed process for acquiring each parcel of real property. The
307 provisions of this subsection with respect to submission of a
308 development plan to and approval by the commissioner and with
309 respect to a finding that the plan is not inimical to any state-wide
310 planning program objectives of the state or its agencies shall not apply
311 to a project for which no financial assistance has been given and no
312 application for financial assistance is to be made under section 32-223.
313 Any plan [which] that has been prepared under chapters 130, 132 or
314 588a may be submitted by the implementing agency to the legislative

315 body of the municipality and to the commissioner in lieu of a plan
316 initiated and prepared in accordance with this section, provided all
317 other requirements of sections 32-220 to 32-234, inclusive, for obtaining
318 the approval of the commissioner of the development plan are
319 satisfied. Any action taken in connection with the preparation and
320 adoption of such plan shall be deemed effective to the extent such
321 action satisfies the requirements of said sections.

322 (c) No plan shall be adopted unless the planning commission of the
323 municipality finds that the plan is in accord with the plan of
324 development, if any, for the municipality and the regional planning
325 agency, if any, organized under chapter 127 for the region within
326 which such municipality is located finds that such plan is in accord
327 with the plan of development, if any, for such region. If the regional
328 planning agency fails to make a finding concerning the plan within
329 thirty-five days of receipt thereof, by such agency, it shall be presumed
330 that such agency does not disapprove of the plan. The implementing
331 agency shall hold at least one public hearing on the plan and shall
332 cause notice of the time, place, and subject of any public hearing to be
333 published at least once in a newspaper of general circulation in the
334 municipality not less than one week nor more than three weeks prior
335 to the date of such public hearing. At least thirty-five days prior to the
336 public hearing the implementing agency shall post the draft plan on
337 the Internet web site of the implementing agency, if any. Upon
338 adoption of the plan the implementing agency shall submit the plan to
339 the legislative body of the municipality for approval or disapproval.
340 Any approval by the implementing agency and legislative body of the
341 municipality made under this section shall specifically provide for
342 approval of any findings contained therein. After approval of the plan
343 by the legislative body of the municipality, [such] the plan shall be
344 submitted to the commissioner for his approval. If the commissioner
345 requires a substantial modification of the plan as a condition of
346 approval, the plan shall be subject to a public hearing and approval by
347 the implementing agency and the legislative body of the municipality
348 in accordance with the provisions of this subsection.

349 (d) A development plan may be modified at any time by the
350 implementing agency, provided, if modified after the lease or sale of
351 real property in the project area, the lessees or purchasers of such real
352 property or their successor or successors in interest affected by the
353 proposed modification shall consent to such modification. If the
354 proposed modification will substantially alter the development plan as
355 previously approved, the modification shall be subject to the approval
356 of the local legislative body of the municipality and the commissioner
357 in the same manner as approval of the development plan. The
358 municipality may, by vote of its legislative body, abandon the
359 development plan and convey such real property within the
360 boundaries of the project area free of any restriction, obligation or
361 procedure imposed by the plan subject to all other local and state laws,
362 ordinances or regulations, including, but not limited to, any offer of
363 sale required under subsection (i) of this section, if after three years
364 from the date of approval of the plan the implementing agency has not
365 transferred by sale or lease all or any part of the real property acquired
366 in the project area to any person in accordance with the development
367 plan and no grant of financial assistance under sections 32-220 to 32-
368 234, inclusive, has been given for such project other than for activities
369 related to the planning of the project pursuant to section 32-222.

370 (e) The implementing agencies of two or more municipalities may,
371 after approval by each legislative body thereof, jointly initiate a
372 development project if the project area is to be located in one or more
373 of such municipalities. Such implementing agencies, after approval by
374 the commissioner of the development plan for the project if any state
375 aid is to be requested under section 32-223, may enter into and amend
376 subject to the approval of the commissioner, an agreement to jointly
377 carry out the development plan. Such agreement may include
378 provisions for furnishing municipal services to the project and sharing
379 costs of and revenues from the project, including property tax and
380 rental receipts. The development plan shall include a proposed form of
381 the agreement to be entered into by the municipalities. Each
382 municipality which is a party to an agreement may make

383 appropriations and levy taxes in accordance with the provisions of the
384 general statutes and may issue bonds in accordance with section 32-
385 227 to further its obligations under the agreement.

386 (f) As used in this subsection, "public service facility" includes any
387 sewer, pipe, main conduit, cable, wire, pole, tower, building or utility
388 appliance owned or operated by an electric, gas, telephone, telegraph
389 or water company. Whenever an implementing agency determines
390 that the closing of any street or public right-of-way is provided for in a
391 development plan adopted and approved in accordance with sections
392 32-220 to 32-234, inclusive, or where the carrying out of such a
393 development plan, including the construction of new improvements,
394 requires the temporary or permanent readjustment, relocation or
395 removal of a public service facility from a street or public right-of-way,
396 the implementing agency shall issue an appropriate order to the
397 company owning or operating such facility. Such company shall
398 permanently or temporarily readjust, relocate or remove the public
399 service facility promptly in accordance with such order, provided an
400 equitable share of the cost of such readjustment, relocation or removal,
401 including the cost of installing and constructing a facility of equal
402 capacity in a new location, shall be borne by the implementing agency.
403 Such equitable share shall be fifty per cent of such cost after the
404 deduction hereinafter provided. In establishing the equitable share of
405 the cost to be borne by the implementing agency, there shall be
406 deducted from the cost of the readjusted, relocated or removed
407 facilities a sum based on a consideration of the value of materials
408 salvaged from existing installations, the cost of the original installation,
409 the life expectancy of the original facility and the unexpired term of
410 such life use. The books and records of the company shall be made
411 available for inspection by the implementing agency to determine the
412 equitable share of the cost of such readjustment, relocation or removal.
413 When any facility is removed from a street or public right-of-way to a
414 private right-of-way, the implementing agency shall not pay for such
415 private right-of-way. If the implementing agency and the company
416 owning or operating such facility cannot agree upon the share of the

417 cost to be borne by the implementing agency, such agency or the
418 company may apply to the superior court for the judicial district
419 within which the street or public right-of-way is situated, or, if the
420 court is not in session, to any judge thereof, for a determination of the
421 cost to be borne by the implementing agency. The court or the judge,
422 after causing notice of the pendency of such application to be given to
423 the other party, shall appoint a state referee to make such
424 determination. The referee, having given at least ten days' notice to the
425 interested parties of the time and place of the hearing, shall hear both
426 parties, take such testimony as he may deem material and thereupon
427 determine the amount of the cost to be borne by the implementing
428 agency. The referee shall immediately report the amount to the court.
429 If the report is accepted by the court, such determination shall, subject
430 to right of appeal as in civil actions, be conclusive upon such parties.

