



General Assembly

**Substitute Bill No. 1054**

January Session, 2007

\* SB01054TRA\_\_050907\_\_ \*

**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. Subparagraph (A) of subdivision (3) of subsection (c) of  
2 section 7-148 of the general statutes is repealed and the following is  
3 substituted in lieu thereof (*Effective from passage and applicable to*  
4 *property acquired on or after said date*):

5 (3) (A) Take or acquire by gift, purchase, grant, including any grant  
6 from the United States or the state, bequest or devise and hold,  
7 condemn, lease, sell, manage, transfer, release and convey such real  
8 and personal property or interest therein absolutely or in trust as the  
9 purposes of the municipality or any public use or purpose, including  
10 that of education, art, ornament, health, charity or amusement,  
11 cemeteries, parks or gardens, or the erection or maintenance of statues,  
12 monuments, buildings or other structures [or the encouragement of  
13 private commercial development,] require. Any lease of real or  
14 personal property or any interest therein, either as lessee or lessor, may  
15 be for such term or any extensions thereof and upon such other terms  
16 and conditions as have been approved by the municipality, including  
17 without limitation the power to bind itself to appropriate funds as  
18 necessary to meet rent and other obligations as provided in any such  
19 lease.

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 Section 8-125 of the general statutes is repealed and the  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

23 As used in this chapter:

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

28 [(b)] (2) "Redevelopment area" means an area within the state which  
29 is deteriorated, deteriorating, substandard or detrimental to the safety,  
30 health, morals or welfare of the community. An area may consist  
31 partly or wholly of vacant or unimproved land or of land with  
32 structures and improvements thereon, and may include structures not  
33 in themselves substandard or insanitary which are found to be  
34 essential to complete an adequate unit of development, if the  
35 redevelopment area is deteriorated, deteriorating, substandard or  
36 detrimental. An area may include properties not contiguous to each  
37 other. An area may include all or part of the territorial limits of any fire  
38 district, sewer district, fire and sewer district, lighting district, village,  
39 beach or improvement association or any other district or association,  
40 wholly within a town and having the power to make appropriations or  
41 to levy taxes, whether or not such entity is chartered by the General  
42 Assembly. As used in this subdivision, "deteriorating" or  
43 "deteriorated" means any structure or vacant or unimproved lot or  
44 parcel (A) that has significant unremedied building, housing or health  
45 code violations; (B) that has a high vacancy rate or is abandoned,  
46 vacant or unoccupied; (C) for which taxes are delinquent; or (D) that  
47 has been deemed a public nuisance under any provision of the general  
48 statutes or local ordinance;

49 [(c)] (3) A "redevelopment plan" [shall include: (1)] means a plan  
50 that includes: (A) (i) A description of the redevelopment area and the  
51 condition, type and use of the structures therein, (ii) identification of

52 each parcel that is deteriorating or deteriorated and the reasons for  
53 such identification, and (iii) specification of each parcel proposed to be  
54 taken by eminent domain; [(2)] (B) the location and extent of the land  
55 uses proposed for and within the area, such as housing, recreation,  
56 business, industry, schools, civic activities, open spaces or other  
57 categories of public and private uses; [(3)] (C) the location and extent  
58 of streets and other public utilities, facilities and works within the area;  
59 [(4)] (D) schedules showing the number of families displaced by the  
60 proposed improvement, the method of temporary relocation of such  
61 families and the availability of sufficient suitable living  
62 accommodations at prices and rentals within the financial reach of  
63 such families and located within a reasonable distance of the area from  
64 which they are displaced; [(5)] (E) present and proposed zoning  
65 regulations in the redevelopment area; [(6)] and (F) any other detail  
66 including financial aspects of redevelopment which, in the judgment  
67 of the redevelopment agency authorized herein, is necessary to give it  
68 adequate information;

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

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

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

78 Sec. 3. Section 8-127 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective from passage and*  
80 *applicable to property acquired on or after said date*):

81 (a) The redevelopment agency may prepare, or cause to be  
82 prepared, a redevelopment plan and any redeveloper may submit a  
83 redevelopment plan to the redevelopment agency, and such agency

84 shall immediately transmit such plan to the planning agency of the  
85 municipality for its study. The planning agency may make a  
86 comprehensive or general plan of the entire municipality as a guide in  
87 the more detailed and precise planning of redevelopment areas. Such  
88 plan and any modifications and extensions thereof shall show the  
89 location of proposed redevelopment areas and the general location and  
90 extent of use of land for housing, business, industry, communications  
91 and transportation, recreation, public buildings and such other public  
92 and private uses as are deemed by the planning agency essential to the  
93 purpose of redevelopment. Appropriations by the municipality of any  
94 amount necessary are authorized to enable the planning agency to  
95 make such comprehensive or general plan. The redevelopment agency  
96 shall request the written opinion of the planning agency on all  
97 redevelopment plans prior to approving such redevelopment plans.  
98 Such written opinion shall include a determination on the consistency  
99 of the plans with the plan of conservation and development of the  
100 municipality adopted under section 8-23. Before approving any  
101 redevelopment plan, the redevelopment agency shall hold a public  
102 hearing thereon, notice of which shall be published at least twice in a  
103 newspaper of general circulation in the municipality, the first  
104 publication of notice to be not less than two weeks before the date set  
105 for the hearing. At least thirty-five days prior to any public hearing the  
106 redevelopment agency shall post the draft plan on the Internet web  
107 site of the redevelopment agency, if any. The redevelopment agency  
108 may approve any such redevelopment plan if, following such hearing,  
109 it finds that: [(a)] (1) The area in which the proposed redevelopment is  
110 to be located is a redevelopment area; [(b)] (2) the carrying out of the  
111 redevelopment plan will result in materially improving conditions in  
112 such area; [(c)] (3) sufficient living accommodations are available  
113 within a reasonable distance of such area or are provided for in the  
114 redevelopment plan for families displaced by the proposed  
115 improvement, at prices or rentals within the financial reach of such  
116 families; [and (d)] (4) the redevelopment plan is satisfactory as to site  
117 planning, relation to the [comprehensive or general plan] plan of  
118 conservation and development of the municipality adopted under

119 section 8-23 and, except when the redevelopment agency has prepared  
120 the redevelopment plan, the construction and financial ability of the  
121 redeveloper to carry it out; (5) the planning agency has made a finding  
122 that the redevelopment plan is consistent with the plan of conservation  
123 and development of the municipality adopted under section 8-23; and  
124 (6) (A) public benefits resulting from the redevelopment project will  
125 outweigh any private benefits; (B) existing use of the real property  
126 cannot be feasibly integrated into the overall development plan for the  
127 project; (C) acquisition by eminent domain is reasonably necessary to  
128 successfully achieve the objectives of such development plan; and (D)  
129 the redevelopment project will have public benefits that do not include  
130 consideration of the effects of the project on local tax revenues. No  
131 redevelopment plan for a project which consists predominantly of  
132 residential facilities shall be approved by the redevelopment agency in  
133 any municipality having a housing authority organized under the  
134 provisions of chapter 128 except with the approval of such housing  
135 authority. The approval of a redevelopment plan may be given by the  
136 legislative body. [or by such agency as it designates to act in its behalf.]  
137 The redevelopment agency shall cause notice of the approval of the  
138 plan to be published in a newspaper having general circulation in the  
139 municipality. The plan shall be effective for a period of ten years after  
140 the date of adoption. Thereafter, it shall be reviewed by the  
141 redevelopment agency at least once every ten years and may be  
142 adopted again or amended in accordance with this section.

143 (b) Any owner of property located in the redevelopment area may  
144 appeal the findings of the agency under subdivision (6) of subsection  
145 (a) of this section to the superior court for the judicial district in which  
146 the municipality is located. The appeal shall be commenced by  
147 service of process not more than fifteen days from the date that notice  
148 of the approval of the plan was published as required by the this  
149 section. The appeal shall be returned to the court in the same manner  
150 and within the same period of time as prescribed for civil actions  
151 brought to that court. Upon an appeal taken under this section, the  
152 burden of proof shall be on the redevelopment agency to prove, by

153 clear and convincing evidence and based upon the evidence in the  
154 record compiled before such agency, that the findings in the plan from  
155 which such appeal is taken and the reasons cited for such findings are  
156 supported by sufficient evidence in the record. If the redevelopment  
157 agency does not satisfy the burden of proof under this section, the  
158 court shall order the agency to wholly or partly revise, modify or  
159 remand the findings from which the appeal was taken in a manner  
160 consistent with the evidence in the record before it.

161 (c) Any property identified in the plan as property to be acquired by  
162 eminent domain must be so acquired by a date that is five years after  
163 the date of approval of the initial plan unless the redevelopment  
164 agency approves an extension of the time for acquisition. An extension  
165 shall be for a period of five years. No property may be acquired more  
166 than ten years after adoption of the initial plan.

