



General Assembly

January Session, 2007

***Raised Bill No. 1054***

LCO No. 3439

\*03439\_\_\_\_\_PD\_\*

Referred to Committee on Planning and Development

Introduced by:  
(PD)

***AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND ECONOMIC DEVELOPMENT.***

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

1 Section 1. Section 8-125 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage and*  
3 *applicable to property acquired on or after said date*):

4 As used in this chapter:

5 [(a)] (1) "Redevelopment" means improvement by the rehabilitation  
6 or demolition of structures, by the construction of new structures,  
7 improvements or facilities, by the location or relocation of streets,  
8 parks and utilities, by replanning or by two or more of these methods;

9 [(b)] (2) "Redevelopment area" means an area within the state  
10 which is deteriorated, [deteriorating,] substandard or detrimental to  
11 the safety, health, morals or welfare of the community. An area may  
12 consist partly or wholly of vacant or unimproved land or of land with  
13 structures and improvements thereon, and may include structures not  
14 in themselves substandard or insanitary which are found to be

15 essential to complete an adequate unit of development, if the  
16 redevelopment area is deteriorated, [deteriorating,] substandard or  
17 detrimental. An area may include properties not contiguous to each  
18 other. An area may include all or part of the territorial limits of any fire  
19 district, sewer district, fire and sewer district, lighting district, village,  
20 beach or improvement association or any other district or association,  
21 wholly within a town and having the power to make appropriations or  
22 to levy taxes, whether or not such entity is chartered by the General  
23 Assembly;

24 [(c)] (3) A "redevelopment plan" [shall include: (1)] means a plan  
25 that includes: (A) A description of the redevelopment area and the  
26 condition, type and use of the structures therein; [(2)] (B) the location  
27 and extent of the land uses proposed for and within the area, such as  
28 housing, recreation, business, industry, schools, civic activities, open  
29 spaces or other categories of public and private uses; [(3)] (C) the  
30 location and extent of streets and other public utilities, facilities and  
31 works within the area; [(4)] (D) schedules showing the number of  
32 families displaced by the proposed improvement, the method of  
33 temporary relocation of such families and the availability of sufficient  
34 suitable living accommodations at prices and rentals within the  
35 financial reach of such families and located within a reasonable  
36 distance of the area from which they are displaced; [(5)] (E) present  
37 and proposed zoning regulations in the redevelopment area; [(6)] and  
38 (F) any other detail including financial aspects of redevelopment  
39 which, in the judgment of the redevelopment agency authorized  
40 herein, is necessary to give it adequate information;

41 [(d)] (4) "Planning agency" means the existing city or town plan  
42 commission or, if such agency does not exist or is not created, the  
43 legislative body or agency designated by it;

44 [(e)] (5) "Redeveloper" means any individual, group of individuals  
45 or corporation or any municipality or other public agency including  
46 any housing authority established pursuant to chapter 128;

47 [(f)] (6) "Real property" means land, subterranean or subsurface  
48 rights, structures, any and all easements, air rights and franchises and  
49 every estate, right or interest therein.

50 Section 8-125 of the general statutes is repealed and the following is  
51 substituted in lieu thereof (*Effective from passage and applicable to*  
52 *property acquired on or after said date*):

53 As used in this chapter:

54 [(a)] (1) "Redevelopment" means improvement by the rehabilitation  
55 or demolition of structures, by the construction of new structures,  
56 improvements or facilities, by the location or relocation of streets,  
57 parks and utilities, by replanning or by two or more of these methods;

58 [(b)] (2) "Redevelopment area" means an area within the state  
59 which is deteriorated, [deteriorating,] substandard or detrimental to  
60 the safety, health, morals or welfare of the community. An area may  
61 consist partly or wholly of vacant or unimproved land or of land with  
62 structures and improvements thereon, and may include structures not  
63 in themselves substandard or insanitary which are found to be  
64 essential to complete an adequate unit of development, if the  
65 redevelopment area is deteriorated, [deteriorating,] substandard or  
66 detrimental. An area may include properties not contiguous to each  
67 other. An area may include all or part of the territorial limits of any fire  
68 district, sewer district, fire and sewer district, lighting district, village,  
69 beach or improvement association or any other district or association,  
70 wholly within a town and having the power to make appropriations or  
71 to levy taxes, whether or not such entity is chartered by the General  
72 Assembly;

73 [(c)] (3) A "redevelopment plan" [shall include: (1)] means a plan  
74 that includes: (A) A description of the redevelopment area and the  
75 condition, type and use of the structures therein; [(2)] (B) the location  
76 and extent of the land uses proposed for and within the area, such as  
77 housing, recreation, business, industry, schools, civic activities, open

78 spaces or other categories of public and private uses; [(3)] (C) the  
79 location and extent of streets and other public utilities, facilities and  
80 works within the area; [(4)] (D) schedules showing the number of  
81 families displaced by the proposed improvement, the method of  
82 temporary relocation of such families and the availability of sufficient  
83 suitable living accommodations at prices and rentals within the  
84 financial reach of such families and located within a reasonable  
85 distance of the area from which they are displaced; [(5)] (E) present  
86 and proposed zoning regulations in the redevelopment area; [(6)] and  
87 (F) any other detail including financial aspects of redevelopment  
88 which, in the judgment of the redevelopment agency authorized  
89 herein, is necessary to give it adequate information;

90 [(d)] (4) "Planning agency" means the existing city or town plan  
91 commission or, if such agency does not exist or is not created, the  
92 legislative body or agency designated by it;

93 [(e)] (5) "Redeveloper" means any individual, group of individuals  
94 or corporation or any municipality or other public agency including  
95 any housing authority established pursuant to chapter 128;

96 [(f)] (6) "Real property" means land, subterranean or subsurface  
97 rights, structures, any and all easements, air rights and franchises and  
98 every estate, right or interest therein.

99 Sec. 2. Section 8-193 of the general statutes is repealed and the  
100 following is substituted in lieu thereof (*Effective from passage and*  
101 *applicable to property acquired on or after said date*):

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

107 (2) Before the legislative body approves any acquisition by eminent

108 domain pursuant to this section, the legislative body shall conduct a  
109 public hearing on the acquisition. The municipality shall cause notice  
110 of the time, place and subject of the hearing to be published in a  
111 newspaper having a substantial circulation in the municipality not  
112 more than ten days before the date set for the hearing. Notice of the  
113 time, place and subject of the hearing shall also be sent by first class  
114 mail to the owners of record of the real property to be acquired by  
115 eminent domain not less than ten days before the date of the hearing.

116 (3) (A) No parcel of real property may be acquired by eminent  
117 domain under this section except by approval by vote of at least two-  
118 thirds of the members of the legislative body of the municipality or, in  
119 the case of a municipality for which the legislative body is a town  
120 meeting or a representative town meeting, the board of selectmen.  
121 Such approval shall be by (i) separate vote on each parcel of real  
122 property to be acquired, or (ii) vote on one or more groups of such  
123 parcels, provided each parcel to be acquired is identified for the  
124 purposes of a vote on a group of such parcels under this  
125 subparagraph.

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

130 (4) No parcel of real property may be acquired by eminent domain  
131 more than five years after the approval of the development plan unless  
132 the development agency submits documentation to the legislative  
133 body sufficient for the legislative body to determine that acquisition of  
134 the parcel is necessary to implement the development plan, except that  
135 if there is a subsequent material change to the development plan, no  
136 such parcel of real property may be acquired by eminent domain more  
137 than five years after the date the material change to the plan is adopted  
138 unless the development agency submits documentation to the  
139 legislative body sufficient for the legislative body to determine that the

140 acquisition of the parcel is necessary to implement the development  
141 plan.