431 (g) After approval of the development plan pursuant to sections 32-
432 220 to 32-234, inclusive, the implementing agency may by purchase,
433 lease, exchange or gift acquire or rent real property necessary or
434 appropriate for the project as identified in the development plan and
435 real property and interests therein for rights-of-way and other
436 easements to and from the project area.

437 (h) (1) The implementing agency may, with the approval of the
438 legislative body of the municipality, and in the name of the
439 municipality, condemn in accordance with section 8-128 to 8-133,
440 inclusive, as amended by this act, any real property necessary or
441 appropriate for the project as identified in the development plan,
442 including real property and interests in land for rights-of-way and
443 other easements to and from the project area, except that no real
444 property may be condemned pursuant to this section for the sole
445 purpose of increasing local tax revenue. The legislative body shall not
446 approve the use of condemnation by the implementing agency unless
447 the legislative body has (A) considered the benefits to the public and
448 any private entity that will result from the municipal development
449 project and determined that the public benefits outweigh any private
450 benefits, (B) determined that the current use of the real property

451 cannot be feasibly integrated into the overall development plan, and
452 (C) determined that the acquisition of the real property by
453 condemnation is reasonably necessary to successfully achieve the
454 objectives of the development plan.

455 (2) Before the legislative body approves any acquisition by
456 condemnation pursuant to this subsection, the legislative body shall
457 conduct a public hearing on the acquisition. The municipality shall
458 cause notice of the time, place and subject of the hearing to be
459 published in a newspaper having a substantial circulation in the
460 municipality not more than ten days before the date set for the hearing.
461 Notice of the time, place and subject of the hearing shall also be sent by
462 first class mail to the owners of record of the real property to be
463 acquired by condemnation not less than ten days before the date of the
464 hearing.

465 (3) (A) No parcel of real property may be acquired by condemnation
466 under this subsection except by approval by vote of at least two-thirds
467 of the members of the legislative body of the municipality or, in the
468 case of a municipality for which the legislative body is a town meeting
469 or a representative town meeting, the board of selectmen. Such
470 approval shall be by (i) separate vote on each parcel of real property to
471 be acquired, or (ii) vote on one or more groups of such parcels,
472 provided each parcel to be acquired is identified for the purposes of a
473 vote on a group of such parcels under this subparagraph.

474 (B) The municipality shall cause notice of any approved acquisition
475 under this subdivision to be published in a newspaper having a
476 substantial circulation in the municipality not more than ten days after
477 such approval.

478 (4) No parcel of real property may be acquired by condemnation
479 more than five years after the approval of the development plan unless
480 the implementing agency submits documentation to the legislative
481 body sufficient for the legislative body to determine that acquisition of
482 the parcel is necessary to implement the development plan, except that

483 if there is a subsequent material change to the development plan, no
484 such parcel of real property may be acquired by condemnation more
485 than five years after the date the material change to the plan is adopted
486 unless the implementing agency submits documentation to the
487 legislative body sufficient for the legislative body to determine that the
488 acquisition of the parcel is necessary to implement the development
489 plan.

490 (i) (1) On and after the effective date of this section, on the date a
491 certificate of taking is filed pursuant to section 8-129, as amended by
492 this act, for property acquired by eminent domain pursuant to this
493 section, the development agency shall record with the certificate of
494 taking separate findings that itemize the value of the real property and
495 any structures or improvements on the real property so acquired.

496 (2) (A) If real property acquired on or after the effective date of this
497 section is not used for the purpose for which it was acquired or for
498 some other public use and is subsequently offered for sale, the real
499 property shall be first offered for sale pursuant to subparagraph (B) of
500 this subdivision to the person from whom the real property was
501 acquired, or heirs of the person designated pursuant to subparagraph
502 (B) of this subdivision, if any, for a price not greater than the amount of
503 compensation paid for such real property, after any appeal or
504 settlement, less (i) the value of any structures or improvements
505 removed from the real property by the development agency or its
506 designee after the real property was acquired as set forth in the
507 recorded findings, and (ii) the amount of any depreciation, as defined
508 in section 45a-542z. After the municipality provides notice pursuant to
509 subparagraph (B) of this subdivision, the municipality may not sell
510 such property to a third party unless the municipality has permitted
511 the person or named heirs six months during which to exercise the
512 right to purchase the property, and an additional six months to finalize
513 the purchase if the person or named heirs provide the municipality
514 with notice of intent to purchase the property within the initial six
515 month period.

516 (B) For the purposes of any offer of sale pursuant to this
517 subdivision, the municipality shall provide a form to any person
518 whose property is acquired pursuant to this section to permit such
519 person to provide an address for notice of sale to be sent, or to provide
520 the name and address of an agent to receive such notice. Such form
521 shall be designed to permit the person to designate heirs of the person
522 who shall be eligible to purchase such property pursuant to this
523 subdivision. The person or agent shall update information in the form
524 in writing. If the person or agent does not provide or update the
525 information in the form in a manner that permits the municipality to
526 send notice of sale pursuant to this subsection, no such notice shall be
527 required.