167 Sec. 4. Section 8-128 of the general statutes is repealed and the  
168 following is substituted in lieu thereof (*Effective from passage and*  
169 *applicable to property acquired on or after said date*):

170 (a) (1) Within a reasonable time after its approval of the  
171 redevelopment plan as [hereinbefore] provided in section 8-127, as  
172 amended by this act, the redevelopment agency may proceed with the  
173 acquisition or rental of real property by purchase, lease, exchange or  
174 gift. The redevelopment agency may acquire real property by eminent  
175 domain, [with the approval of the legislative body of the municipality  
176 and in accordance with the provisions of sections 8-129 to 8-133,  
177 inclusive, and this section. The legislative body in its approval of a  
178 project under section 8-127 shall specify the time within which real  
179 property is to be acquired. The time for acquisition may be extended  
180 by the legislative body in accordance with section 48-6, upon request  
181 of the redevelopment agency, provided the owner of the real property  
182 consents to such request.]

183 (2) No owner-occupied property may be acquired by eminent  
184 domain unless the redevelopment agency makes a finding that the

185 redevelopment plan cannot be implemented without acquisition of  
186 such property by eminent domain. The redevelopment agency shall  
187 provide to the owner of the property proposed to be acquired a copy  
188 of all information, including engineering studies and surveys,  
189 architectural drawings and planning reports, considered by the agency  
190 in making its finding.

191 (3) The redevelopment agency shall conduct a public hearing on the  
192 proposed acquisition by eminent domain. The agency shall cause  
193 notice of the time, place and subject of the hearing to be published in a  
194 newspaper having a substantial circulation in the municipality not  
195 more than ten days before the date set for the hearing. Not less than  
196 ten days before the date of the hearing, the agency shall send, by first  
197 class mail, notice of the time, place and subject of the hearing to the  
198 owners of record of the real property and to all owners of real property  
199 within one hundred feet of the real property to be acquired by eminent  
200 domain.

201 (4) (A) No parcel of real property may be acquired by eminent  
202 domain under this section except upon approval by vote of at least  
203 two-thirds of the members of the legislative body of the  
204 redevelopment agency. Such approval shall be by (i) separate vote on  
205 each parcel of real property to be acquired, or (ii) a vote on one or  
206 more groups of such parcels, provided each parcel to be acquired is  
207 identified for the purposes of a vote on a group of such parcels under  
208 this subparagraph.

209 (B) The redevelopment agency shall cause notice of any approved  
210 acquisition under this subdivision to be published in a newspaper  
211 having a substantial circulation in the municipality not more than ten  
212 days after such approval.

213 (5) The owner-occupant of property acquired under this section may  
214 appeal the decision of the redevelopment agency to the superior court  
215 for the judicial district in which the municipality is located. The appeal  
216 shall be commenced by service of process not more than fifteen days

217 from the date that notice of the approved acquisition was published  
218 under subparagraph (B) of this subsection. The appeal shall be  
219 returned to court in the same manner and within the same period of  
220 time as prescribed for civil actions brought to that court. Upon an  
221 appeal taken under this section, the burden of proof shall be on the  
222 redevelopment agency to prove, by clear and convincing evidence  
223 based on the record compiled before such agency, that the plan cannot  
224 be implemented without acquisition of the property by eminent  
225 domain and that acquisition of the property is consistent with the  
226 provisions of subdivision (6) of section 8-127, as amended by this act. If  
227 the redevelopment agency does not satisfy the burden of proof under  
228 this section, the court shall order the agency to reverse its decision.

229 (b) (1) On and after the effective date of this section, on the date a  
230 certificate of taking is filed pursuant to section 8-129, as amended by  
231 this act, for property acquired by eminent domain pursuant to this  
232 section, the redevelopment agency shall record with the certificate of  
233 taking separate findings that itemize the value of the real property and  
234 any structures or improvements on the real property so acquired.

235 (2) (A) If real property acquired on or after the effective date of this  
236 section is not used for the purpose for which it was acquired or for  
237 some other public use and is subsequently offered for sale, the real  
238 property shall be first offered for sale pursuant to subparagraph (B) of  
239 this subdivision to the person from whom the real property was  
240 acquired, or heirs of the person designated pursuant to subparagraph  
241 (B) of this subdivision, if any, for a price not greater than the value  
242 documented in the recorded findings, less (i) the value of any  
243 structures or improvements removed from the real property by the  
244 development agency or its designee after the real property was  
245 acquired as set forth in the recorded findings, (ii) the value of any  
246 improvements the agency made to the property, and (iii) the amount  
247 of any depreciation, as defined in section 45a-542z. After the  
248 municipality provides notice pursuant to subparagraph (B) of this  
249 subdivision, the municipality may not sell such property to a third  
250 party unless the municipality has permitted the person or named heirs

251 six months during which to exercise the right to purchase the property,  
252 and an additional six months to finalize the purchase if the person or  
253 named heirs provide the municipality with notice of intent to purchase  
254 the property within the initial six-month period.

255 (B) For the purposes of any offer of sale pursuant to this  
256 subdivision, the municipality shall provide a form to any person  
257 whose property is acquired pursuant to this section to permit such  
258 person to provide an address for notice of sale to be sent, or to provide  
259 the name and address of an agent to receive such notice. Such form  
260 shall be designed to permit the person to designate heirs of the person  
261 who shall be eligible to purchase such property pursuant to this  
262 subdivision. The person or agent shall update information in the form  
263 in writing. If the person or agent does not provide or update the  
264 information in the form in a manner that permits the municipality to  
265 send notice of sale pursuant to this subsection, no such notice shall be  
266 required.

267 (c) Real property may be acquired previous to the adoption or  
268 approval of the project area redevelopment plan, provided the  
269 property acquired shall be located within an area designated on the  
270 general plan as an appropriate redevelopment area or within an area  
271 whose boundaries are defined by the planning commission as an  
272 appropriate area for a redevelopment project, and provided such  
273 acquisition shall be authorized by the legislative body. The  
274 redevelopment agency may clear, repair, operate or insure such  
275 property while it is in its possession or make site improvements  
276 essential to preparation for its use in accordance with the  
277 redevelopment plan.

278 Sec. 5. Section 8-129 of the general statutes is repealed and the  
279 following is substituted in lieu thereof (*Effective from passage and*  
280 *applicable to property acquired on or after said date*):

281 (a) (1) The redevelopment agency shall determine the compensation  
282 to be paid to the persons entitled thereto for [such] real property [and]

283 to be acquired by eminent domain pursuant to section 8-128, as  
284 amended by this act.

285 (2) The redevelopment agency shall pay the reasonable cost of two  
286 independent appraisals conducted on the real property. One of the  
287 appraisers shall be selected by the redevelopment agency and one shall  
288 be selected by the property owner. Each appraiser shall provide a copy  
289 of the appraisal to the redevelopment agency and the property owner.  
290 The Ombudsman for Property Rights shall select the appraisal to be  
291 used to determine the amount of compensation, which shall be the  
292 appraisal which is closest to the fair market value of the property. The  
293 amount of compensation shall be one hundred per cent of the fair  
294 market value, reduced by reasonably foreseeable environmental clean-  
295 up costs, and increased by reasonable attorney fees and costs, except  
296 that the amount of compensation for residential property or owner-  
297 occupied commercial property in substantial compliance with building  
298 and housing codes shall be one hundred twenty-five per cent of the  
299 fair market value. If acquisition of the property is more than five years  
300 after the date of adoption of the initial plan, such amount shall be  
301 increased by five per cent each year until ten years after the date of  
302 adoption of the initial plan. If there is an active business on the  
303 property, upon a finding by the Ombudsman for Property Rights that  
304 the good will of the business cannot be transferred, the amount of  
305 compensation shall be one hundred per cent of fair market value and  
306 shall be adjusted to reflect lost good will. The ombudsman shall  
307 determine and quantify the amount of such adjustment. The owner of  
308 the business may appeal the amount of the adjustment to the superior  
309 court for the judicial district in which such business is located. For  
310 purposes of this subsection, "good will" means the benefits that accrue  
311 to a business that are unique to its location. Each appraisal shall be  
312 conducted by a state certified real estate appraiser without  
313 consultation with the appraiser conducting the other independent  
314 appraisal, and shall be conducted in accordance with generally  
315 accepted standards of professional appraisal practice as described in  
316 the Uniform Standards of Professional Appraisal Practice issued by the

317 Appraisal Standards Board of the Appraisal Foundation pursuant to  
318 Title XI of FIRREA and any regulations adopted pursuant to section  
319 20-504.

320 (3) The redevelopment agency shall file a statement of  
321 compensation, containing a description of the property to be taken and  
322 the names of all persons having a record interest therein and setting  
323 forth the amount of such compensation, and a deposit as provided in  
324 section 8-130, with the clerk of the superior court for the judicial  
325 district in which the property affected is located.