142 (c) The development agency may, with the approval of the  
143 legislative body and, of the commissioner if any grants were made by  
144 the state under section 8-190 or 8-195 for such development project,  
145 and in the name of such municipality, transfer by sale or lease at fair  
146 market value or fair rental value, as the case may be, the whole or any  
147 part of the real property in the project area to any person, in  
148 accordance with the project plan and such disposition plans as may  
149 have been determined by the commissioner.

150 [(b)] (d) A development agency shall have all the powers necessary  
151 or convenient to undertake and carry out development plans and  
152 development projects, including the power to clear, demolish, repair,  
153 rehabilitate, operate, or insure real property while it is in its  
154 possession, to make site improvements essential to the preparation of  
155 land for its use in accordance with the development plan, to install,  
156 construct or reconstruct streets, utilities and other improvements  
157 necessary for carrying out the objectives of the development project,  
158 and, in distressed municipalities, as defined in section 32-9p, to lend  
159 funds to businesses and industries in a manner approved by the  
160 commissioner.

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

167 (2) (A) If real property acquired on or after the effective date of this  
168 section is not used for the purpose for which it was acquired or for  
169 some other public use and is subsequently offered for sale, the real  
170 property shall be first offered for sale pursuant to subparagraph (B) of  
171 this subdivision to the person from whom the real property was

172 acquired, or heirs of the person designated pursuant to subparagraph  
173 (B) of this subdivision, if any, for a price not greater than the amount of  
174 compensation paid for such real property, after any appeal or  
175 settlement, less (i) the value of any structures or improvements  
176 removed from the real property by the development agency or its  
177 designee after the real property was acquired as set forth in the  
178 recorded findings, and (ii) the amount of any depreciation, as defined  
179 in section 45a-542z. After the municipality provides notice pursuant to  
180 subparagraph (B) of this subdivision, the municipality may not sell  
181 such property to a third party unless the municipality has permitted  
182 the person or named heirs six months to exercise the right to purchase  
183 the property, and an additional six months to finalize the purchase if  
184 the person or named heirs provide the municipality with notice of  
185 intent to purchase the property within the initial six-month period.

186 (B) For the purposes of any offer of sale pursuant to this  
187 subdivision, the municipality shall provide a form to any person  
188 whose property is acquired pursuant to this section to permit such  
189 person to provide an address for notice of sale to be sent, or to provide  
190 the name and address of an agent to receive such notice. Such form  
191 shall be designed to permit the person to designate heirs of the person  
192 who shall be eligible to purchase such property pursuant to this  
193 subdivision. The person or agent shall update information in the form  
194 in writing. If the person or agent does not provide or update the  
195 information in the form in a manner that permits the municipality to  
196 send notice of sale pursuant to this subsection, no such notice shall be  
197 required.

198 Sec. 3. Section 8-189 of the general statutes is repealed and the  
199 following is substituted in lieu thereof (*Effective from passage*):

200 The development agency may initiate a development project by  
201 preparing a project plan [therefor] in accordance with regulations [of]  
202 adopted by the commissioner pursuant to section 8-198. The project  
203 plan shall meet an identified public need and include: [(a)] (1) A legal

204 description of the land within the project area; [(b)] (2) a description of  
205 the present condition and uses of such land or building; [(c)] (3) a  
206 description of the process utilized by the agency to prepare the plan  
207 and a description of alternative approaches considered to achieve  
208 project objectives; (4) a description of the types and locations of land  
209 uses or building uses proposed for the project area; [(d)] (5) a  
210 description of the types and locations of present and proposed streets,  
211 sidewalks and sanitary, utility and other facilities and the types and  
212 locations of other proposed site improvements; [(e)] (6) statements of  
213 the present and proposed zoning classification and subdivision status  
214 of the project area and the areas adjacent to the project area; [(f)] (7) a  
215 plan for relocating project-area occupants; [(g)] (8) a financing plan;  
216 [(h)] (9) an administrative plan; [(i)] (10) a marketability and proposed  
217 land-use study or building use study if required by the commissioner;  
218 [(j)] (11) appraisal reports and title searches; [(k)] (12) a [statement of]  
219 description of the public benefits of the project including, but not  
220 limited to, (A) the number of jobs which the development agency  
221 anticipates would be created by the project; [and] (B) the estimated  
222 property tax benefits; (C) the number and types of existing housing  
223 units in the municipality in which the project would be located, and in  
224 contiguous municipalities, which would be available to employees  
225 filling such jobs; [and (l)] (D) a general description of infrastructure  
226 improvements, including public access, facilities or use, that the  
227 development agency anticipates may be needed to implement the  
228 development plan; (E) a general description of the development  
229 agency's goals for blight remediation or, if known, environmental  
230 remediation; (F) a general description of any aesthetic improvements  
231 that the development agency anticipates may be generated by the  
232 project; (G) a general description of the project's intended role in  
233 increasing or sustaining market value of land in the municipality; (H) a  
234 general description of the project's intended role in assisting residents  
235 of the municipality to improve their standard of living; and (I) a  
236 general statement of the project's role in maintaining or enhancing the  
237 competitiveness of the municipality; (13) findings that (A) the land and

238 buildings within the project area will be used principally for industrial  
239 or business purposes; [that] (B) the plan is in accordance with the plan  
240 of development for the municipality adopted by its planning  
241 commission under section 8-23, and the plan of development of the  
242 regional planning agency adopted under section 8-35a, if any, for the  
243 region within which the municipality is located; [that] (C) the plan is  
244 not inimical to [any] the state plan of conservation and development  
245 adopted under chapter 297 and any other state-wide planning  
246 program objectives of the state or state agencies as coordinated by the  
247 Secretary of the Office of Policy and Management; [that] and (D) the  
248 project will contribute to the economic welfare of the municipality and  
249 the state; and that to carry out and administer the project, public action  
250 under this chapter is required; and (14) a preliminary statement  
251 describing the proposed process for acquiring each parcel of real  
252 property. Any plan [which] that has been prepared by a  
253 redevelopment agency under chapter 130 may be submitted by the  
254 development agency to the legislative body and to the commissioner in  
255 lieu of a plan initiated and prepared in accordance with this section,  
256 provided all other requirements of this chapter for obtaining the  
257 approval of the commissioner of the project plan are satisfied.

258 Sec. 4. Section 8-191 of the general statutes is repealed and the  
259 following is substituted in lieu thereof (*Effective from passage*):

260 (a) Before the development agency adopts a plan for a development  
261 project, (1) the planning commission of the municipality shall find that  
262 the plan is in accord with the plan of development for the  
263 municipality; and (2) the regional planning agency, if any, for the  
264 region within which such municipality is located shall find that such  
265 plan is in accord with the plan of development for such region, or if  
266 such agency fails to make a finding concerning [said] the plan within  
267 thirty-five days of receipt [thereof] of the plan by such agency, it shall  
268 be presumed that such agency does not disapprove of [such] the plan;  
269 and (3) the development agency shall hold at least one public hearing  
270 [thereon] on the plan. At least thirty-five days prior to any public

271 hearing the development agency shall post the draft plan on the  
272 Internet web site of the development agency, if any. Upon approval by  
273 the development agency, the agency shall submit [such] the plan to the  
274 legislative body which shall vote to approve or disapprove the plan.  
275 After approval of the plan by the legislative body, the development  
276 agency shall submit the plan for approval to the commissioner. Notice  
277 of the time, place and subject of any public hearing held under this  
278 section shall be published once in a newspaper of general circulation in  
279 [such town] the municipality, such publication to be made not less  
280 than one week nor more than three weeks prior to the date set for the  
281 hearing. In the event the commissioner requires a substantial  
282 modification of the project plan before giving approval, then upon the  
283 completion of such modification such plan shall first have a public  
284 hearing and then be approved by the development agency and the  
285 legislative body. Any legislative body, agency or commission in  
286 approving a plan for a development project shall specifically approve  
287 the findings made [therein] in the plan.