528 Sec. 6. Section 8-128 of the general statutes is repealed and the
529 following is substituted in lieu thereof (*Effective from passage and*
530 *applicable to property acquired on or after said date*):

531 (a) Within a reasonable time after its approval of the redevelopment
532 plan as [hereinbefore] provided in section 8-127, the redevelopment
533 agency may proceed with the acquisition or rental of real property by
534 purchase, lease, exchange or gift. The redevelopment agency may
535 acquire real property by eminent domain with the approval of the
536 legislative body of the municipality and in accordance with the
537 provisions of sections 8-129 to 8-133, inclusive, and this section. The
538 legislative body in its approval of a project under section 8-127 shall
539 specify the time within which real property is to be acquired. The time
540 for acquisition may be extended by the legislative body in accordance
541 with section 48-6, upon request of the redevelopment agency,
542 provided the owner of the real property consents to such request. Real
543 property may be acquired previous to the adoption or approval of the
544 project area redevelopment plan, provided the property acquired shall
545 be located within an area designated on the general plan as an
546 appropriate redevelopment area or within an area whose boundaries
547 are defined by the planning commission as an appropriate area for a
548 redevelopment project, and provided such acquisition shall be
549 authorized by the legislative body. The redevelopment agency may

550 clear, repair, operate or insure such property while it is in its
551 possession or make site improvements essential to preparation for its
552 use in accordance with the redevelopment plan.

553 (b) (1) On and after the effective date of this section, on the date a
554 certificate of taking is filed pursuant to section 8-129, as amended by
555 this act, for property acquired by eminent domain pursuant to this
556 section, the development agency shall record with the certificate of
557 taking separate findings that itemize the value of the real property and
558 any structures or improvements on the real property so acquired.

559 (2) (A) If real property acquired on or after the effective date of this
560 section is not used for the purpose for which it was acquired or for
561 some other public use and is subsequently offered for sale, the real
562 property shall be first offered for sale pursuant to subparagraph (B) of
563 this subdivision to the person from whom the real property was
564 acquired, or heirs of the person designated pursuant to subparagraph
565 (B) of this subdivision, if any, for a price not greater than the value
566 documented in the recorded findings, less (i) the value of any
567 structures or improvements removed from the real property by the
568 development agency or its designee after the real property was
569 acquired as set forth in the recorded findings, and (ii) the amount of
570 any depreciation, as defined in section 45a-542z. After the municipality
571 provides notice pursuant to subparagraph (B) of this subdivision, the
572 municipality may not sell such property to a third party unless the
573 municipality has permitted the person or named heirs six months
574 during which to exercise the right to purchase the property, and an
575 additional six months to finalize the purchase if the person or named
576 heirs provide the municipality with notice of intent to purchase the
577 property within the initial six month period.

578 (B) For the purposes of any offer of sale pursuant to this
579 subdivision, the municipality shall provide a form to any person
580 whose property is acquired pursuant to this section to permit such
581 person to provide an address for notice of sale to be sent, or to provide
582 the name and address of an agent to receive such notice. Such form

583 shall be designed to permit the person to designate heirs of the person
584 who shall be eligible to purchase such property pursuant to this
585 subdivision. The person or agent shall update information in the form
586 in writing. If the person or agent does not provide or update the
587 information in the form in a manner that permits the municipality to
588 send notice of sale pursuant to this subsection, no such notice shall be
589 required.

590 Sec. 7. Section 8-129 of the general statutes is repealed and the
591 following is substituted in lieu thereof (*Effective from passage and*
592 *applicable to property acquired on or after said date*):

593 (a) The redevelopment agency shall determine the compensation to
594 be paid to the persons entitled thereto for [such] real property [and] to
595 be acquired by eminent domain pursuant to section 8-128. The
596 redevelopment agency shall have two independent appraisals
597 conducted on the real property and shall base the compensation on the
598 greater amount indicated in the appraisals. Each appraisal shall be
599 conducted by a state certified real estate appraiser without
600 consultation with the appraiser conducting the other independent
601 appraisal, and shall be conducted in accordance with generally
602 accepted standards of professional appraisal practice as described in
603 the Uniform Standards of Professional Appraisal Practice issued by the
604 Appraisal Standards Board of the Appraisal Foundation pursuant to
605 Title XI of FIRREA and any regulations adopted pursuant to section
606 20-504. The redevelopment agency shall file a statement of
607 compensation, containing a description of the property to be taken and
608 the names of all persons having a record interest therein and setting
609 forth the amount of such compensation, and a deposit as provided in
610 section 8-130, with the clerk of the superior court for the judicial
611 district in which the property affected is located.

612 (b) Upon filing such statement of compensation and deposit, the
613 redevelopment agency shall forthwith cause to be recorded, in the
614 office of the town clerk of each town in which the property is located, a
615 copy of such statement of compensation, such recording to have the

616 same effect and to be treated the same as the recording of a lis
617 pendens, and shall forthwith give notice, as provided in this section, to
618 each person appearing of record as an owner of property affected
619 thereby and to each person appearing of record as a holder of any
620 mortgage, lien, assessment or other encumbrance on such property or
621 interest therein [(a)] (1) in the case of any such person found to be
622 residing within this state, by causing a copy of such notice, with a copy
623 of such statement of compensation, to be served upon each such
624 person by a state marshal, constable or indifferent person, in the
625 manner set forth in section 52-57, as amended, for the service of civil
626 process, and [(b)] (2) in the case of any such person who is a
627 nonresident of this state at the time of the filing of such statement of
628 compensation and deposit or of any such person whose whereabouts
629 or existence is unknown, by mailing to each such person a copy of such
630 notice and of such statement of compensation, by registered or
631 certified mail, directed to [his] such person's last-known address, and
632 by publishing such notice and such statement of compensation at least
633 twice in a newspaper published in the judicial district and having daily
634 or weekly circulation in the town in which such property is located.
635 Any such published notice shall state that it is notice to the widow or
636 widower, heirs, representatives and creditors of the person holding
637 such record interest, if such person is dead. If, after a reasonably
638 diligent search, no last-known address can be found for any interested
639 party, an affidavit stating such fact, and reciting the steps taken to
640 locate such address, shall be filed with the clerk of the superior court
641 and accepted in lieu of mailing to the last-known address.