326 (b) Upon filing such statement of compensation and deposit, the  
327 redevelopment agency shall forthwith cause to be recorded, in the  
328 office of the town clerk of each town in which the property is located, a  
329 copy of such statement of compensation, such recording to have the  
330 same effect and to be treated the same as the recording of a lis  
331 pendens, and shall forthwith give notice, as provided in this section, to  
332 each person appearing of record as an owner of property affected  
333 thereby and to each person appearing of record as a holder of any  
334 mortgage, lien, assessment or other encumbrance on such property or  
335 interest therein [(a)] (1) in the case of any such person found to be  
336 residing within this state, by causing a copy of such notice, with a copy  
337 of such statement of compensation, to be served upon each such  
338 person by a state marshal, constable or indifferent person, in the  
339 manner set forth in section 52-57 for the service of civil process, and  
340 [(b)] (2) in the case of any such person who is a nonresident of this  
341 state at the time of the filing of such statement of compensation and  
342 deposit or of any such person whose whereabouts or existence is  
343 unknown, by mailing to each such person a copy of such notice and of  
344 such statement of compensation, by registered or certified mail,  
345 directed to [his] such person's last-known address, and by publishing  
346 such notice and such statement of compensation at least twice in a  
347 newspaper published in the judicial district and having daily or  
348 weekly circulation in the town in which such property is located. Any  
349 such published notice shall state that it is notice to the widow or

350 widower, heirs, representatives and creditors of the person holding  
351 such record interest, if such person is dead. If, after a reasonably  
352 diligent search, no last-known address can be found for any interested  
353 party, an affidavit stating such fact, and reciting the steps taken to  
354 locate such address, shall be filed with the clerk of the superior court  
355 and accepted in lieu of mailing to the last-known address.

356 (c) Not less than [twelve] thirty-five days or more than ninety days  
357 after such notice and such statement of compensation have been so  
358 served or so mailed and first published, the redevelopment agency  
359 shall file with the clerk of the superior court a return of notice setting  
360 forth the notice given and, upon receipt of such return of notice, such  
361 clerk shall, without any delay or continuance of any kind, issue a  
362 certificate of taking setting forth the fact of such taking, a description  
363 of all the property so taken and the names of the owners and of all  
364 other persons having a record interest therein. The redevelopment  
365 agency shall cause such certificate of taking to be recorded in the office  
366 of the town clerk of each town in which such property is located. Upon  
367 the recording of such certificate, title to such property in fee simple  
368 shall vest in the municipality, and the right to just compensation shall  
369 vest in the persons entitled thereto. At any time after such certificate of  
370 taking has been so recorded, the redevelopment agency may repair,  
371 operate or insure such property and enter upon such property, and  
372 take any action that is proposed with regard to such property by the  
373 project area redevelopment plan.

374 (d) The notice [referred to above] required in subsection (b) of this  
375 section shall state that (1) not less than [twelve] thirty-five days or  
376 more than ninety days after service or mailing and first publication  
377 thereof, the redevelopment agency shall file, with the clerk of the  
378 superior court for the judicial district in which such property is  
379 located, a return setting forth the notice given, (2) upon receipt of such  
380 return, such clerk shall issue a certificate for recording in the office of  
381 the town clerk of each town in which such property is located, (3) upon  
382 the recording of such certificate, title to such property shall vest in the  
383 municipality, the right to just compensation shall vest in the persons

384 entitled thereto and the redevelopment agency may repair, operate or  
385 insure such property and enter upon such property and take any  
386 action that may be proposed with regard thereto by the project area  
387 redevelopment plan, and (4) such notice shall bind the widow or  
388 widower, heirs, representatives and creditors of each person named  
389 [therein] in the notice who then or thereafter may be dead.

390 (e) When any redevelopment agency acting on behalf of any  
391 municipality has acquired or rented real property by purchase, lease,  
392 exchange or gift in accordance with the provisions of this section, or in  
393 exercising its right of eminent domain has filed a statement of  
394 compensation and deposit with the clerk of the superior court and has  
395 caused a certificate of taking to be recorded in the office of the town  
396 clerk of each town in which such property is located as provided in  
397 this section, any judge of such court may, upon application and proof  
398 of such acquisition or rental or such filing and deposit and such  
399 recording, order such clerk to issue an execution commanding a state  
400 marshal to put such municipality and the redevelopment agency, as its  
401 agent, into peaceable possession of the property so acquired, rented or  
402 condemned. The provisions of this [section] subsection shall not be  
403 limited in any way by the provisions of chapter 832.

404 Sec. 6. Section 8-132 of the general statutes is repealed and the  
405 following is substituted in lieu thereof (*Effective from passage and*  
406 *applicable to property acquired on or after said date*):

407 (a) Any person claiming to be aggrieved by the statement of  
408 compensation filed by the redevelopment agency may, at any time  
409 within six months after the [same] statement of compensation has been  
410 filed, apply to the superior court for the judicial district in which such  
411 property is situated for a review of such statement of compensation so  
412 far as [the same] it affects such applicant. The court, after causing  
413 notice of the pendency of such application to be given to the  
414 redevelopment agency, may, with the consent of the parties or their  
415 attorneys, appoint a judge trial referee to make a review of the  
416 statement of compensation, except that the court shall, upon the

417 motion of each party or their attorneys, refer the application to a judge  
418 appointed by the Chief Court Administrator to hear tax appeals  
419 pursuant to section 12-39l. For the purposes of such application,  
420 review and appeal therefrom, and for the purposes of sections 52-192a  
421 to 52-195, inclusive, as amended by this act, such applicant shall be  
422 deemed a counterclaim plaintiff.

423 (b) If the court appoints a judge trial referee, the judge trial referee,  
424 after giving at least ten days' notice to the parties interested of the time  
425 and place of hearing, shall hear the applicant and the redevelopment  
426 agency, shall view the property and take such testimony as the judge  
427 trial referee deems material and shall thereupon revise such statement  
428 of compensation in such manner as the judge trial referee deems  
429 proper and forthwith report to the court. Such report shall contain a  
430 detailed statement of findings by the judge trial referee, sufficient to  
431 enable the court to determine the considerations upon which the judge  
432 trial referee's conclusions are based. The report of the judge trial  
433 referee shall take into account any evidence relevant to the fair market  
434 value of the property, including evidence of environmental condition  
435 and required environmental remediation. The judge trial referee shall  
436 make a separate finding for remediation costs and the property owner  
437 shall be entitled to a set-off of such costs in any pending or subsequent  
438 action to recover remediation costs for the property. The court shall  
439 review the report, and may reject it for any irregular or improper  
440 conduct in the performance of the duties of the judge trial referee. If  
441 the report is rejected, the court may appoint another judge trial referee  
442 to make such review and report. If the report is accepted, its statement  
443 of compensation shall be conclusive upon such owner and the  
444 redevelopment agency.

445 (c) If the court does not appoint a judge trial referee, the court, after  
446 giving at least ten days' notice to the parties interested of the time and  
447 place of hearing, shall hear the applicant and the redevelopment  
448 agency and take such testimony as [it] the court deems material, may  
449 view the subject property, and shall make a finding regarding the  
450 statement of compensation. The findings of the court shall take into

451 account any evidence relevant to the fair market value of the property,  
452 including evidence of environmental condition and required  
453 environmental remediation. The court shall make a separate finding  
454 for remediation costs and the property owner shall be entitled to a set-  
455 off of such costs in any pending or subsequent action to recover  
456 remediation costs for the property. The findings of the court shall be  
457 conclusive upon such owner and the redevelopment agency.

458 (d) If no appeal to the Appellate Court is filed within the time  
459 allowed by law, or if an appeal is filed and the proceedings have  
460 terminated in a final judgment finding the amount due the property  
461 owner, the clerk shall send a certified copy of the statement of  
462 compensation and of the judgment to the redevelopment agency,  
463 which shall, upon receipt thereof, pay such property owner the  
464 amount due as compensation. The pendency of any such application  
465 for review shall not prevent or delay any action that is proposed with  
466 regard to such property by the project area redevelopment plan.