288 (b) The provisions of subsection (a) of this section with respect to  
289 submission of a development project to and approval by the  
290 commissioner shall not apply to a project for which no grant has been  
291 made under section 8-190 and no application for a grant is to be made  
292 under section 8-195.

293 Sec. 5. Section 8-200 of the general statutes is repealed and the  
294 following is substituted in lieu thereof (*Effective from passage and*  
295 *applicable to property acquired on or after said date*):

296 (a) A development plan may be modified at any time by the  
297 development agency, provided, if modified after the lease or sale of  
298 real property in the development project area, the modification must  
299 be consented to by the lessees or purchasers of such real property or  
300 their successor or successors in interest affected by the proposed  
301 modification. Where the proposed modification will substantially  
302 change the development plan as previously approved, the

303 modification must be approved in the same manner as the  
304 development plan.

305 (b) If after three years from the date of approval of the development  
306 plan the development agency has been unable to transfer by sale or  
307 lease at fair market value or fair rental value, as the case may be, the  
308 whole or any part of the real property acquired in the project area to  
309 any person in accordance with the project plan, and no grant has been  
310 made for such project pursuant to section 8-195, the municipality may,  
311 by vote of its legislative body, abandon the project plan and such real  
312 property may be conveyed free of any restriction, obligation or  
313 procedure imposed by the plan but shall be subject to all other local  
314 and state laws, ordinances or regulations, including, but not limited to,  
315 any offer of sale required under subsection (e) of section 8-193, as  
316 amended by this act.

317 Sec. 6. Section 32-224 of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective from passage and*  
319 *applicable to property acquired on or after said date*):

320 (a) Any municipality which has a planning commission may, by  
321 vote of its legislative body, designate an implementing agency to  
322 exercise the powers granted under sections 32-220 to 32-234, inclusive.  
323 Any municipality may, with the approval of the commissioner,  
324 designate a separate implementing agency for each municipal  
325 development project undertaken by such municipality pursuant to  
326 said sections.

327 (b) The implementing agency may initiate a municipal development  
328 project by preparing and submitting a development plan to the  
329 commissioner. Such plan shall meet an identified public need and  
330 include: (1) A legal description of the real property within the  
331 boundaries of the project area; (2) a description of the present  
332 condition and uses of such real property; (3) a description of the  
333 process utilized by the agency to prepare the plan and a description of  
334 alternative approaches considered to achieve project objectives; (4) a

335 description of the types and locations of land uses or building uses  
336 proposed for the project area; [(4)] (5) a description of the types and  
337 locations of present and proposed streets, sidewalks and sanitary,  
338 utility and other facilities and the types and locations of other  
339 proposed project improvements; [(5)] (6) statements of the present and  
340 proposed zoning classification and subdivision status of the project  
341 area and the areas adjacent to the project area; [(6)] (7) a plan for  
342 relocating project area occupants; [(7)] (8) a financing plan; [(8)] (9) an  
343 administrative plan; [(9)] (10) an environmental analysis, marketability  
344 and proposed land use study, or building use study if required by the  
345 commissioner; [(10)] (11) appraisal reports and title searches if  
346 required by the commissioner; [(11)] (12) a description of the  
347 [economic] public benefit of the project, including, but not limited to,  
348 (A) the number of jobs which the implementing agency anticipates  
349 would be created or retained by the project, (B) the estimated property  
350 tax benefits, [and] (C) the number and types of existing housing units  
351 in the municipality in which the project would be located, and in  
352 contiguous municipalities, which would be available to employees  
353 filling such jobs, [and (12)] (D) a general description of infrastructure  
354 improvements, including public access, facilities or use, that the  
355 implementing agency anticipates may be needed to implement the  
356 development plan, (E) a general description of the implementing  
357 agency's goals for blight remediation or, if known, environmental  
358 remediation, (F) a general description of any aesthetic improvements  
359 that the implementing agency anticipates may be generated by the  
360 project, (G) a general description of the project's intended role in  
361 increasing or sustaining market value of land in the municipality, (H) a  
362 general description of the project's intended role in assisting residents  
363 of the municipality to improve their standard of living, and (I) a  
364 general statement of the project's role in maintaining or enhancing the  
365 competitiveness of the municipality; (13) a finding that (A) the land  
366 and buildings within the boundaries of the project area will be used  
367 principally for manufacturing or other economic base business  
368 purposes or business support services; (B) the plan is in accordance

369 with the plan of development for the municipality, if any, adopted by  
370 its planning commission under section 8-23, as amended, and the plan  
371 of development of the regional planning agency adopted under section  
372 8-35a, if any, for the region within which the municipality is located;  
373 (C) the plan is not inimical to [any] the state plan of conservation and  
374 development adopted under chapter 297 and any other state-wide  
375 planning program objectives of the state or state agencies as  
376 coordinated by the Secretary of the Office of Policy and Management;  
377 and (D) the project will contribute to the economic welfare of the  
378 municipality and the state and that to carry out and administer the  
379 project, public action under sections 32-220 to 32-234, inclusive, is  
380 required; and (14) a preliminary statement describing the proposed  
381 process for acquiring each parcel of real property. The provisions of  
382 this subsection with respect to submission of a development plan to  
383 and approval by the commissioner and with respect to a finding that  
384 the plan is not inimical to any state-wide planning program objectives  
385 of the state or its agencies shall not apply to a project for which no  
386 financial assistance has been given and no application for financial  
387 assistance is to be made under section 32-223. Any plan [which] that  
388 has been prepared under chapters 130, 132 or 588a may be submitted  
389 by the implementing agency to the legislative body of the municipality  
390 and to the commissioner in lieu of a plan initiated and prepared in  
391 accordance with this section, provided all other requirements of  
392 sections 32-220 to 32-234, inclusive, for obtaining the approval of the  
393 commissioner of the development plan are satisfied. Any action taken  
394 in connection with the preparation and adoption of such plan shall be  
395 deemed effective to the extent such action satisfies the requirements of  
396 said sections.

397 (c) No plan shall be adopted unless the planning commission of the  
398 municipality finds that the plan is in accord with the plan of  
399 development, if any, for the municipality and the regional planning  
400 agency, if any, organized under chapter 127 for the region within  
401 which such municipality is located finds that such plan is in accord  
402 with the plan of development, if any, for such region. If the regional

403 planning agency fails to make a finding concerning the plan within  
404 thirty-five days of receipt thereof, by such agency, it shall be presumed  
405 that such agency does not disapprove of the plan. The implementing  
406 agency shall hold at least one public hearing on the plan and shall  
407 cause notice of the time, place, and subject of any public hearing to be  
408 published at least once in a newspaper of general circulation in the  
409 municipality not less than one week nor more than three weeks prior  
410 to the date of such public hearing. At least thirty-five days prior to the  
411 public hearing the implementing agency shall post the draft plan on  
412 the Internet web site of the implementing agency, if any. Upon  
413 adoption of the plan the implementing agency shall submit the plan to  
414 the legislative body of the municipality for approval or disapproval.  
415 Any approval by the implementing agency and legislative body of the  
416 municipality made under this section shall specifically provide for  
417 approval of any findings contained therein. After approval of the plan  
418 by the legislative body of the municipality, [such] the plan shall be  
419 submitted to the commissioner for his approval. If the commissioner  
420 requires a substantial modification of the plan as a condition of  
421 approval, the plan shall be subject to a public hearing and approval by  
422 the implementing agency and the legislative body of the municipality  
423 in accordance with the provisions of this subsection.