642 (c) Not less than [twelve] thirty-five days or more than ninety days
643 after such notice and such statement of compensation have been so
644 served or so mailed and first published, the redevelopment agency
645 shall file with the clerk of the superior court a return of notice setting
646 forth the notice given and, upon receipt of such return of notice, such
647 clerk shall, without any delay or continuance of any kind, issue a
648 certificate of taking setting forth the fact of such taking, a description
649 of all the property so taken and the names of the owners and of all

650 other persons having a record interest therein. The redevelopment
651 agency shall cause such certificate of taking to be recorded in the office
652 of the town clerk of each town in which such property is located. Upon
653 the recording of such certificate, title to such property in fee simple
654 shall vest in the municipality, and the right to just compensation shall
655 vest in the persons entitled thereto. At any time after such certificate of
656 taking has been so recorded, the redevelopment agency may repair,
657 operate or insure such property and enter upon such property, and
658 take any action that is proposed with regard to such property by the
659 project area redevelopment plan.

660 (d) The notice [referred to above] required in subsection (b) of this
661 section shall state that (1) not less than [twelve] thirty-five days or
662 more than ninety days after service or mailing and first publication
663 thereof, the redevelopment agency shall file, with the clerk of the
664 superior court for the judicial district in which such property is
665 located, a return setting forth the notice given, (2) upon receipt of such
666 return, such clerk shall issue a certificate for recording in the office of
667 the town clerk of each town in which such property is located, (3) upon
668 the recording of such certificate, title to such property shall vest in the
669 municipality, the right to just compensation shall vest in the persons
670 entitled thereto and the redevelopment agency may repair, operate or
671 insure such property and enter upon such property and take any
672 action that may be proposed with regard thereto by the project area
673 redevelopment plan, and (4) such notice shall bind the widow or
674 widower, heirs, representatives and creditors of each person named
675 [therein] in the notice who then or thereafter may be dead.

676 (e) When any redevelopment agency acting on behalf of any
677 municipality has acquired or rented real property by purchase, lease,
678 exchange or gift in accordance with the provisions of this section, or in
679 exercising its right of eminent domain has filed a statement of
680 compensation and deposit with the clerk of the superior court and has
681 caused a certificate of taking to be recorded in the office of the town
682 clerk of each town in which such property is located as provided in
683 this section, any judge of such court may, upon application and proof

684 of such acquisition or rental or such filing and deposit and such
685 recording, order such clerk to issue an execution commanding a state
686 marshal to put such municipality and the redevelopment agency, as its
687 agent, into peaceable possession of the property so acquired, rented or
688 condemned. The provisions of this [section] subsection shall not be
689 limited in any way by the provisions of chapter 832.

690 Sec. 8. Section 8-132 of the general statutes is repealed and the
691 following is substituted in lieu thereof (*Effective from passage and*
692 *applicable to property acquired on or after said date*):

693 (a) Any person claiming to be aggrieved by the statement of
694 compensation filed by the redevelopment agency may, at any time
695 within six months after the [same] statement of compensation has been
696 filed, apply to the superior court for the judicial district in which such
697 property is situated for a review of such statement of compensation so
698 far as [the same] it affects such applicant. The court, after causing
699 notice of the pendency of such application to be given to the
700 redevelopment agency, may, with the consent of the parties or their
701 attorneys, appoint a judge trial referee to make a review of the
702 statement of compensation, except that the court shall, upon the
703 motion of each party or their attorneys, refer the application to a judge
704 appointed by the Chief Court Administrator to hear tax appeals
705 pursuant to section 12-39l. For the purposes of such application,
706 review and appeal therefrom, and for the purposes of sections 52-192a
707 to 52-195, inclusive, of the 2006 supplement to the general statutes, as
708 amended by this act, such applicant shall be deemed a counterclaim
709 plaintiff.

710 (b) If the court appoints a judge trial referee, the judge trial referee,
711 after giving at least ten days' notice to the parties interested of the time
712 and place of hearing, shall hear the applicant and the redevelopment
713 agency, shall view the property and take such testimony as the judge
714 trial referee deems material and shall thereupon revise such statement
715 of compensation in such manner as the judge trial referee deems
716 proper and forthwith report to the court. Such report shall contain a

717 detailed statement of findings by the judge trial referee, sufficient to
718 enable the court to determine the considerations upon which the judge
719 trial referee's conclusions are based. The report of the judge trial
720 referee shall take into account any evidence relevant to the fair market
721 value of the property, including evidence of environmental condition
722 and required environmental remediation. The judge trial referee shall
723 make a separate finding for remediation costs and the property owner
724 shall be entitled to a set-off of such costs in any pending or subsequent
725 action to recover remediation costs for the property. The court shall
726 review the report, and may reject it for any irregular or improper
727 conduct in the performance of the duties of the judge trial referee. If
728 the report is rejected, the court may appoint another judge trial referee
729 to make such review and report. If the report is accepted, its statement
730 of compensation shall be conclusive upon such owner and the
731 redevelopment agency.

732 (c) If the court does not appoint a judge trial referee, the court, after
733 giving at least ten days' notice to the parties interested of the time and
734 place of hearing, shall hear the applicant and the redevelopment
735 agency and take such testimony as [it] the court deems material, may
736 view the subject property, and shall make a finding regarding the
737 statement of compensation. The findings of the court shall take into
738 account any evidence relevant to the fair market value of the property,
739 including evidence of environmental condition and required
740 environmental remediation. The court shall make a separate finding
741 for remediation costs and the property owner shall be entitled to a set-
742 off of such costs in any pending or subsequent action to recover
743 remediation costs for the property. The findings of the court shall be
744 conclusive upon such owner and the redevelopment agency.

745 (d) If no appeal to the Appellate Court is filed within the time
746 allowed by law, or if an appeal is filed and the proceedings have
747 terminated in a final judgment finding the amount due the property
748 owner, the clerk shall send a certified copy of the statement of
749 compensation and of the judgment to the redevelopment agency,
750 which shall, upon receipt thereof, pay such property owner the

751 amount due as compensation. The pendency of any such application
752 for review shall not prevent or delay any action that is proposed with
753 regard to such property by the project area redevelopment plan.