467 Sec. 7. Section 8-189 of the general statutes is repealed and the  
468 following is substituted in lieu thereof (*Effective from passage*):

469 (a) The development agency may initiate a development project by  
470 preparing a project plan [therefor] in accordance with regulations [of]  
471 adopted by the commissioner pursuant to section 8-198. The project  
472 plan shall meet an identified public need and include: [(a)] (1) A legal  
473 description of the land within the project area; [(b)] (2) a description of  
474 the present condition and uses of such land or building; [(c)] (3) a  
475 description of the process utilized by the agency to prepare the plan  
476 and a description of alternative approaches considered to achieve  
477 project objectives; (4) a description of the types and locations of land  
478 uses or building uses proposed for the project area; [(d)] (5) a  
479 description of the types and locations of present and proposed streets,  
480 sidewalks and sanitary, utility and other facilities and the types and  
481 locations of other proposed site improvements; [(e)] (6) statements of  
482 the present and proposed zoning classification and subdivision status  
483 of the project area and the areas adjacent to the project area; [(f)] (7) a

484 plan for relocating project-area occupants; [(g)] (8) a financing plan;  
485 [(h)] (9) an administrative plan; [(i)] (10) a marketability and proposed  
486 land-use study or building use study if required by the commissioner;  
487 [(j)] (11) appraisal reports and title searches; [(k) a statement of] (12) a  
488 description of the public benefits of the project including, but not  
489 limited to, (A) the number of jobs which the development agency  
490 anticipates would be created by the project; [and] (B) the estimated  
491 property tax benefits; (C) the number and types of existing housing  
492 units in the municipality in which the project would be located, and in  
493 contiguous municipalities, which would be available to employees  
494 filling such jobs; [and (l)] (D) a general description of infrastructure  
495 improvements, including public access, facilities or use, that the  
496 development agency anticipates may be needed to implement the  
497 development plan; (E) a general description of the development  
498 agency's goals for blight remediation or, if known, environmental  
499 remediation; (F) a general description of any aesthetic improvements  
500 that the development agency anticipates may be generated by the  
501 project; (G) a general description of the project's intended role in  
502 increasing or sustaining market value of land in the municipality; (H) a  
503 general description of the project's intended role in assisting residents  
504 of the municipality to improve their standard of living; and (I) a  
505 general statement of the project's role in maintaining or enhancing the  
506 competitiveness of the municipality; (13) findings that (A) the land and  
507 buildings within the project area will be used principally for industrial  
508 or business purposes; [that] (B) the plan is in accordance with the plan  
509 of development for the municipality adopted by its planning  
510 commission under section 8-23, and the plan of development of the  
511 regional planning agency adopted under section 8-35a, if any, for the  
512 region within which the municipality is located; [that] (C) the plan [is  
513 not inimical to any] was prepared giving due consideration to the state  
514 plan of conservation and development adopted under chapter 297 and  
515 any other state-wide planning program objectives of the state or state  
516 agencies as coordinated by the Secretary of the Office of Policy and  
517 Management; [that] and (D) the project will contribute to the economic  
518 welfare of the municipality and the state; and that to carry out and

519 administer the project, public action under this chapter is required;  
520 and (14) a preliminary statement describing the proposed process for  
521 acquiring each parcel of real property, including findings that (A)  
522 public benefits resulting from the project will outweigh any private  
523 benefits; (B) existing use of the real property cannot be feasibly  
524 integrated into the overall development plan for the project; (C)  
525 acquisition by eminent domain is reasonably necessary to successfully  
526 achieve the objectives of such development plan; and (D) the project  
527 will have public benefits that do not include consideration of the  
528 project on local tax revenues. Any plan [which] that has been prepared  
529 by a redevelopment agency under chapter 130 may be submitted by  
530 the development agency to the legislative body and to the  
531 commissioner in lieu of a plan initiated and prepared in accordance  
532 with this section, provided all other requirements of this chapter for  
533 obtaining the approval of the commissioner of the project plan are  
534 satisfied.

535 (b) The development agency shall cause notice of the approval of  
536 the plan to be published in a newspaper having general circulation in  
537 the municipality. The plan shall be effective for a period of ten years  
538 after the date of adoption. Thereafter, it shall be reviewed by the  
539 redevelopment agency at least once every ten years and may be  
540 adopted again or amended in accordance with this section.

541 (c) Any owner of property located in the project area may appeal the  
542 findings of the agency under subdivision (14) of subsection (b) of this  
543 section to the superior court for the judicial district in which the  
544 municipality is located. The appeal shall be commenced by service of  
545 process not more than fifteen days from the date that notice of the  
546 approval of the plan was published as required by the general statutes.  
547 The appeal shall be returned to the court in the same manner and  
548 within the same period of time as prescribed for civil actions brought  
549 to that court. Upon an appeal taken under this section, the burden of  
550 proof shall be on the development agency to prove, by clear and  
551 convincing evidence and based upon the evidence in the record  
552 compiled before such agency, that the findings in the plan from which

553 such appeal is taken and the reasons cited for such findings are  
554 supported by sufficient evidence in the record. If the development  
555 agency does not satisfy the burden of proof under this section, the  
556 court shall order the agency to wholly or partly revise, modify or  
557 remand the findings from which the appeal was taken in a manner  
558 consistent with the evidence in the record before it.

559 (d) Any property identified in the plan as property to be acquired  
560 by eminent domain must be so acquired by a date that is five years  
561 after the date of approval of the initial plan unless the legislative body  
562 of the municipality approves an extension of the time for acquisition.  
563 An extension shall be for a period of five years. No property may be  
564 acquired more than ten years after adoption of the initial plan.

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

567 (a) Before the development agency adopts a plan for a development  
568 project, (1) the planning commission of the municipality shall find that  
569 the plan is in accord with the plan of development for the  
570 municipality; and (2) the regional planning agency, if any, for the  
571 region within which such municipality is located shall find that such  
572 plan is in accord with the plan of development for such region, or if  
573 such agency fails to make a finding concerning [said] the plan within  
574 thirty-five days of receipt [thereof] of the plan by such agency, it shall  
575 be presumed that such agency does not disapprove of [such] the plan;  
576 and (3) the development agency shall hold at least one public hearing  
577 [thereon] on the plan. At least thirty-five days prior to any public  
578 hearing the development agency shall post the draft plan on the  
579 Internet web site of the development agency, if any. Upon approval by  
580 the development agency, the agency shall submit [such] the plan to the  
581 legislative body which shall vote to approve or disapprove the plan.  
582 After approval of the plan by the legislative body, the development  
583 agency shall submit the plan for approval to the commissioner. Notice  
584 of the time, place and subject of any public hearing held under this  
585 section shall be published once in a newspaper of general circulation in

586 [such town] the municipality, such publication to be made not less  
587 than one week nor more than three weeks prior to the date set for the  
588 hearing. In the event the commissioner requires a substantial  
589 modification of the project plan before giving approval, then upon the  
590 completion of such modification such plan shall first have a public  
591 hearing and then be approved by the development agency and the  
592 legislative body. Any legislative body, agency or commission in  
593 approving a plan for a development project shall specifically approve  
594 the findings made [therein] in the plan.

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

600 Sec. 9. Section 8-193 of the general statutes is repealed and the  
601 following is substituted in lieu thereof (*Effective from passage and*  
602 *applicable to property acquired on or after said date*):

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

608 (b) The development agency may, with the approval of the  
609 legislative body, and in the name of the municipality, acquire by  
610 eminent domain real property located within the project area and real  
611 property and interests therein for rights-of-way and other easements to  
612 and from the project area, in the same manner that a redevelopment  
613 agency may acquire real property under sections 8-128 to 8-133,  
614 inclusive, as amended by this act, as if said sections specifically applied  
615 to development agencies.

616 (1) No owner-occupied property may be acquired by eminent  
617 domain unless the redevelopment agency submits information to the

618 legislative body sufficient for such legislative body to determine by  
619 clear and convincing evidence that the redevelopment plan cannot be  
620 implemented without acquisition of the property by eminent domain.  
621 Such information shall include, but not be limited to, surveys,  
622 engineering studies, architectural drawing and planning reports. The  
623 redevelopment agency shall provide to the owner of the property a  
624 copy of all information submitted to the redevelopment agency.

625 (2) Before the legislative body approves any acquisition by eminent  
626 domain pursuant to this section, the legislative body shall conduct a  
627 public hearing on the acquisition. The municipality shall cause notice  
628 of the time, place and subject of the hearing to be published in a  
629 newspaper having a substantial circulation in the municipality not  
630 more than ten days before the date set for the hearing. Not less than  
631 ten days before the date of the hearing, the legislative body shall send,  
632 by first class mail, notice of the time, place and subject of the hearing to  
633 the owners of record of the real property and to all owners of real  
634 property within one hundred feet of the real property to be acquired  
635 by eminent domain.

636 (3) (A) No parcel of real property may be acquired by eminent  
637 domain under this section except upon approval by vote of at least  
638 two-thirds of the members of the legislative body of the municipality.  
639 Such approval shall be by (i) separate vote on each parcel of real  
640 property to be acquired, or (ii) a vote on one or more groups of such  
641 parcels, provided each parcel to be acquired is identified for the  
642 purposes of a vote on a group of such parcels under this  
643 subparagraph.

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

648 (c) The development agency may, with the approval of the  
649 legislative body and, of the commissioner if any grants were made by

650 the state under section 8-190 or 8-195 for such development project,  
651 and in the name of such municipality, transfer by sale or lease at fair  
652 market value or fair rental value, as the case may be, the whole or any  
653 part of the real property in the project area to any person, in  
654 accordance with the project plan and such disposition plans as may  
655 have been determined by the commissioner.