424 (d) A development plan may be modified at any time by the  
425 implementing agency, provided, if modified after the lease or sale of  
426 real property in the project area, the lessees or purchasers of such real  
427 property or their successor or successors in interest affected by the  
428 proposed modification shall consent to such modification. If the  
429 proposed modification will substantially alter the development plan as  
430 previously approved, the modification shall be subject to the approval  
431 of the local legislative body of the municipality and the commissioner  
432 in the same manner as approval of the development plan. The  
433 municipality may, by vote of its legislative body, abandon the  
434 development plan and convey such real property within the  
435 boundaries of the project area free of any restriction, obligation or  
436 procedure imposed by the plan subject to all other local and state laws,

437 ordinances or regulations, including, but not limited to, any offer of  
438 sale required under subsection (i) of this section, if after three years  
439 from the date of approval of the plan the implementing agency has not  
440 transferred by sale or lease all or any part of the real property acquired  
441 in the project area to any person in accordance with the development  
442 plan and no grant of financial assistance under sections 32-220 to 32-  
443 234, inclusive, has been given for such project other than for activities  
444 related to the planning of the project pursuant to section 32-222.

445 (e) The implementing agencies of two or more municipalities may,  
446 after approval by each legislative body thereof, jointly initiate a  
447 development project if the project area is to be located in one or more  
448 of such municipalities. Such implementing agencies, after approval by  
449 the commissioner of the development plan for the project if any state  
450 aid is to be requested under section 32-223, may enter into and amend  
451 subject to the approval of the commissioner, an agreement to jointly  
452 carry out the development plan. Such agreement may include  
453 provisions for furnishing municipal services to the project and sharing  
454 costs of and revenues from the project, including property tax and  
455 rental receipts. The development plan shall include a proposed form of  
456 the agreement to be entered into by the municipalities. Each  
457 municipality which is a party to an agreement may make  
458 appropriations and levy taxes in accordance with the provisions of the  
459 general statutes and may issue bonds in accordance with section 32-  
460 227 to further its obligations under the agreement.

461 (f) As used in this subsection, "public service facility" includes any  
462 sewer, pipe, main conduit, cable, wire, pole, tower, building or utility  
463 appliance owned or operated by an electric, gas, telephone, telegraph  
464 or water company. Whenever an implementing agency determines  
465 that the closing of any street or public right-of-way is provided for in a  
466 development plan adopted and approved in accordance with sections  
467 32-220 to 32-234, inclusive, or where the carrying out of such a  
468 development plan, including the construction of new improvements,  
469 requires the temporary or permanent readjustment, relocation or

470 removal of a public service facility from a street or public right-of-way,  
471 the implementing agency shall issue an appropriate order to the  
472 company owning or operating such facility. Such company shall  
473 permanently or temporarily readjust, relocate or remove the public  
474 service facility promptly in accordance with such order, provided an  
475 equitable share of the cost of such readjustment, relocation or removal,  
476 including the cost of installing and constructing a facility of equal  
477 capacity in a new location, shall be borne by the implementing agency.  
478 Such equitable share shall be fifty per cent of such cost after the  
479 deduction hereinafter provided. In establishing the equitable share of  
480 the cost to be borne by the implementing agency, there shall be  
481 deducted from the cost of the readjusted, relocated or removed  
482 facilities a sum based on a consideration of the value of materials  
483 salvaged from existing installations, the cost of the original installation,  
484 the life expectancy of the original facility and the unexpired term of  
485 such life use. The books and records of the company shall be made  
486 available for inspection by the implementing agency to determine the  
487 equitable share of the cost of such readjustment, relocation or removal.  
488 When any facility is removed from a street or public right-of-way to a  
489 private right-of-way, the implementing agency shall not pay for such  
490 private right-of-way. If the implementing agency and the company  
491 owning or operating such facility cannot agree upon the share of the  
492 cost to be borne by the implementing agency, such agency or the  
493 company may apply to the superior court for the judicial district  
494 within which the street or public right-of-way is situated, or, if the  
495 court is not in session, to any judge thereof, for a determination of the  
496 cost to be borne by the implementing agency. The court or the judge,  
497 after causing notice of the pendency of such application to be given to  
498 the other party, shall appoint a state referee to make such  
499 determination. The referee, having given at least ten days' notice to the  
500 interested parties of the time and place of the hearing, shall hear both  
501 parties, take such testimony as he may deem material and thereupon  
502 determine the amount of the cost to be borne by the implementing  
503 agency. The referee shall immediately report the amount to the court.

504 If the report is accepted by the court, such determination shall, subject  
505 to right of appeal as in civil actions, be conclusive upon such parties.

506 (g) After approval of the development plan pursuant to sections 32-  
507 220 to 32-234, inclusive, the implementing agency may by purchase,  
508 lease, exchange or gift acquire or rent real property necessary or  
509 appropriate for the project as identified in the development plan and  
510 real property and interests therein for rights-of-way and other  
511 easements to and from the project area.

512 (h) (1) The implementing agency may, with the approval of the  
513 legislative body of the municipality, and in the name of the  
514 municipality, condemn in accordance with section 8-128 to 8-133,  
515 inclusive, as amended by this act, any real property necessary or  
516 appropriate for the project as identified in the development plan,  
517 including real property and interests in land for rights-of-way and  
518 other easements to and from the project area, except that no real  
519 property may be condemned pursuant to this section if an owner-  
520 occupied dwelling unit that complies with building and zoning  
521 requirements of the municipality is located on such real property or for  
522 the sole purpose of increasing local tax revenue. The legislative body  
523 shall not approve the use of condemnation by the implementing  
524 agency unless the legislative body has (A) considered the benefits to  
525 the public and any private entity that will result from the municipal  
526 development project and determined that the public benefits outweigh  
527 any private benefits, (B) determined that the current use of the real  
528 property cannot be feasibly integrated into the overall development  
529 plan, and (C) determined that the acquisition of the real property by  
530 condemnation is reasonably necessary to successfully achieve the  
531 objectives of the development plan.

532 (2) Before the legislative body approves any acquisition by  
533 condemnation pursuant to this subsection, the legislative body shall  
534 conduct a public hearing on the acquisition. The municipality shall  
535 cause notice of the time, place and subject of the hearing to be

536 published in a newspaper having a substantial circulation in the  
537 municipality not more than ten days before the date set for the hearing.  
538 Notice of the time, place and subject of the hearing shall also be sent by  
539 first class mail to the owners of record of the real property to be  
540 acquired by condemnation not less than ten days before the date of the  
541 hearing.

542 (3) (A) No parcel of real property may be acquired by condemnation  
543 under this subsection except by approval by vote of at least two-thirds  
544 of the members of the legislative body of the municipality or, in the  
545 case of a municipality for which the legislative body is a town meeting  
546 or a representative town meeting, the board of selectmen. Such  
547 approval shall be by (i) separate vote on each parcel of real property to  
548 be acquired, or (ii) vote on one or more groups of such parcels,  
549 provided each parcel to be acquired is identified for the purposes of a  
550 vote on a group of such parcels under this subparagraph.

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

555 (4) No parcel of real property may be acquired by condemnation  
556 more than five years after the approval of the development plan unless  
557 the implementing agency submits documentation to the legislative  
558 body sufficient for the legislative body to determine that acquisition of  
559 the parcel is necessary to implement the development plan, except that  
560 if there is a subsequent material change to the development plan, no  
561 such parcel of real property may be acquired by condemnation more  
562 than five years after the date the material change to the plan is adopted  
563 unless the implementing agency submits documentation to the  
564 legislative body sufficient for the legislative body to determine that the  
565 acquisition of the parcel is necessary to implement the development  
566 plan.

567 (i) (1) On and after the effective date of this section, on the date a

568 certificate of taking is filed pursuant to section 8-129, as amended by  
569 this act, for property acquired by eminent domain pursuant to this  
570 section, the development agency shall record with the certificate of  
571 taking separate findings that itemize the value of the real property and  
572 any structures or improvements on the real property so acquired.