754 Sec. 9. Section 52-192a of the 2006 supplement to the general statutes
755 is repealed and the following is substituted in lieu thereof (*Effective*
756 *from passage and applicable to applications filed on or after said date*):

757 (a) After commencement of any civil action based upon contract or
758 seeking the recovery of money damages, whether or not other relief is
759 sought, the plaintiff may, not earlier than one hundred eighty days
760 after service of process is made upon the defendant in such action but
761 not later than thirty days before trial, file with the clerk of the court a
762 written offer of compromise signed by the plaintiff or the plaintiff's
763 attorney, directed to the defendant or the defendant's attorney,
764 offering to settle the claim underlying the action for a sum certain. For
765 the purposes of this section, such plaintiff includes a counterclaim
766 plaintiff under section 8-132, as amended by this act. The plaintiff shall
767 give notice of the offer of compromise to the defendant's attorney or, if
768 the defendant is not represented by an attorney, to the defendant
769 himself or herself. Within thirty days after being notified of the filing
770 of the offer of compromise and prior to the rendering of a verdict by
771 the jury or an award by the court, the defendant or the defendant's
772 attorney may file with the clerk of the court a written acceptance of the
773 offer of compromise agreeing to settle the claim underlying the action
774 for the sum certain specified in the plaintiff's offer of compromise.
775 Upon such filing and the receipt by the plaintiff of such sum certain,
776 the plaintiff shall file a withdrawal of the action with the clerk and the
777 clerk shall record the withdrawal of the action against the defendant
778 accordingly. If the offer of compromise is not accepted within thirty
779 days and prior to the rendering of a verdict by the jury or an award by
780 the court, the offer of compromise shall be considered rejected and not
781 subject to acceptance unless refiled. Any such offer of compromise and
782 any acceptance of the offer of compromise shall be included by the
783 clerk in the record of the case.

784 (b) In the case of any action to recover damages resulting from
785 personal injury or wrongful death, whether in tort or in contract, in
786 which it is alleged that such injury or death resulted from the
787 negligence of a health care provider, an offer of compromise pursuant
788 to subsection (a) of this section shall state with specificity all damages
789 then known to the plaintiff or the plaintiff's attorney upon which the
790 action is based. At least sixty days prior to filing such an offer, the
791 plaintiff or the plaintiff's attorney shall provide the defendant or the
792 defendant's attorney with an authorization to disclose medical records
793 that meets the privacy provisions of the Health Insurance Portability
794 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended
795 from time to time, or regulations adopted thereunder, and disclose any
796 and all expert witnesses who will testify as to the prevailing
797 professional standard of care. The plaintiff shall file with the court a
798 certification that the plaintiff has provided each defendant or such
799 defendant's attorney with all documentation supporting such
800 damages.

801 (c) After trial the court shall examine the record to determine
802 whether the plaintiff made an offer of compromise which the
803 defendant failed to accept. If the court ascertains from the record that
804 the plaintiff has recovered an amount equal to or greater than the sum
805 certain specified in the plaintiff's offer of compromise, the court shall
806 add to the amount so recovered eight per cent annual interest on said
807 amount, except in the case of a counterclaim plaintiff under section 8-
808 132, as amended by this act, the court shall add to the amount so
809 recovered eight per cent annual interest on the difference between the
810 amount so recovered and the sum certain specified in the counterclaim
811 plaintiff's offer of compromise. The interest shall be computed from
812 the date the complaint in the civil action or application under section 8-
813 132, as amended by this act, was filed with the court if the offer of
814 compromise was filed not later than eighteen months from the filing of
815 such complaint or application. If such offer was filed later than
816 eighteen months from the date of filing of the complaint or application,
817 the interest shall be computed from the date the offer of compromise

818 was filed. The court may award reasonable attorney's fees in an
819 amount not to exceed three hundred fifty dollars, and shall render
820 judgment accordingly. This section shall not be interpreted to abrogate
821 the contractual rights of any party concerning the recovery of
822 attorney's fees in accordance with the provisions of any written
823 contract between the parties to the action.

824 Sec. 10. Section 8-268 of the 2006 supplement to the general statutes
825 is repealed and the following is substituted in lieu thereof (*Effective*
826 *from passage and applicable to property acquired on or after said date*):

827 (a) (1) Whenever a program or project undertaken by a state agency
828 or under the supervision of a state agency will result in the
829 displacement of any person on or after July 6, 1971, the head of such
830 state agency shall make payment to any displaced person, upon proper
831 application as approved by such agency head, for [(1)] (A) actual
832 reasonable expenses in moving [himself, his] such displaced person
833 and such displaced person's family, business, farm operation or other
834 personal property, [(2)] (B) actual direct losses of tangible personal
835 property as a result of moving or discontinuing a business or farm
836 operation, but not to exceed an amount equal to the reasonable
837 expenses that would have been required to relocate such property, as
838 determined by the state agency, [and (3)] (C) actual reasonable
839 expenses in searching for a replacement business or farm, [provided,
840 whenever] and (D) actual reasonable expenses necessary to reestablish
841 a displaced farm, nonprofit organization or small business, as defined
842 in 49 CFR 24.2, as amended from time to time, at its new site, not to
843 exceed ten thousand dollars. With respect to a displaced business,
844 payments under this subsection shall be adjusted to reflect any
845 increase or decrease in good will and such increase or decrease in good
846 will shall be calculated separately. As used in this subsection, "good
847 will" means the benefits that accrue to a business from its location,
848 reputation for dependability, skill or quality and any other
849 circumstances resulting in probable retention of old or acquisition of
850 new patronage. With respect to real property acquired pursuant to
851 section 8-193, as amended by this act, if a court is satisfied that an

852 application filed by a displaced business concerning the calculation of
853 good will under this subsection sets forth a prima facie case for
854 granting an increased payment for good will, the burden of proving
855 that such increased payment should not be ordered shall be on the
856 agency that made the calculation.

857 (2) Whenever any tenant in any dwelling unit is displaced as the
858 result of the enforcement of any code to which this section is applicable
859 by any town, city or borough or agency thereof, the landlord of such
860 dwelling unit shall be liable for any payments made by such town, city
861 or borough pursuant to this section or by the state pursuant to
862 subsection (b) of section 8-280, and the town, city or borough or the
863 state may place a lien on any real property owned by such landlord to
864 secure repayment to the town, city or borough or the state of such
865 payments, which lien shall have the same priority as and shall be filed,
866 enforced and discharged in the same manner as a lien for municipal
867 taxes under chapter 205.