656 [(b)] (d) A development agency shall have all the powers necessary  
657 or convenient to undertake and carry out development plans and  
658 development projects, including the power to clear, demolish, repair,  
659 rehabilitate, operate, or insure real property while it is in its  
660 possession, to make site improvements essential to the preparation of  
661 land for its use in accordance with the development plan, to install,  
662 construct or reconstruct streets, utilities and other improvements  
663 necessary for carrying out the objectives of the development project,  
664 and, in distressed municipalities, as defined in section 32-9p, to lend  
665 funds to businesses and industries in a manner approved by the  
666 commissioner.

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

673 (2) (A) If real property acquired on or after the effective date of this  
674 section is not used for the purpose for which it was acquired or for  
675 some other public use and is subsequently offered for sale, the real  
676 property shall be first offered for sale pursuant to subparagraph (B) of  
677 this subdivision to the person from whom the real property was  
678 acquired, or heirs of the person designated pursuant to subparagraph  
679 (B) of this subdivision, if any, for a price not greater than the amount of  
680 compensation paid for such real property, after any appeal or  
681 settlement, less (i) the value of any structures or improvements  
682 removed from the real property by the development agency or its

683 designee after the real property was acquired as set forth in the  
684 recorded findings, (ii) the value of any improvements the agency made  
685 to the property, and (iii) the amount of any depreciation, as defined in  
686 section 45a-542z. After the municipality provides notice pursuant to  
687 subparagraph (B) of this subdivision, the municipality may not sell  
688 such property to a third party unless the municipality has permitted  
689 the person or named heirs six months to exercise the right to purchase  
690 the property, and an additional six months to finalize the purchase if  
691 the person or named heirs provide the municipality with notice of  
692 intent to purchase the property within the initial six-month period.

693 (B) For the purposes of any offer of sale pursuant to this  
694 subdivision, the municipality shall provide a form to any person  
695 whose property is acquired pursuant to this section to permit such  
696 person to provide an address for notice of sale to be sent, or to provide  
697 the name and address of an agent to receive such notice. Such form  
698 shall be designed to permit the person to designate heirs of the person  
699 who shall be eligible to purchase such property pursuant to this  
700 subdivision. The person or agent shall update information in the form  
701 in writing. If the person or agent does not provide or update the  
702 information in the form in a manner that permits the municipality to  
703 send notice of sale pursuant to this subsection, no such notice shall be  
704 required.

705 (f) The owner-occupant of property acquired under this section may  
706 appeal the decision of the development agency to the superior court  
707 for the judicial district in which the municipality is located. The  
708 appeal shall be commenced by service of process not more than fifteen  
709 days from the date that notice of the approved acquisition was  
710 published under subparagraph (B) of subdivision (4) of subsection (a)  
711 of section 8-128, as amended by this act. The appeal shall be returned  
712 to court in the same manner and within the same period of time as  
713 prescribed for civil actions brought to that court. Upon an appeal taken  
714 under this section, the burden of proof shall be on the development  
715 agency to prove, by clear and convincing evidence based the record  
716 compiled before such agency, that acquisition of the property is

717 consistent with the provisions of subdivision (14) of section 8-189, as  
718 amended by this act. If the development agency does not satisfy the  
719 burden of proof under this section, the court shall order the agency to  
720 reverse its decision.

721 Sec. 10. Section 8-200 of the general statutes is repealed and the  
722 following is substituted in lieu thereof (*Effective from passage and*  
723 *applicable to property acquired on or after said date*):

724 (a) A development plan may be modified at any time by the  
725 development agency, provided, if modified after the lease or sale of  
726 real property in the development project area, the modification must  
727 be consented to by the lessees or purchasers of such real property or  
728 their successor or successors in interest affected by the proposed  
729 modification. Where the proposed modification will substantially  
730 change the development plan as previously approved, the  
731 modification must be approved in the same manner as the  
732 development plan.

733 (b) If after three years from the date of approval of the development  
734 plan the development agency has been unable to transfer by sale or  
735 lease at fair market value or fair rental value, as the case may be, the  
736 whole or any part of the real property acquired in the project area to  
737 any person in accordance with the project plan, and no grant has been  
738 made for such project pursuant to section 8-195, the municipality may,  
739 by vote of its legislative body, abandon the project plan and such real  
740 property may be conveyed free of any restriction, obligation or  
741 procedure imposed by the plan but shall be subject to all other local  
742 and state laws, ordinances or regulations, including, but not limited to,  
743 any offer of sale required under subsection (e) of section 8-193, as  
744 amended by this act.

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

748 (a) Whenever a program or project undertaken by a state agency or

749 under the supervision of a state agency will result in the displacement  
750 of any person on or after July 6, 1971, the head of such state agency  
751 shall make payment to any displaced person, upon proper application  
752 as approved by such agency head, for (1) actual reasonable expenses in  
753 moving himself, his family, business, farm operation or other personal  
754 property, (2) actual direct losses of tangible personal property as a  
755 result of moving or discontinuing a business or farm operation, but not  
756 to exceed an amount equal to the reasonable expenses that would have  
757 been required to relocate such property, as determined by the state  
758 agency, and (3) actual reasonable expenses in searching for a  
759 replacement business or farm, provided, whenever any tenant in any  
760 dwelling unit is displaced as the result of the enforcement of any code  
761 to which this section is applicable by any town, city or borough or  
762 agency thereof, the landlord of such dwelling unit shall be liable for  
763 any payments made by such town, city or borough pursuant to this  
764 section or by the state pursuant to subsection (b) of section 8-280, and  
765 the town, city or borough or the state may place a lien on any real  
766 property owned by such landlord to secure repayment to the town,  
767 city or borough or the state of such payments, which lien shall have the  
768 same priority as and shall be filed, enforced and discharged in the  
769 same manner as a lien for municipal taxes under chapter 205.

770 (b) Any displaced person eligible for payments under subsection (a)  
771 of this section who is displaced from a dwelling and who elects to  
772 accept the payments authorized by this subsection in lieu of the  
773 payments authorized by subsection (a) of this section may receive a  
774 moving expense allowance, determined according to a schedule  
775 established by the state agency, not to exceed three hundred dollars  
776 and a dislocation allowance of two hundred dollars.

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

783 of the business or farm operation, except that such payment shall not  
784 be less than two thousand five hundred dollars nor more than ten  
785 thousand dollars. In the case of a business, (1) no payment shall be  
786 made under this subsection unless the state agency is satisfied that the  
787 business [(1)] (A) cannot be relocated without a substantial loss of its  
788 existing patronage, and [(2)] (B) is not a part of a commercial enterprise  
789 having at least one other establishment not being acquired by the state,  
790 which is engaged in the same or similar business; and (2) payments  
791 under this subsection shall be adjusted to reflect any increase or  
792 decrease in good will and such increase or decrease in good will shall  
793 be calculated separately. For purposes of this subsection, [the term]  
794 "average annual net earnings" means one half of any net earnings of  
795 the business or farm operation, before federal, state and local income  
796 taxes, during the two taxable years immediately preceding the taxable  
797 year in which such business or farm operation moves from the real  
798 property acquired for such project, or during such other period as such  
799 agency determines to be more equitable for establishing such earnings,  
800 and includes any compensation paid by the business or farm operation  
801 to the owner, [his] the owner's spouse or [his] the owner's dependents  
802 during such period; and "good will" means the benefits that accrue to a  
803 business that are unique to its location.

804 (d) Notwithstanding the provisions of this section, the head of the  
805 state agency shall make relocation payments as provided under the  
806 federal Uniform Relocation Assistance and Real Property Acquisition  
807 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent  
808 amendments thereto and regulations promulgated thereunder if  
809 payments under said act and regulations would be greater than  
810 payments under this section and sections 8-269 and 8-270, as amended  
811 by this act.

812 Sec. 12. Section 8-269 of the general statutes is amended by adding  
813 subsection (c) as follows (*Effective from passage and applicable to property*  
814 *acquired on or after said date*):

815 (NEW) (c) Notwithstanding the provisions of this section, the head

816 of the state agency shall make relocation payments as provided under  
817 the federal Uniform Relocation Assistance and Real Property  
818 Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any  
819 subsequent amendments thereto and regulations promulgated  
820 thereunder if payments under said act and regulations would be  
821 greater than payments under this section and sections 8-268 and 8-270,  
822 as amended by this act.