573 (2) (A) If real property acquired on or after the effective date of this  
574 section is not used for the purpose for which it was acquired or for  
575 some other public use and is subsequently offered for sale, the real  
576 property shall be first offered for sale pursuant to subparagraph (B) of  
577 this subdivision to the person from whom the real property was  
578 acquired, or heirs of the person designated pursuant to subparagraph  
579 (B) of this subdivision, if any, for a price not greater than the amount of  
580 compensation paid for such real property, after any appeal or  
581 settlement, less (i) the value of any structures or improvements  
582 removed from the real property by the development agency or its  
583 designee after the real property was acquired as set forth in the  
584 recorded findings, and (ii) the amount of any depreciation, as defined  
585 in section 45a-542z. After the municipality provides notice pursuant to  
586 subparagraph (B) of this subdivision, the municipality may not sell  
587 such property to a third party unless the municipality has permitted  
588 the person or named heirs six months during which to exercise the  
589 right to purchase the property, and an additional six months to finalize  
590 the purchase if the person or named heirs provide the municipality  
591 with notice of intent to purchase the property within the initial six-  
592 month period.

593 (B) For the purposes of any offer of sale pursuant to this  
594 subdivision, the municipality shall provide a form to any person  
595 whose property is acquired pursuant to this section to permit such  
596 person to provide an address for notice of sale to be sent, or to provide  
597 the name and address of an agent to receive such notice. Such form  
598 shall be designed to permit the person to designate heirs of the person  
599 who shall be eligible to purchase such property pursuant to this  
600 subdivision. The person or agent shall update information in the form

601 in writing. If the person or agent does not provide or update the  
602 information in the form in a manner that permits the municipality to  
603 send notice of sale pursuant to this subsection, no such notice shall be  
604 required.

605 Sec. 7. Section 8-128 of the general statutes is repealed and the  
606 following is substituted in lieu thereof (*Effective from passage and*  
607 *applicable to property acquired on or after said date*):

608 (a) Within a reasonable time after its approval of the redevelopment  
609 plan as [hereinbefore] provided in section 8-127, the redevelopment  
610 agency may proceed with the acquisition or rental of real property by  
611 purchase, lease, exchange or gift. The redevelopment agency may  
612 acquire real property by eminent domain with the approval of the  
613 legislative body of the municipality and in accordance with the  
614 provisions of sections 8-129 to 8-133, inclusive, and this section, except  
615 that no real property may be acquired by eminent domain under this  
616 section if an owner-occupied dwelling unit that complies with building  
617 and zoning requirements of the municipality is located on such real  
618 property. The legislative body in its approval of a project under section  
619 8-127 shall specify the time within which real property is to be  
620 acquired. The time for acquisition may be extended by the legislative  
621 body in accordance with section 48-6, upon request of the  
622 redevelopment agency, provided the owner of the real property  
623 consents to such request. Real property may be acquired previous to  
624 the adoption or approval of the project area redevelopment plan,  
625 provided the property acquired shall be located within an area  
626 designated on the general plan as an appropriate redevelopment area  
627 or within an area whose boundaries are defined by the planning  
628 commission as an appropriate area for a redevelopment project, and  
629 provided such acquisition shall be authorized by the legislative body.  
630 The redevelopment agency may clear, repair, operate or insure such  
631 property while it is in its possession or make site improvements  
632 essential to preparation for its use in accordance with the  
633 redevelopment plan.

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

640       (2) (A) If real property acquired on or after the effective date of this  
641 section is not used for the purpose for which it was acquired or for  
642 some other public use and is subsequently offered for sale, the real  
643 property shall be first offered for sale pursuant to subparagraph (B) of  
644 this subdivision to the person from whom the real property was  
645 acquired, or heirs of the person designated pursuant to subparagraph  
646 (B) of this subdivision, if any, for a price not greater than the value  
647 documented in the recorded findings, less (i) the value of any  
648 structures or improvements removed from the real property by the  
649 development agency or its designee after the real property was  
650 acquired as set forth in the recorded findings, and (ii) the amount of  
651 any depreciation, as defined in section 45a-542z. After the municipality  
652 provides notice pursuant to subparagraph (B) of this subdivision, the  
653 municipality may not sell such property to a third party unless the  
654 municipality has permitted the person or named heirs six months  
655 during which to exercise the right to purchase the property, and an  
656 additional six months to finalize the purchase if the person or named  
657 heirs provide the municipality with notice of intent to purchase the  
658 property within the initial six-month period.

659       (B) For the purposes of any offer of sale pursuant to this  
660 subdivision, the municipality shall provide a form to any person  
661 whose property is acquired pursuant to this section to permit such  
662 person to provide an address for notice of sale to be sent, or to provide  
663 the name and address of an agent to receive such notice. Such form  
664 shall be designed to permit the person to designate heirs of the person  
665 who shall be eligible to purchase such property pursuant to this  
666 subdivision. The person or agent shall update information in the form

667 in writing. If the person or agent does not provide or update the  
668 information in the form in a manner that permits the municipality to  
669 send notice of sale pursuant to this subsection, no such notice shall be  
670 required.

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

674 (a) The redevelopment agency shall determine the compensation to  
675 be paid to the persons entitled thereto for [such] real property [and] to  
676 be acquired by eminent domain pursuant to section 8-128. The  
677 redevelopment agency shall have two independent appraisals  
678 conducted on the real property and shall base the compensation on the  
679 greater amount indicated in the appraisals. Each appraisal shall be  
680 conducted by a state certified real estate appraiser without  
681 consultation with the appraiser conducting the other independent  
682 appraisal, and shall be conducted in accordance with generally  
683 accepted standards of professional appraisal practice as described in  
684 the Uniform Standards of Professional Appraisal Practice issued by the  
685 Appraisal Standards Board of the Appraisal Foundation pursuant to  
686 Title XI of FIRREA and any regulations adopted pursuant to section  
687 20-504. The redevelopment agency shall file a statement of  
688 compensation, containing a description of the property to be taken and  
689 the names of all persons having a record interest therein and setting  
690 forth the amount of such compensation, and a deposit as provided in  
691 section 8-130, with the clerk of the superior court for the judicial  
692 district in which the property affected is located.

693 (b) Upon filing such statement of compensation and deposit, the  
694 redevelopment agency shall forthwith cause to be recorded, in the  
695 office of the town clerk of each town in which the property is located, a  
696 copy of such statement of compensation, such recording to have the  
697 same effect and to be treated the same as the recording of a lis  
698 pendens, and shall forthwith give notice, as provided in this section, to

699 each person appearing of record as an owner of property affected  
700 thereby and to each person appearing of record as a holder of any  
701 mortgage, lien, assessment or other encumbrance on such property or  
702 interest therein [(a)] (1) in the case of any such person found to be  
703 residing within this state, by causing a copy of such notice, with a copy  
704 of such statement of compensation, to be served upon each such  
705 person by a state marshal, constable or indifferent person, in the  
706 manner set forth in section 52-57 for the service of civil process, and  
707 [(b)] (2) in the case of any such person who is a nonresident of this  
708 state at the time of the filing of such statement of compensation and  
709 deposit or of any such person whose whereabouts or existence is  
710 unknown, by mailing to each such person a copy of such notice and of  
711 such statement of compensation, by registered or certified mail,  
712 directed to [his] such person's last-known address, and by publishing  
713 such notice and such statement of compensation at least twice in a  
714 newspaper published in the judicial district and having daily or  
715 weekly circulation in the town in which such property is located. Any  
716 such published notice shall state that it is notice to the widow or  
717 widower, heirs, representatives and creditors of the person holding  
718 such record interest, if such person is dead. If, after a reasonably  
719 diligent search, no last-known address can be found for any interested  
720 party, an affidavit stating such fact, and reciting the steps taken to  
721 locate such address, shall be filed with the clerk of the superior court  
722 and accepted in lieu of mailing to the last-known address.