868 (b) Any displaced person eligible for payments under subsection (a)
869 of this section who is displaced from a dwelling and who elects to
870 accept the payments authorized by this subsection in lieu of the
871 payments authorized by subsection (a) of this section may receive a
872 moving expense allowance, determined according to a schedule
873 established by the state agency, not to exceed [three] six hundred
874 dollars and a dislocation allowance of [two] four hundred dollars.

875 (c) Any displaced person eligible for payments under subsection (a)
876 of this section who is displaced from [his] the person's place of
877 business or from [his] the person's farm operation and who elects to
878 accept the payment authorized by this subsection in lieu of the
879 payment authorized by subsection (a) of this section, may receive a
880 fixed payment in an amount equal to the average annual net earnings
881 of the business or farm operation, except that such payment shall not
882 be less than two thousand five hundred dollars nor more than [ten]
883 twenty thousand dollars. In the case of a business, (1) no payment shall
884 be made under this subsection unless the state agency is satisfied that

885 the business [(1)] (A) cannot be relocated without a substantial loss of
886 its existing patronage, and [(2)] (B) is not a part of a commercial
887 enterprise having at least one other establishment not being acquired
888 by the state, which is engaged in the same or similar business; and (2)
889 payments under this subsection shall be adjusted to reflect any
890 increase or decrease in good will and such increase or decrease in good
891 will shall be calculated separately. For purposes of this subsection, [the
892 term] "average annual net earnings" means one half of any net
893 earnings of the business or farm operation, before federal, state and
894 local income taxes, during the two taxable years immediately
895 preceding the taxable year in which such business or farm operation
896 moves from the real property acquired for such project, or during such
897 other period as such agency determines to be more equitable for
898 establishing such earnings, and includes any compensation paid by the
899 business or farm operation to the owner, [his] the owner's spouse or
900 [his] the owner's dependents during such period; and "good will"
901 means the benefits that accrue to a business from its location,
902 reputation for dependability, skill or quality and any other
903 circumstances resulting in probable retention of old or acquisition of
904 new patronage. With respect to real property acquired pursuant to
905 section 8-193, as amended by this act, if a court is satisfied that an
906 application filed by a displaced business concerning the calculation of
907 good will under this subsection sets forth a prima facie case for
908 granting an increased payment for good will, the burden of proving
909 that such increased payment should not be ordered shall be on the
910 agency that made the calculation.

911 (d) Notwithstanding the provisions of this section, the head of the
912 state agency shall make relocation payments as provided under the
913 federal Uniform Relocation Assistance and Real Property Acquisition
914 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
915 amendments thereto and regulations promulgated thereunder if
916 payments under said act and regulations would be greater than
917 payments under this section and sections 8-269 and 8-270, as amended
918 by this act.

919 Sec. 11. Section 8-269 of the general statutes is repealed and the
920 following is substituted in lieu thereof (*Effective from passage and*
921 *applicable to property acquired on or after said date*):

922 (a) In addition to payments otherwise authorized by this chapter,
923 the state agency shall make an additional payment not in excess of
924 [fifteen thousand] twenty-two thousand five hundred dollars to any
925 displaced person who is displaced from a dwelling actually owned
926 and occupied by such displaced person for not less than one hundred
927 [and] eighty days prior to the initiation of negotiations for the
928 acquisition of the property. Such additional payment shall include the
929 following elements:

930 (1) The amount, if any, which when added to the acquisition cost of
931 the dwelling acquired, equals the reasonable cost of a comparable
932 replacement dwelling which is a decent, safe and sanitary dwelling
933 adequate to accommodate such displaced person, reasonably
934 accessible to public services and places of employment and available
935 on the private market. All determinations required to carry out this
936 [subparagraph] subdivision shall be made by the applicable
937 regulations issued pursuant to section 8-273;

938 (2) [the] The amount, if any, which will compensate such displaced
939 person for any increased interest cost which such person is required to
940 pay for financing the acquisition of any such comparable replacement
941 dwelling. Such amount shall be paid only if the dwelling acquired was
942 encumbered by a bona fide mortgage which was a valid lien on such
943 dwelling for not less than one hundred [and] eighty days prior to the
944 initiation of negotiations for the acquisition of such dwelling. Such
945 amount shall be equal to the excess in the aggregate interest and other
946 debt service costs of that amount of the principal of the mortgage on
947 the replacement dwelling which is equal to the unpaid balance of the
948 mortgage on the acquired dwelling, over the remainder term of the
949 mortgage on the acquired dwelling, reduced to discounted present
950 value. The discount rate shall be the prevailing interest rate on savings
951 deposits by commercial banks in the general area in which the

952 replacement dwelling is located; and

953 (3) [reasonable] Reasonable expenses incurred by such displaced
954 person for evidence of title, recording fees and other closing costs
955 incident to the purchase of the replacement dwelling, but not including
956 prepaid expenses.

957 (b) Notwithstanding the provisions of this section, the head of the
958 state agency shall make relocation payments as provided under the
959 federal Uniform Relocation Assistance and Real Property Acquisition
960 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
961 amendments thereto and regulations promulgated thereunder if
962 payments under said act and regulations would be greater than
963 payments under this section and sections 8-268 and 8-270, as amended
964 by this act.

965 ~~[(b)]~~ (c) The additional [payment] payments authorized by this
966 section shall be made only to such a displaced person who purchases
967 and occupies a replacement dwelling which is decent, safe and
968 sanitary not later than the end of the one year period beginning on the
969 date on which [he] such displaced person receives final payment of all
970 costs of the acquired dwelling, or on the date on which [he] such
971 displaced person moves from the acquired dwelling, whichever is the
972 later date.