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

826 (a) In addition to amounts otherwise authorized by this chapter, a  
827 state agency shall make a payment to or for any displaced person  
828 displaced from any dwelling not eligible to receive a payment under  
829 section 8-269, as amended by this act, which dwelling was actually and  
830 lawfully occupied by such displaced person for not less than ninety  
831 days prior to the initiation of negotiations for acquisition of such  
832 dwelling under the program or project which results in such person  
833 being displaced. Such payment shall be either (1) the amount necessary  
834 to enable such displaced person to lease or rent for a period not to  
835 exceed four years, a decent, safe, and sanitary dwelling of standards  
836 adequate to accommodate such person in areas not generally less  
837 desirable [in] with regard to public utilities and public and commercial  
838 facilities, and reasonably accessible to [his] such displaced person's  
839 place of employment, but not to exceed four thousand dollars, or (2)  
840 the amount necessary to enable such displaced person to make a down  
841 payment, including reasonable expenses incurred by such displaced  
842 person for evidence of title, recording fees, and other closing costs  
843 incident to the purchase of a decent, safe, and sanitary dwelling of  
844 standards adequate to accommodate such person in areas not  
845 generally less desirable [in] with regard to public utilities and public  
846 and commercial facilities, but not to exceed four thousand dollars,  
847 except that if such amount exceeds two thousand dollars, such person  
848 must equally match any such amount in excess of two thousand  
849 dollars in making the downpayment, and provided, whenever any

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

861 (b) Notwithstanding the provisions of this section, the head of the  
862 state agency shall make relocation payments as provided under the  
863 federal Uniform Relocation Assistance and Real Property Acquisition  
864 Policies Act of 1970, 42 USC 4601 et seq. and any subsequent  
865 amendments thereto and regulations promulgated thereunder if  
866 payments under said act and regulations would be greater than  
867 payments under this section and sections 8-268 and 8-269, as amended  
868 by this act.

869 Sec. 14. Section 32-224 of the general statutes is repealed and the  
870 following is substituted in lieu thereof (*Effective from passage and*  
871 *applicable to property acquired on or after said date*):

872 (a) Any municipality which has a planning commission may, by  
873 vote of its legislative body, designate an implementing agency to  
874 exercise the powers granted under sections 32-220 to 32-234, inclusive.  
875 Any municipality may, with the approval of the commissioner,  
876 designate a separate implementing agency for each municipal  
877 development project undertaken by such municipality pursuant to  
878 said sections.

879 (b) The implementing agency may initiate a municipal development  
880 project by preparing and submitting a development plan to the  
881 commissioner. Such plan shall meet an identified public need and

882 include: (1) A legal description of the real property within the  
883 boundaries of the project area; (2) a description of the present  
884 condition and uses of such real property; (3) a description of the  
885 process utilized by the agency to prepare the plan and a description of  
886 alternative approaches considered to achieve project objectives; (4) a  
887 description of the types and locations of land uses or building uses  
888 proposed for the project area; [(4)] (5) a description of the types and  
889 locations of present and proposed streets, sidewalks and sanitary,  
890 utility and other facilities and the types and locations of other  
891 proposed project improvements; [(5)] (6) statements of the present and  
892 proposed zoning classification and subdivision status of the project  
893 area and the areas adjacent to the project area; [(6)] (7) a plan for  
894 relocating project area occupants; [(7)] (8) a financing plan; [(8)] (9) an  
895 administrative plan; [(9)] (10) an environmental analysis, marketability  
896 and proposed land use study, or building use study if required by the  
897 commissioner; [(10)] (11) appraisal reports and title searches if  
898 required by the commissioner; [(11)] (12) a description of the  
899 [economic] public benefit of the project, including, but not limited to,  
900 (A) the number of jobs which the implementing agency anticipates  
901 would be created or retained by the project, (B) the estimated property  
902 tax benefits, [and] (C) the number and types of existing housing units  
903 in the municipality in which the project would be located, and in  
904 contiguous municipalities, which would be available to employees  
905 filling such jobs, [and (12)] (D) a general description of infrastructure  
906 improvements, including public access, facilities or use, that the  
907 implementing agency anticipates may be needed to implement the  
908 development plan, (E) a general description of the implementing  
909 agency's goals for blight remediation or, if known, environmental  
910 remediation, (F) a general description of any aesthetic improvements  
911 that the implementing agency anticipates may be generated by the  
912 project, (G) a general description of the project's intended role in  
913 increasing or sustaining market value of land in the municipality, (H) a  
914 general description of the project's intended role in assisting residents  
915 of the municipality to improve their standard of living, and (I) a  
916 general statement of the project's role in maintaining or enhancing the

917 competitiveness of the municipality; (13) a finding that (A) the land  
918 and buildings within the boundaries of the project area will be used  
919 principally for manufacturing or other economic base business  
920 purposes or business support services; (B) the plan is in accordance  
921 with the plan of development for the municipality, if any, adopted by  
922 its planning commission under section 8-23, and the plan of  
923 development of the regional planning agency adopted under section 8-  
924 35a, if any, for the region within which the municipality is located; (C)  
925 the plan [is not inimical to any] was prepared giving due consideration  
926 to the state plan of conservation and development adopted under  
927 chapter 297 and other state-wide planning program objectives of the  
928 state or state agencies as coordinated by the Secretary of the Office of  
929 Policy and Management; and (D) the project will contribute to the  
930 economic welfare of the municipality and the state and that to carry  
931 out and administer the project, public action under sections 32-220 to  
932 32-234, inclusive, is required; and (14) a preliminary statement  
933 describing the proposed process for acquiring each parcel of real  
934 property, including findings that (A) public benefits resulting from the  
935 project will outweigh any private benefits; (B) existing use of the real  
936 property cannot be feasibly integrated into the overall plan for the  
937 project; (C) acquisition by eminent domain is reasonably necessary to  
938 successfully achieve the objectives of such plan; and (D) the project  
939 will have public benefits that do not include consideration of the  
940 effects of the project on local tax revenues. The provisions of this  
941 subsection with respect to submission of a development plan to and  
942 approval by the commissioner and with respect to a finding that the  
943 plan [is not inimical to any] was prepared giving due consideration to  
944 the state plan of conservation and development and state-wide  
945 planning program objectives of the state or its agencies shall not apply  
946 to a project for which no financial assistance has been given and no  
947 application for financial assistance is to be made under section 32-223.  
948 Any plan [which] that has been prepared under chapters 130, 132 or  
949 588a may be submitted by the implementing agency to the legislative  
950 body of the municipality and to the commissioner in lieu of a plan  
951 initiated and prepared in accordance with this section, provided all

952 other requirements of sections 32-220 to 32-234, inclusive, for obtaining  
953 the approval of the commissioner of the development plan are  
954 satisfied. Any action taken in connection with the preparation and  
955 adoption of such plan shall be deemed effective to the extent such  
956 action satisfies the requirements of said sections.

957 (c) No plan shall be adopted unless the planning commission of the  
958 municipality finds that the plan is in accord with the plan of  
959 development, if any, for the municipality and the regional planning  
960 agency, if any, organized under chapter 127 for the region within  
961 which such municipality is located finds that such plan is in accord  
962 with the plan of development, if any, for such region. If the regional  
963 planning agency fails to make a finding concerning the plan within  
964 thirty-five days of receipt thereof, by such agency, it shall be presumed  
965 that such agency does not disapprove of the plan. The implementing  
966 agency shall hold at least one public hearing on the plan and shall  
967 cause notice of the time, place, and subject of any public hearing to be  
968 published at least once in a newspaper of general circulation in the  
969 municipality not less than one week nor more than three weeks prior  
970 to the date of such public hearing. At least thirty-five days prior to the  
971 public hearing the implementing agency shall post the draft plan on  
972 the Internet web site of the implementing agency, if any. Upon  
973 adoption of the plan the implementing agency shall submit the plan to  
974 the legislative body of the municipality for approval or disapproval.  
975 Any approval by the implementing agency and legislative body of the  
976 municipality made under this section shall specifically provide for  
977 approval of any findings contained therein. After approval of the plan  
978 by the legislative body of the municipality, [such] the plan shall be  
979 submitted to the commissioner for his approval. If the commissioner  
980 requires a substantial modification of the plan as a condition of  
981 approval, the plan shall be subject to a public hearing and approval by  
982 the implementing agency and the legislative body of the municipality  
983 in accordance with the provisions of this subsection. The implementing  
984 agency shall cause notice of the approval of the plan to be published in  
985 a newspaper having general circulation in the municipality. The plan

986 shall be effective for a period of five years after the date of adoption.  
987 Thereafter, it shall be reviewed by the implementing agency at least  
988 once every five years and may be adopted again or amended in  
989 accordance with this section.

990 (d) The implementing agency shall cause notice of the approval of  
991 the plan to be published in a newspaper having general circulation in  
992 the municipality. Any owner of property located in the project area  
993 may appeal the findings of the agency under subdivision (14) of this  
994 section to the superior court for the judicial district in which the  
995 municipality is located. The appeal shall be commenced by service of  
996 process not more than fifteen days from the date that notice of the  
997 approval of the plan was published as required by this section. The  
998 appeal shall be returned to the court in the same manner and within  
999 the same period of time as prescribed for civil actions brought to that  
1000 court. Upon an appeal taken under this section, the burden of proof  
1001 shall be on the implementing agency to prove, by clear and convincing  
1002 evidence and based upon the evidence in the record compiled before  
1003 such agency, that the findings in the plan from which such appeal is  
1004 taken and the reasons cited for such findings are supported by  
1005 sufficient evidence in the record. If the implementing agency does not  
1006 satisfy the burden of proof under this section, the court shall order the  
1007 agency to wholly or partly revise, modify or remand the findings from  
1008 which the appeal was taken in a manner consistent with the evidence  
1009 in the record before it.