723 (c) Not less than [twelve] thirty-five days or more than ninety days  
724 after such notice and such statement of compensation have been so  
725 served or so mailed and first published, the redevelopment agency  
726 shall file with the clerk of the superior court a return of notice setting  
727 forth the notice given and, upon receipt of such return of notice, such  
728 clerk shall, without any delay or continuance of any kind, issue a  
729 certificate of taking setting forth the fact of such taking, a description  
730 of all the property so taken and the names of the owners and of all  
731 other persons having a record interest therein. The redevelopment

732 agency shall cause such certificate of taking to be recorded in the office  
733 of the town clerk of each town in which such property is located. Upon  
734 the recording of such certificate, title to such property in fee simple  
735 shall vest in the municipality, and the right to just compensation shall  
736 vest in the persons entitled thereto. At any time after such certificate of  
737 taking has been so recorded, the redevelopment agency may repair,  
738 operate or insure such property and enter upon such property, and  
739 take any action that is proposed with regard to such property by the  
740 project area redevelopment plan.

741 (d) The notice [referred to above] required in subsection (b) of this  
742 section shall state that (1) not less than [twelve] thirty-five days or  
743 more than ninety days after service or mailing and first publication  
744 thereof, the redevelopment agency shall file, with the clerk of the  
745 superior court for the judicial district in which such property is  
746 located, a return setting forth the notice given, (2) upon receipt of such  
747 return, such clerk shall issue a certificate for recording in the office of  
748 the town clerk of each town in which such property is located, (3) upon  
749 the recording of such certificate, title to such property shall vest in the  
750 municipality, the right to just compensation shall vest in the persons  
751 entitled thereto and the redevelopment agency may repair, operate or  
752 insure such property and enter upon such property and take any  
753 action that may be proposed with regard thereto by the project area  
754 redevelopment plan, and (4) such notice shall bind the widow or  
755 widower, heirs, representatives and creditors of each person named  
756 [therein] in the notice who then or thereafter may be dead.

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

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

771 Sec. 9. Section 8-132 of the general statutes is repealed and the  
772 following is substituted in lieu thereof (*Effective from passage and*  
773 *applicable to property acquired on or after said date*):

774 (a) Any person claiming to be aggrieved by the statement of  
775 compensation filed by the redevelopment agency may, at any time  
776 within six months after the [same] statement of compensation has been  
777 filed, apply to the superior court for the judicial district in which such  
778 property is situated for a review of such statement of compensation so  
779 far as [the same] it affects such applicant. The court, after causing  
780 notice of the pendency of such application to be given to the  
781 redevelopment agency, may, with the consent of the parties or their  
782 attorneys, appoint a judge trial referee to make a review of the  
783 statement of compensation, except that the court shall, upon the  
784 motion of each party or their attorneys, refer the application to a judge  
785 appointed by the Chief Court Administrator to hear tax appeals  
786 pursuant to section 12-39l. For the purposes of such application,  
787 review and appeal therefrom, and for the purposes of sections 52-192a  
788 to 52-195, inclusive, as amended by this act, such applicant shall be  
789 deemed a counterclaim plaintiff.

790 (b) If the court appoints a judge trial referee, the judge trial referee,  
791 after giving at least ten days' notice to the parties interested of the time  
792 and place of hearing, shall hear the applicant and the redevelopment  
793 agency, shall view the property and take such testimony as the judge  
794 trial referee deems material and shall thereupon revise such statement  
795 of compensation in such manner as the judge trial referee deems  
796 proper and forthwith report to the court. Such report shall contain a

797 detailed statement of findings by the judge trial referee, sufficient to  
798 enable the court to determine the considerations upon which the judge  
799 trial referee's conclusions are based. The report of the judge trial  
800 referee shall take into account any evidence relevant to the fair market  
801 value of the property, including evidence of environmental condition  
802 and required environmental remediation. The judge trial referee shall  
803 make a separate finding for remediation costs and the property owner  
804 shall be entitled to a set-off of such costs in any pending or subsequent  
805 action to recover remediation costs for the property. The court shall  
806 review the report, and may reject it for any irregular or improper  
807 conduct in the performance of the duties of the judge trial referee. If  
808 the report is rejected, the court may appoint another judge trial referee  
809 to make such review and report. If the report is accepted, its statement  
810 of compensation shall be conclusive upon such owner and the  
811 redevelopment agency.

812 (c) If the court does not appoint a judge trial referee, the court, after  
813 giving at least ten days' notice to the parties interested of the time and  
814 place of hearing, shall hear the applicant and the redevelopment  
815 agency and take such testimony as [it] the court deems material, may  
816 view the subject property, and shall make a finding regarding the  
817 statement of compensation. The findings of the court shall take into  
818 account any evidence relevant to the fair market value of the property,  
819 including evidence of environmental condition and required  
820 environmental remediation. The court shall make a separate finding  
821 for remediation costs and the property owner shall be entitled to a set-  
822 off of such costs in any pending or subsequent action to recover  
823 remediation costs for the property. The findings of the court shall be  
824 conclusive upon such owner and the redevelopment agency.

825 (d) If no appeal to the Appellate Court is filed within the time  
826 allowed by law, or if an appeal is filed and the proceedings have  
827 terminated in a final judgment finding the amount due the property  
828 owner, the clerk shall send a certified copy of the statement of  
829 compensation and of the judgment to the redevelopment agency,

830 which shall, upon receipt thereof, pay such property owner the  
831 amount due as compensation. The pendency of any such application  
832 for review shall not prevent or delay any action that is proposed with  
833 regard to such property by the project area redevelopment plan.

834 Sec. 10. Section 52-192a of the general statutes is repealed and the  
835 following is substituted in lieu thereof (*Effective from passage and*  
836 *applicable to applications filed on or after said date*):

837 (a) After commencement of any civil action based upon contract or  
838 seeking the recovery of money damages, whether or not other relief is  
839 sought, the plaintiff may, not earlier than one hundred eighty days  
840 after service of process is made upon the defendant in such action but  
841 not later than thirty days before trial, file with the clerk of the court a  
842 written offer of compromise signed by the plaintiff or the plaintiff's  
843 attorney, directed to the defendant or the defendant's attorney,  
844 offering to settle the claim underlying the action for a sum certain. For  
845 the purposes of this section, such plaintiff includes a counterclaim  
846 plaintiff under section 8-132, as amended by this act. The plaintiff shall  
847 give notice of the offer of compromise to the defendant's attorney or, if  
848 the defendant is not represented by an attorney, to the defendant  
849 himself or herself. Within thirty days after being notified of the filing  
850 of the offer of compromise and prior to the rendering of a verdict by  
851 the jury or an award by the court, the defendant or the defendant's  
852 attorney may file with the clerk of the court a written acceptance of the  
853 offer of compromise agreeing to settle the claim underlying the action  
854 for the sum certain specified in the plaintiff's offer of compromise.  
855 Upon such filing and the receipt by the plaintiff of such sum certain,  
856 the plaintiff shall file a withdrawal of the action with the clerk and the  
857 clerk shall record the withdrawal of the action against the defendant  
858 accordingly. If the offer of compromise is not accepted within thirty  
859 days and prior to the rendering of a verdict by the jury or an award by  
860 the court, the offer of compromise shall be considered rejected and not  
861 subject to acceptance unless refiled. Any such offer of compromise and  
862 any acceptance of the offer of compromise shall be included by the

863 clerk in the record of the case.