973 Sec. 12. Section 8-270 of the general statutes is repealed and the
974 following is substituted in lieu thereof (*Effective from passage and*
975 *applicable to property acquired on or after said date*):

976 (a) In addition to amounts otherwise authorized by this chapter, a
977 state agency shall make a payment to or for any displaced person
978 displaced from any dwelling not eligible to receive a payment under
979 section 8-269, as amended by this act, which dwelling was actually and
980 lawfully occupied by such displaced person for not less than ninety
981 days prior to the initiation of negotiations for acquisition of such
982 dwelling under the program or project which results in such person
983 being displaced. Such payment shall be either (1) the amount necessary

984 to enable such displaced person to lease or rent for a period not to
985 exceed four years, a decent, safe, and sanitary dwelling of standards
986 adequate to accommodate such person in areas not generally less
987 desirable [in] with regard to public utilities and public and commercial
988 facilities, and reasonably accessible to [his] such displaced person's
989 place of employment, but not to exceed [four thousand] five thousand
990 two hundred fifty dollars, or (2) the amount necessary to enable such
991 displaced person to make a [downpayment] down payment, including
992 reasonable expenses incurred by such displaced person for evidence of
993 title, recording fees, and other closing costs incident to the purchase of
994 a decent, safe, and sanitary dwelling of standards adequate to
995 accommodate such person in areas not generally less desirable [in]
996 with regard to public utilities and public and commercial facilities, but
997 not to exceed [four thousand dollars, except that if such amount
998 exceeds two thousand dollars, such person must equally match any
999 such amount in excess of two thousand dollars in making the
1000 downpayment, and provided, whenever] five thousand two hundred
1001 fifty dollars. Whenever any tenant in any dwelling unit is displaced as
1002 the result of the enforcement of any code to which this section is
1003 applicable by any town, city or borough or agency thereof, the
1004 landlord of such dwelling unit shall be liable for any payments made
1005 by such town, city or borough pursuant to this section or by the state
1006 pursuant to subsection (b) of section 8-280, and the town, city or
1007 borough or the state may place a lien on any real property owned by
1008 such landlord to secure repayment to the town, city or borough or the
1009 state of such payments, which lien shall have the same priority as and
1010 shall be filed, enforced and discharged in the same manner as a lien for
1011 municipal taxes under chapter 205.

1012 (b) Notwithstanding the provisions of this section, the head of the
1013 state agency shall make relocation payments as provided under the
1014 federal Uniform Relocation Assistance and Real Property Acquisition
1015 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent
1016 amendments thereto and regulations promulgated thereunder if
1017 payments under said act and regulations would be greater than

1018 payments under this section and sections 8-268 and 8-269, as amended
1019 by this act.

1020 Sec. 13. (NEW) (*Effective from passage*) (a) No person who negotiates
1021 the acquisition or rental of real property may represent in such
1022 negotiation that the person has the power to acquire the property by
1023 eminent domain unless the person has such power.

1024 (b) Any violation of subsection (a) of this section shall be deemed an
1025 unfair or deceptive trade practice under subsection (a) of section 42-
1026 110b of the general statutes.

1027 Sec. 14. (NEW) (*Effective July 1, 2006*) (a) There is established an
1028 Office of Ombudsman for Property Rights which shall be within the
1029 Office of Policy and Management for administrative purposes only.
1030 The Office of Ombudsman for Property Rights shall be under the
1031 direction of an Ombudsman for Property Rights who shall be
1032 appointed in accordance with section 15 of this act.

1033 (b) The Office of Ombudsman for Property Rights shall:

1034 (1) Develop and maintain expertise in, and understanding of, the
1035 (A) provisions of the federal and state constitutions governing the
1036 taking of private property and provisions of state law authorizing a
1037 public agency to take private property, and (B) case law interpreting
1038 such provisions;

1039 (2) At the request of a public agency, assist the public agency in
1040 applying constitutional and statutory provisions concerning eminent
1041 domain;

1042 (3) At the request of a public agency, provide assistance in
1043 analyzing actions that have potential eminent domain implications;

1044 (4) At the request of a private property owner, provide assistance
1045 concerning eminent domain procedures;

1046 (5) Identify state or local governmental actions that have potential

1047 eminent domain implications and, if appropriate, advise the
1048 appropriate public agency about such implications;

1049 (6) Provide information to private citizens, civic groups and other
1050 interested parties about eminent domain law and their rights with
1051 respect to eminent domain;

1052 (7) Mediate disputes between private property owners and public
1053 agencies concerning the use of eminent domain or related relocation
1054 assistance as provided in section 16 of this act; and

1055 (8) Recommend to the General Assembly changes that, in the
1056 opinion of the Ombudsman for Property Rights, should be made to the
1057 general statutes related to eminent domain powers and procedures.

1058 (c) For the purposes of this section and sections 15 to 21, inclusive,
1059 of this act, "public agency" means a public agency, as defined in section
1060 1-200 of the general statutes, with the power to acquire property
1061 through eminent domain and includes an entity authorized to acquire
1062 property through eminent domain on behalf of the public agency.

1063 Sec. 15. (NEW) (*Effective July 1, 2006*) The Ombudsman for Property
1064 Rights shall be appointed by the Governor in accordance with sections
1065 4-5 to 4-8, inclusive, of the general statutes, as amended by this act. The
1066 Ombudsman for Property Rights shall be an elector of the state with
1067 expertise and experience in the field of real estate sales, real estate
1068 appraisals or land use regulation. The Ombudsman for Property
1069 Rights shall not have been employed or served in an official capacity
1070 with respect to any eminent domain procedure for a period of one year
1071 prior to appointment.

1072 Sec. 16. (NEW) (*Effective July 1, 2006*) (a) The Ombudsman for
1073 Property Rights shall adopt regulations, in accordance with chapter 54
1074 of the general statutes, to establish a mediation procedure for requests
1075 to mediate eminent domain or relocation assistance disputes filed with
1076 the Office of Ombudsman for Property Rights. Such regulations shall
1077 also establish criteria to be used by the Ombudsman for Property

1078 Rights in determining whether to accept or reject a request for
1079 mediation.

1080 (b) If a request to mediate an eminent domain or relocation
1081 assistance dispute is filed with the Ombudsman for Property Rights
1082 pursuant to this section, any party to the dispute may file a motion in
1083 the superior court to stay any related action during the pendency of
1084 mediation under this section or the consideration of a request for such
1085 mediation under this section. The court shall grant such motion for
1086 cause shown and the order shall provide that the stay shall terminate
1087 upon motion of either party or, in the event no motion is filed, on the
1088 earlier of: (1) The resolution of the dispute through mediation; or (2)
1089 the earlier of (A) the expiration of any period for conducting mediation
1090 pursuant to regulations adopted pursuant to subsection (a) of this
1091 section, or (B) a decision by the Ombudsman for Property Rights to
1092 deny a request for mediation.