1010 [(d)] (e) A development plan may be modified at any time by the  
1011 implementing agency, provided, if modified after the lease or sale of  
1012 real property in the project area, the lessees or purchasers of such real  
1013 property or their successor or successors in interest affected by the  
1014 proposed modification shall consent to such modification. If the  
1015 proposed modification will substantially alter the development plan as  
1016 previously approved, the modification shall be subject to the approval  
1017 of the local legislative body of the municipality and the commissioner  
1018 in the same manner as approval of the development plan. The  
1019 municipality may, by vote of its legislative body, abandon the

1020 development plan and convey such real property within the  
1021 boundaries of the project area free of any restriction, obligation or  
1022 procedure imposed by the plan subject to all other local and state laws,  
1023 ordinances or regulations, including, but not limited to, any offer of  
1024 sale required under subsection (i) of this section, if after three years  
1025 from the date of approval of the plan the implementing agency has not  
1026 transferred by sale or lease all or any part of the real property acquired  
1027 in the project area to any person in accordance with the development  
1028 plan and no grant of financial assistance under sections 32-220 to 32-  
1029 234, inclusive, has been given for such project other than for activities  
1030 related to the planning of the project pursuant to section 32-222.

1031       [(e)] (f) The implementing agencies of two or more municipalities  
1032 may, after approval by each legislative body thereof, jointly initiate a  
1033 development project if the project area is to be located in one or more  
1034 of such municipalities. Such implementing agencies, after approval by  
1035 the commissioner of the development plan for the project if any state  
1036 aid is to be requested under section 32-223, may enter into and amend  
1037 subject to the approval of the commissioner, an agreement to jointly  
1038 carry out the development plan. Such agreement may include  
1039 provisions for furnishing municipal services to the project and sharing  
1040 costs of and revenues from the project, including property tax and  
1041 rental receipts. The development plan shall include a proposed form of  
1042 the agreement to be entered into by the municipalities. Each  
1043 municipality which is a party to an agreement may make  
1044 appropriations and levy taxes in accordance with the provisions of the  
1045 general statutes and may issue bonds in accordance with section 32-  
1046 227 to further its obligations under the agreement.

1047       [(f)] (g) As used in this subsection, "public service facility" includes  
1048 any sewer, pipe, main conduit, cable, wire, pole, tower, building or  
1049 utility appliance owned or operated by an electric, gas, telephone,  
1050 telegraph or water company. Whenever an implementing agency  
1051 determines that the closing of any street or public right-of-way is  
1052 provided for in a development plan adopted and approved in  
1053 accordance with sections 32-220 to 32-234, inclusive, or where the

1054 carrying out of such a development plan, including the construction of  
1055 new improvements, requires the temporary or permanent  
1056 readjustment, relocation or removal of a public service facility from a  
1057 street or public right-of-way, the implementing agency shall issue an  
1058 appropriate order to the company owning or operating such facility.  
1059 Such company shall permanently or temporarily readjust, relocate or  
1060 remove the public service facility promptly in accordance with such  
1061 order, provided an equitable share of the cost of such readjustment,  
1062 relocation or removal, including the cost of installing and constructing  
1063 a facility of equal capacity in a new location, shall be borne by the  
1064 implementing agency. Such equitable share shall be fifty per cent of  
1065 such cost after the deduction hereinafter provided. In establishing the  
1066 equitable share of the cost to be borne by the implementing agency,  
1067 there shall be deducted from the cost of the readjusted, relocated or  
1068 removed facilities a sum based on a consideration of the value of  
1069 materials salvaged from existing installations, the cost of the original  
1070 installation, the life expectancy of the original facility and the  
1071 unexpired term of such life use. The books and records of the company  
1072 shall be made available for inspection by the implementing agency to  
1073 determine the equitable share of the cost of such readjustment,  
1074 relocation or removal. When any facility is removed from a street or  
1075 public right-of-way to a private right-of-way, the implementing agency  
1076 shall not pay for such private right-of-way. If the implementing agency  
1077 and the company owning or operating such facility cannot agree upon  
1078 the share of the cost to be borne by the implementing agency, such  
1079 agency or the company may apply to the superior court for the judicial  
1080 district within which the street or public right-of-way is situated, or, if  
1081 the court is not in session, to any judge thereof, for a determination of  
1082 the cost to be borne by the implementing agency. The court or the  
1083 judge, after causing notice of the pendency of such application to be  
1084 given to the other party, shall appoint a state referee to make such  
1085 determination. The referee, having given at least ten days' notice to the  
1086 interested parties of the time and place of the hearing, shall hear both  
1087 parties, take such testimony as he may deem material and thereupon  
1088 determine the amount of the cost to be borne by the implementing

1089 agency. The referee shall immediately report the amount to the court.  
1090 If the report is accepted by the court, such determination shall, subject  
1091 to right of appeal as in civil actions, be conclusive upon such parties.

1092 [(g)] (h) After approval of the development plan pursuant to  
1093 sections 32-220 to 32-234, inclusive, the implementing agency may by  
1094 purchase, lease, exchange or gift acquire or rent real property  
1095 necessary or appropriate for the project as identified in the  
1096 development plan and real property and interests therein for rights-of-  
1097 way and other easements to and from the project area.

1098 (i) (1) The implementing agency may, with the approval of the  
1099 legislative body of the municipality, and in the name of the  
1100 municipality, condemn in accordance with section 8-128 to 8-133,  
1101 inclusive, as amended by this act, any real property necessary or  
1102 appropriate for the project as identified in the development plan,  
1103 including real property and interests in land for rights-of-way and  
1104 other easements to and from the project area. The legislative body shall  
1105 not approve the use of condemnation by the implementing agency  
1106 unless the legislative body has (A) considered the benefits to the public  
1107 and any private entity that will result from the municipal development  
1108 project and determined that the public benefits outweigh any private  
1109 benefits, (B) determined that the current use of the real property  
1110 cannot be feasibly integrated into the overall development plan, and  
1111 (C) determined that the acquisition of the real property by  
1112 condemnation is reasonably necessary to successfully achieve the  
1113 objectives of the development plan. No owner occupied property may  
1114 be acquired by eminent domain unless the implementing agency  
1115 submits information to the legislative body sufficient for such  
1116 legislative body to determine by clear and convincing evidence that  
1117 the redevelopment plan cannot be implemented without acquisition of  
1118 the property by eminent domain. Such information shall include, but  
1119 not be limited to, surveys, engineering studies, architectural drawing  
1120 and planning reports. The implementing agency shall provide to the  
1121 owner of the property a copy of all information submitted to the  
1122 legislative body.

1123 (2) Before the legislative body approves any acquisition by  
1124 condemnation pursuant to this subsection, the legislative body shall  
1125 conduct a public hearing on the acquisition. The municipality shall  
1126 cause notice of the time, place and subject of the hearing to be  
1127 published in a newspaper having a substantial circulation in the  
1128 municipality not more than ten days before the date set for the hearing.  
1129 Not less than ten days before the date of the hearing, the legislative  
1130 body shall send, by first class mail, notice of the time, place and subject  
1131 of the hearing to the owners of record of the real property and to all  
1132 owners of real property within one hundred feet of the real property to  
1133 be acquired by condemnation.

1134 (3) (A) No parcel of real property may be acquired by condemnation  
1135 under this subsection except upon approval by vote of at least two-  
1136 thirds of the members of the legislative body of the municipality. Such  
1137 approval shall be by (i) separate vote on each parcel of real property to  
1138 be acquired, or (ii) a vote on one or more groups of such parcels,  
1139 provided each parcel to be acquired is identified for the purposes of a  
1140 vote on a group of such parcels under this subparagraph.

1141 (B) The municipality shall cause notice of any approved acquisition  
1142 under this subdivision to be published in a newspaper having a  
1143 substantial circulation in the municipality not more than ten days after  
1144 such approval.

1145 (4) Any property identified in the plan as property to be acquired by  
1146 eminent domain must be so acquired by a date that is five years after  
1147 the date of approval of the initial plan unless the legislative body of the  
1148 municipality approves an extension of the time for acquisition. An  
1149 extension shall be for a period of five years. No property may be  
1150 acquired more than ten years after adoption of the initial plan.