864 (b) In the case of any action to recover damages resulting from  
865 personal injury or wrongful death, whether in tort or in contract, in  
866 which it is alleged that such injury or death resulted from the  
867 negligence of a health care provider, an offer of compromise pursuant  
868 to subsection (a) of this section shall state with specificity all damages  
869 then known to the plaintiff or the plaintiff's attorney upon which the  
870 action is based. At least sixty days prior to filing such an offer, the  
871 plaintiff or the plaintiff's attorney shall provide the defendant or the  
872 defendant's attorney with an authorization to disclose medical records  
873 that meets the privacy provisions of the Health Insurance Portability  
874 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended  
875 from time to time, or regulations adopted thereunder, and disclose any  
876 and all expert witnesses who will testify as to the prevailing  
877 professional standard of care. The plaintiff shall file with the court a  
878 certification that the plaintiff has provided each defendant or such  
879 defendant's attorney with all documentation supporting such  
880 damages.

881 (c) After trial the court shall examine the record to determine  
882 whether the plaintiff made an offer of compromise which the  
883 defendant failed to accept. If the court ascertains from the record that  
884 the plaintiff has recovered an amount equal to or greater than the sum  
885 certain specified in the plaintiff's offer of compromise, the court shall  
886 add to the amount so recovered eight per cent annual interest on said  
887 amount, except in the case of a counterclaim plaintiff under section 8-  
888 132, as amended by this act, the court shall add to the amount so  
889 recovered eight per cent annual interest on the difference between the  
890 amount so recovered and the sum certain specified in the counterclaim  
891 plaintiff's offer of compromise. The interest shall be computed from  
892 the date the complaint in the civil action or application under section 8-  
893 132, as amended by this act, was filed with the court if the offer of  
894 compromise was filed not later than eighteen months from the filing of  
895 such complaint or application. If such offer was filed later than

896 eighteen months from the date of filing of the complaint or application,  
897 the interest shall be computed from the date the offer of compromise  
898 was filed. The court may award reasonable attorney's fees in an  
899 amount not to exceed three hundred fifty dollars, and shall render  
900 judgment accordingly. This section shall not be interpreted to abrogate  
901 the contractual rights of any party concerning the recovery of  
902 attorney's fees in accordance with the provisions of any written  
903 contract between the parties to the action.

904 Sec. 11. Section 8-268 of the general statutes is repealed and the  
905 following is substituted in lieu thereof (*Effective from passage and*  
906 *applicable to property acquired on or after said date*):

907 (a) (1) Whenever a program or project undertaken by a state agency  
908 or under the supervision of a state agency will result in the  
909 displacement of any person on or after July 6, 1971, the head of such  
910 state agency shall make payment to any displaced person, upon proper  
911 application as approved by such agency head, for [(1)] (A) actual  
912 reasonable expenses in moving [himself, his] such displaced person  
913 and such displaced person's family, business, farm operation or other  
914 personal property, [(2)] (B) actual direct losses of tangible personal  
915 property as a result of moving or discontinuing a business or farm  
916 operation, but not to exceed an amount equal to the reasonable  
917 expenses that would have been required to relocate such property, as  
918 determined by the state agency, [and (3)] (C) actual reasonable  
919 expenses in searching for a replacement business or farm, [provided,  
920 whenever] and (D) actual reasonable expenses necessary to reestablish  
921 a displaced farm, nonprofit organization or small business, as defined  
922 in 49 CFR 24.2, as amended from time to time, at its new site, not to  
923 exceed ten thousand dollars. With respect to a displaced business,  
924 payments under this subsection shall be adjusted to reflect any  
925 increase or decrease in good will and such increase or decrease in good  
926 will shall be calculated separately. As used in this subsection, "good  
927 will" means the benefits that accrue to a business from its location,  
928 reputation for dependability, skill or quality and any other

929 circumstances resulting in probable retention of old or acquisition of  
930 new patronage. With respect to real property acquired pursuant to  
931 section 8-193, as amended by this act, if a court is satisfied that an  
932 application filed by a displaced business concerning the calculation of  
933 good will under this subsection sets forth a prima facie case for  
934 granting an increased payment for good will, the burden of proving  
935 that such increased payment should not be ordered shall be on the  
936 agency that made the calculation.

937 (2) Whenever any tenant in any dwelling unit is displaced as the  
938 result of the enforcement of any code to which this section is applicable  
939 by any town, city or borough or agency thereof, the landlord of such  
940 dwelling unit shall be liable for any payments made by such town, city  
941 or borough pursuant to this section or by the state pursuant to  
942 subsection (b) of section 8-280, and the town, city or borough or the  
943 state may place a lien on any real property owned by such landlord to  
944 secure repayment to the town, city or borough or the state of such  
945 payments, which lien shall have the same priority as and shall be filed,  
946 enforced and discharged in the same manner as a lien for municipal  
947 taxes under chapter 205.

948 (b) Any displaced person eligible for payments under subsection (a)  
949 of this section who is displaced from a dwelling and who elects to  
950 accept the payments authorized by this subsection in lieu of the  
951 payments authorized by subsection (a) of this section may receive a  
952 moving expense allowance, determined according to a schedule  
953 established by the state agency, not to exceed [three] six hundred  
954 dollars and a dislocation allowance of [two] four hundred dollars.

955 (c) Any displaced person eligible for payments under subsection (a)  
956 of this section who is displaced from [his] the person's place of  
957 business or from [his] the person's farm operation and who elects to  
958 accept the payment authorized by this subsection in lieu of the  
959 payment authorized by subsection (a) of this section, may receive a  
960 fixed payment in an amount equal to the average annual net earnings

961 of the business or farm operation, except that such payment shall not  
962 be less than two thousand five hundred dollars nor more than [ten]  
963 twenty thousand dollars. In the case of a business, (1) no payment shall  
964 be made under this subsection unless the state agency is satisfied that  
965 the business [(1)] (A) cannot be relocated without a substantial loss of  
966 its existing patronage, and [(2)] (B) is not a part of a commercial  
967 enterprise having at least one other establishment not being acquired  
968 by the state, which is engaged in the same or similar business; and (2)  
969 payments under this subsection shall be adjusted to reflect any  
970 increase or decrease in good will and such increase or decrease in good  
971 will shall be calculated separately. For purposes of this subsection, [the  
972 term] "average annual net earnings" means one half of any net  
973 earnings of the business or farm operation, before federal, state and  
974 local income taxes, during the two taxable years immediately  
975 preceding the taxable year in which such business or farm operation  
976 moves from the real property acquired for such project, or during such  
977 other period as such agency determines to be more equitable for  
978 establishing such earnings, and includes any compensation paid by the  
979 business or farm operation to the owner, [his] the owner's spouse or  
980 [his] the owner's dependents during such period; and "good will"  
981 means the benefits that accrue to a business from its location,  
982 reputation for dependability, skill or quality and any other  
983 circumstances resulting in probable retention of old or acquisition of  
984 new patronage. With respect to real property acquired pursuant to  
985 section 8-193, as amended by this act, if a court is satisfied that an  
986 application filed by a displaced business concerning the calculation of  
987 good will under this subsection sets forth a prima facie case for  
988 granting an increased payment for good will, the burden of proving  
989 that such increased payment should not be ordered shall be on the  
990 agency that made the calculation.

991 (d) Notwithstanding the provisions of this section, the head of the  
992 state agency shall make relocation payments as provided under the  
993 federal Uniform Relocation Assistance and Real Property Acquisition  
994 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent

995 amendments thereto and regulations promulgated thereunder if  
996 payments under said act and regulations would be greater than  
997 payments under this section and sections 8-269 and 8-270, as amended  
998 by this act.