1093 Sec. 17. (NEW) (*Effective July 1, 2006*) Each public agency shall
1094 comply with reasonable requests of the Office of Ombudsman for
1095 Property Rights for information and assistance.

1096 Sec. 18. (NEW) (*Effective July 1, 2006*) No employee of the Office of
1097 Ombudsman for Property Rights may:

1098 (1) Be employed by, or hold a position on, any public agency other
1099 than the Office of Ombudsman for Property Rights;

1100 (2) Receive or have the right to receive, directly or indirectly,
1101 remuneration under a compensation arrangement with respect to an
1102 eminent domain procedure; or

1103 (3) Knowingly accept employment with a public agency for a period
1104 of one year following termination of that person's services with the
1105 Office of Ombudsman for Property Rights.

1106 Sec. 19. (NEW) (*Effective July 1, 2006*) The Ombudsman for Property
1107 Rights may apply for and accept grants, gifts and bequests of funds

1108 from other states, federal and interstate agencies and independent
1109 authorities and private firms, individuals and foundations, for the
1110 purpose of carrying out the responsibilities of the Office of
1111 Ombudsman for Property Rights.

1112 Sec. 20. (NEW) (*Effective July 1, 2006*) There is established, within the
1113 General Fund, an Ombudsman for Property Rights account that shall
1114 be a separate nonlapsing account. Any funds received under this
1115 section shall, upon deposit in the General Fund, be credited to said
1116 account and may be used by the Office of Ombudsman for Property
1117 Rights in the performance of its duties.

1118 Sec. 21. (NEW) (*Effective July 1, 2006*) Each public agency seeking to
1119 acquire property by eminent domain shall: (1) Before filing a statement
1120 of compensation pursuant to section 8-129 of the general statutes, as
1121 amended by this act, or otherwise initiating an eminent domain action,
1122 make a reasonable effort to negotiate with the property owner for the
1123 purchase of the property; and (2) as early in the negotiation process for
1124 the real property as practicable, but not later than fourteen days before
1125 filing such statement of compensation or otherwise initiating the
1126 eminent domain action, unless the court for good cause allows a
1127 shorter period: (A) Advise the property owner of the services provided
1128 by the Ombudsman for Property Rights appointed pursuant to section
1129 15 of this act, and the mediation available under section 16 of this act,
1130 (B) provide the name, address and telephone number of the
1131 Ombudsman for Property Rights, and (C) provide the property owner
1132 with a written statement explaining that oral representations or
1133 promises made during the negotiation process are not binding on the
1134 public agency seeking to acquire the property by eminent domain. The
1135 information provided under subparagraphs (A) to (C), inclusive, of
1136 this subdivision shall be in such form as the Ombudsman for Property
1137 Rights prescribes.

1138 Sec. 22. Section 4-5 of the general statutes is repealed and the
1139 following is substituted in lieu thereof (*Effective July 1, 2006*):

1140 As used in sections 4-6, 4-7, as amended, and 4-8, the term
 1141 "department head" means Secretary of the Office of Policy and
 1142 Management, Commissioner of Administrative Services,
 1143 Commissioner of Revenue Services, Banking Commissioner,
 1144 Commissioner of Children and Families, Commissioner of Consumer
 1145 Protection, Commissioner of Correction, Commissioner of Economic
 1146 and Community Development, State Board of Education,
 1147 Commissioner of Emergency Management and Homeland Security,
 1148 Commissioner of Environmental Protection, Commissioner of
 1149 Agriculture, Commissioner of Public Health, Insurance Commissioner,
 1150 Labor Commissioner, Liquor Control Commission, Commissioner of
 1151 Mental Health and Addiction Services, Commissioner of Public Safety,
 1152 Commissioner of Social Services, Commissioner of Mental Retardation,
 1153 Commissioner of Motor Vehicles, Commissioner of Transportation,
 1154 Commissioner of Public Works, Commissioner of Veterans' Affairs,
 1155 Commissioner of Health Care Access, Chief Information Officer, the
 1156 chairperson of the Public Utilities Control Authority, the executive
 1157 director of the Board of Education and Services for the Blind, [and] the
 1158 executive director of the Connecticut Commission on Culture and
 1159 Tourism and the Ombudsman for Property Rights."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to property acquired on or after said date</i>	8-193
Sec. 2	<i>from passage</i>	8-189
Sec. 3	<i>from passage</i>	8-191
Sec. 4	<i>from passage and applicable to property acquired on or after said date</i>	8-200
Sec. 5	<i>from passage and applicable to property acquired on or after said date</i>	32-224

Sec. 6	<i>from passage and applicable to property acquired on or after said date</i>	8-128
Sec. 7	<i>from passage and applicable to property acquired on or after said date</i>	8-129
Sec. 8	<i>from passage and applicable to property acquired on or after said date</i>	8-132
Sec. 9	<i>from passage and applicable to applications filed on or after said date</i>	52-192a
Sec. 10	<i>from passage and applicable to property acquired on or after said date</i>	8-268
Sec. 11	<i>from passage and applicable to property acquired on or after said date</i>	8-269
Sec. 12	<i>from passage and applicable to property acquired on or after said date</i>	8-270
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>July 1, 2006</i>	New section
Sec. 15	<i>July 1, 2006</i>	New section
Sec. 16	<i>July 1, 2006</i>	New section
Sec. 17	<i>July 1, 2006</i>	New section
Sec. 18	<i>July 1, 2006</i>	New section
Sec. 19	<i>July 1, 2006</i>	New section
Sec. 20	<i>July 1, 2006</i>	New section
Sec. 21	<i>July 1, 2006</i>	New section
Sec. 22	<i>July 1, 2006</i>	4-5