999 Sec. 12. Section 8-269 of the general statutes is repealed and the  
1000 following is substituted in lieu thereof (*Effective from passage and*  
1001 *applicable to property acquired on or after said date*):

1002 (a) In addition to payments otherwise authorized by this chapter,  
1003 the state agency shall make an additional payment not in excess of  
1004 [fifteen thousand] twenty-two thousand five hundred dollars to any  
1005 displaced person who is displaced from a dwelling actually owned  
1006 and occupied by such displaced person for not less than one hundred  
1007 [and] eighty days prior to the initiation of negotiations for the  
1008 acquisition of the property. Such additional payment shall include the  
1009 following elements:

1010 (1) The amount, if any, which when added to the acquisition cost of  
1011 the dwelling acquired, equals the reasonable cost of a comparable  
1012 replacement dwelling which is a decent, safe and sanitary dwelling  
1013 adequate to accommodate such displaced person, reasonably  
1014 accessible to public services and places of employment and available  
1015 on the private market. All determinations required to carry out this  
1016 subdivision shall be made by the applicable regulations issued  
1017 pursuant to section 8-273;

1018 (2) [the] The amount, if any, which will compensate such displaced  
1019 person for any increased interest cost which such person is required to  
1020 pay for financing the acquisition of any such comparable replacement  
1021 dwelling. Such amount shall be paid only if the dwelling acquired was  
1022 encumbered by a bona fide mortgage which was a valid lien on such  
1023 dwelling for not less than one hundred [and] eighty days prior to the  
1024 initiation of negotiations for the acquisition of such dwelling. Such  
1025 amount shall be equal to the excess in the aggregate interest and other  
1026 debt service costs of that amount of the principal of the mortgage on

1027 the replacement dwelling which is equal to the unpaid balance of the  
1028 mortgage on the acquired dwelling, over the remainder term of the  
1029 mortgage on the acquired dwelling, reduced to discounted present  
1030 value. The discount rate shall be the prevailing interest rate on savings  
1031 deposits by commercial banks in the general area in which the  
1032 replacement dwelling is located; and

1033 (3) [reasonable] Reasonable expenses incurred by such displaced  
1034 person for evidence of title, recording fees and other closing costs  
1035 incident to the purchase of the replacement dwelling, but not including  
1036 prepaid expenses.

1037 (b) Notwithstanding the provisions of this section, the head of the  
1038 state agency shall make relocation payments as provided under the  
1039 federal Uniform Relocation Assistance and Real Property Acquisition  
1040 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent  
1041 amendments thereto and regulations promulgated thereunder if  
1042 payments under said act and regulations would be greater than  
1043 payments under this section and sections 8-268 and 8-270, as amended  
1044 by this act.

1045 [(b)] (c) The additional [payment] payments authorized by this  
1046 section shall be made only to such a displaced person who purchases  
1047 and occupies a replacement dwelling which is decent, safe and  
1048 sanitary not later than the end of the one year period beginning on the  
1049 date on which [he] such displaced person receives final payment of all  
1050 costs of the acquired dwelling, or on the date on which [he] such  
1051 displaced person moves from the acquired dwelling, whichever is the  
1052 later date.

1053 Sec. 13. Section 8-270 of the general statutes is repealed and the  
1054 following is substituted in lieu thereof (*Effective from passage and*  
1055 *applicable to property acquired on or after said date*):

1056 (a) In addition to amounts otherwise authorized by this chapter, a  
1057 state agency shall make a payment to or for any displaced person

1058 displaced from any dwelling not eligible to receive a payment under  
1059 section 8-269, as amended by this act, which dwelling was actually and  
1060 lawfully occupied by such displaced person for not less than ninety  
1061 days prior to the initiation of negotiations for acquisition of such  
1062 dwelling under the program or project which results in such person  
1063 being displaced. Such payment shall be either (1) the amount necessary  
1064 to enable such displaced person to lease or rent for a period not to  
1065 exceed four years, a decent, safe, and sanitary dwelling of standards  
1066 adequate to accommodate such person in areas not generally less  
1067 desirable [in] with regard to public utilities and public and commercial  
1068 facilities, and reasonably accessible to [his] such displaced person's  
1069 place of employment, but not to exceed [four thousand] five thousand  
1070 two hundred fifty dollars, or (2) the amount necessary to enable such  
1071 displaced person to make a [downpayment] down payment, including  
1072 reasonable expenses incurred by such displaced person for evidence of  
1073 title, recording fees, and other closing costs incident to the purchase of  
1074 a decent, safe, and sanitary dwelling of standards adequate to  
1075 accommodate such person in areas not generally less desirable [in]  
1076 with regard to public utilities and public and commercial facilities, but  
1077 not to exceed [four thousand dollars, except that if such amount  
1078 exceeds two thousand dollars, such person must equally match any  
1079 such amount in excess of two thousand dollars in making the  
1080 downpayment, and provided, whenever] five thousand two hundred  
1081 fifty dollars. Whenever any tenant in any dwelling unit is displaced as  
1082 the result of the enforcement of any code to which this section is  
1083 applicable by any town, city or borough or agency thereof, the  
1084 landlord of such dwelling unit shall be liable for any payments made  
1085 by such town, city or borough pursuant to this section or by the state  
1086 pursuant to subsection (b) of section 8-280, and the town, city or  
1087 borough or the state may place a lien on any real property owned by  
1088 such landlord to secure repayment to the town, city or borough or the  
1089 state of such payments, which lien shall have the same priority as and  
1090 shall be filed, enforced and discharged in the same manner as a lien for  
1091 municipal taxes under chapter 205.

1092        (b) Notwithstanding the provisions of this section, the head of the  
 1093        state agency shall make relocation payments as provided under the  
 1094        federal Uniform Relocation Assistance and Real Property Acquisition  
 1095        Policies Act of 1970, 42 USC 4601 et seq. and any subsequent  
 1096        amendments thereto and regulations promulgated thereunder if  
 1097        payments under said act and regulations would be greater than  
 1098        payments under this section and sections 8-268 and 8-269, as amended  
 1099        by this act.

1100        Sec. 14. (NEW) (*Effective from passage*) (a) No person who negotiates  
 1101        the acquisition or rental of real property may represent in such  
 1102        negotiation that the person has the power to acquire the property by  
 1103        eminent domain unless the person has such power.

1104        (b) Any violation of subsection (a) of this section shall be deemed an  
 1105        unfair or deceptive trade practice under subsection (a) of section 42-  
 1106        110b of the general statutes.

|   |   |       |
|---|---|-------|
| 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> | 8-125 |
| Section   | <i>from passage and applicable to property acquired on or after said date</i> | 8-125 |
| Sec. 2  | <i>from passage and applicable to property acquired on or after said date</i> | 8-193 |
| Sec. 3  | <i>from passage</i>   | 8-189 |
| Sec. 4  | <i>from passage</i>   | 8-191 |
| Sec. 5  | <i>from passage and applicable to property acquired on or after said date</i> | 8-200 |

|         |  |             |
|---------|--|-------------|
| Sec. 6  | <i>from passage and applicable to property acquired on or after said date</i>  | 32-224      |
| Sec. 7  | <i>from passage and applicable to property acquired on or after said date</i>  | 8-128       |
| Sec. 8  | <i>from passage and applicable to property acquired on or after said date</i>  | 8-129       |
| Sec. 9  | <i>from passage and applicable to property acquired on or after said date</i>  | 8-132       |
| Sec. 10 | <i>from passage and applicable to applications filed on or after said date</i> | 52-192a     |
| Sec. 11 | <i>from passage and applicable to property acquired on or after said date</i>  | 8-268       |
| Sec. 12 | <i>from passage and applicable to property acquired on or after said date</i>  | 8-269       |
| Sec. 13 | <i>from passage and applicable to property acquired on or after said date</i>  | 8-270       |
| Sec. 14 | <i>from passage</i>  | New section |

**Statement of Purpose:**

To revise the process of eminent domain for municipalities and development agencies by (1) providing for specific determinations to be made by the legislative body prior to acquisition; (2) providing that the property be offered to the person from whom it was acquired if it is not used by the municipality or the development agency; (3) prohibiting acquisition for deteriorating property; and (4) amending the judicial process for acquisition.

*[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.]*