1151 (j) (1) On and after the effective date of this section, on the date a  
1152 certificate of taking is filed pursuant to section 8-129, as amended by  
1153 this act, for property acquired by eminent domain pursuant to this  
1154 section, the development agency shall record with the certificate of

1155 taking separate findings that itemize the value of the real property and  
1156 any structures or improvements on the real property so acquired.

1157 (2) (A) If real property acquired on or after the effective date of this  
1158 section is not used for the purpose for which it was acquired or for  
1159 some other public use and is subsequently offered for sale, the real  
1160 property shall be first offered for sale pursuant to subparagraph (B) of  
1161 this subdivision to the person from whom the real property was  
1162 acquired, or heirs of the person designated pursuant to subparagraph  
1163 (B) of this subdivision, if any, for a price not greater than the amount of  
1164 compensation paid for such real property, after any appeal or  
1165 settlement, less (i) the value of any structures or improvements  
1166 removed from the real property by the development agency or its  
1167 designee after the real property was acquired as set forth in the  
1168 recorded findings, (ii) the value of any improvements the agency made  
1169 to the property, and (iii) the amount of any depreciation, as defined in  
1170 section 45a-542z. After the municipality provides notice pursuant to  
1171 subparagraph (B) of this subdivision, the municipality may not sell  
1172 such property to a third party unless the municipality has permitted  
1173 the person or named heirs six months during which to exercise the  
1174 right to purchase the property, and an additional six months to finalize  
1175 the purchase if the person or named heirs provide the municipality  
1176 with notice of intent to purchase the property within the initial six-  
1177 month period.

1178 (B) For the purposes of any offer of sale pursuant to this  
1179 subdivision, the municipality shall provide a form to any person  
1180 whose property is acquired pursuant to this section to permit such  
1181 person to provide an address for notice of sale to be sent, or to provide  
1182 the name and address of an agent to receive such notice. Such form  
1183 shall be designed to permit the person to designate heirs of the person  
1184 who shall be eligible to purchase such property pursuant to this  
1185 subdivision. The person or agent shall update information in the form  
1186 in writing. If the person or agent does not provide or update the  
1187 information in the form in a manner that permits the municipality to  
1188 send notice of sale pursuant to this subsection, no such notice shall be

1189 required.

1190 (k) The owner-occupant of property acquired under this section  
1191 may appeal the decision of the implementing agency to the superior  
1192 court for the judicial district in which the municipality is located. The  
1193 appeal shall be commenced by service of process not more than fifteen  
1194 days from the date that notice of the approved acquisition was under  
1195 subparagraph (B) of subdivision (4) of subsection (a) of section 8-128.  
1196 The appeal shall be returned to the court in the same manner and  
1197 within the same period of time as prescribed for civil actions brought  
1198 to that court. Upon an appeal taken under this section, the burden of  
1199 proof shall be on the development agency to prove, by clear and  
1200 convincing evidence based upon the record compiled before such  
1201 agency, that acquisition of the property is consistent with the  
1202 provisions of subdivision (14) of subsection (b) of this section. If the  
1203 implementing agency does not satisfy the burden of proof under this  
1204 section, the court shall order such agency to reverse its decision.

1205 Sec. 15. Section 48-50 of the general statutes is repealed and the  
1206 following is substituted in lieu thereof (*Effective from passage*):

1207 (a) There is established an Office of Ombudsman for Property  
1208 Rights which shall be within the Office of Policy and Management for  
1209 administrative purposes only. The Office of Ombudsman for Property  
1210 Rights shall be under the direction of an Ombudsman for Property  
1211 Rights who shall be appointed in accordance with section 48-51.

1212 (b) The Office of Ombudsman for Property Rights shall:

1213 (1) Develop and maintain expertise in, and understanding of, the  
1214 (A) provisions of the federal and state constitutions governing the  
1215 taking of private property and provisions of state law authorizing a  
1216 public agency to take private property, and (B) case law interpreting  
1217 such provisions;

1218 (2) At the request of a public agency, assist the public agency in  
1219 applying constitutional and statutory provisions concerning eminent

1220 domain;

1221 (3) At the request of a public agency, provide assistance in  
1222 analyzing actions that have potential eminent domain implications;

1223 (4) At the request of a private property owner, provide assistance  
1224 concerning eminent domain procedures;

1225 (5) Identify state or local governmental actions that have potential  
1226 eminent domain implications and, if appropriate, advise the  
1227 appropriate public agency about such implications;

1228 (6) Provide information to private citizens, civic groups and other  
1229 interested parties about eminent domain law and their rights with  
1230 respect to eminent domain;

1231 (7) Mediate disputes between private property owners and public  
1232 agencies concerning the use of eminent domain or related relocation  
1233 assistance as provided in section 48-52, and the Office of Ombudsman  
1234 for Property Rights may, within available appropriations, hire an  
1235 independent real estate appraiser to assist in such mediation; [and]

1236 (8) Recommend to the General Assembly changes that, in the  
1237 opinion of the Ombudsman for Property Rights, should be made to the  
1238 general statutes related to eminent domain powers and procedures;  
1239 and

1240 (9) Select the appraisal to be used to determine and quantify the  
1241 amount of compensation to property owners, pursuant to section 8-  
1242 129, as amended by this act, for property acquired by eminent domain  
1243 by a redevelopment agency under section 8-128, as amended by this  
1244 act.

1245 (c) For the purposes of this section and sections 48-51 to 48-57,  
1246 inclusive, "public agency" means a public agency, as defined in section  
1247 1-200, with the power to acquire property through eminent domain  
1248 and includes an entity authorized to acquire property through eminent  
1249 domain on behalf of the public agency.

1250 Sec. 16. Section 52-192a of the general statutes is repealed and the  
1251 following is substituted in lieu thereof (*Effective from passage and*  
1252 *applicable to applications filed on or after said date*):

1253 (a) After commencement of any civil action based upon contract or  
1254 seeking the recovery of money damages, whether or not other relief is  
1255 sought, the plaintiff may, not earlier than one hundred eighty days  
1256 after service of process is made upon the defendant in such action but  
1257 not later than thirty days before trial, file with the clerk of the court a  
1258 written offer of compromise signed by the plaintiff or the plaintiff's  
1259 attorney, directed to the defendant or the defendant's attorney,  
1260 offering to settle the claim underlying the action for a sum certain. For  
1261 the purposes of this section, such plaintiff includes a counterclaim  
1262 plaintiff under section 8-132, as amended by this act. The plaintiff shall  
1263 give notice of the offer of compromise to the defendant's attorney or, if  
1264 the defendant is not represented by an attorney, to the defendant  
1265 himself or herself. Within thirty days after being notified of the filing  
1266 of the offer of compromise and prior to the rendering of a verdict by  
1267 the jury or an award by the court, the defendant or the defendant's  
1268 attorney may file with the clerk of the court a written acceptance of the  
1269 offer of compromise agreeing to settle the claim underlying the action  
1270 for the sum certain specified in the plaintiff's offer of compromise.  
1271 Upon such filing and the receipt by the plaintiff of such sum certain,  
1272 the plaintiff shall file a withdrawal of the action with the clerk and the  
1273 clerk shall record the withdrawal of the action against the defendant  
1274 accordingly. If the offer of compromise is not accepted within thirty  
1275 days and prior to the rendering of a verdict by the jury or an award by  
1276 the court, the offer of compromise shall be considered rejected and not  
1277 subject to acceptance unless refiled. Any such offer of compromise and  
1278 any acceptance of the offer of compromise shall be included by the  
1279 clerk in the record of the case.

1280 (b) In the case of any action to recover damages resulting from  
1281 personal injury or wrongful death, whether in tort or in contract, in  
1282 which it is alleged that such injury or death resulted from the  
1283 negligence of a health care provider, an offer of compromise pursuant

1284 to subsection (a) of this section shall state with specificity all damages  
1285 then known to the plaintiff or the plaintiff's attorney upon which the  
1286 action is based. At least sixty days prior to filing such an offer, the  
1287 plaintiff or the plaintiff's attorney shall provide the defendant or the  
1288 defendant's attorney with an authorization to disclose medical records  
1289 that meets the privacy provisions of the Health Insurance Portability  
1290 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended  
1291 from time to time, or regulations adopted thereunder, and disclose any  
1292 and all expert witnesses who will testify as to the prevailing  
1293 professional standard of care. The plaintiff shall file with the court a  
1294 certification that the plaintiff has provided each defendant or such  
1295 defendant's attorney with all documentation supporting such  
1296 damages.

1297 (c) After trial the court shall examine the record to determine  
1298 whether the plaintiff made an offer of compromise which the  
1299 defendant failed to accept. If the court ascertains from the record that  
1300 the plaintiff has recovered an amount equal to or greater than the sum  
1301 certain specified in the plaintiff's offer of compromise, the court shall  
1302 add to the amount so recovered eight per cent annual interest on said  
1303 amount, except in the case of a counterclaim plaintiff under section 8-  
1304 132, as amended by this act, the court shall add to the amount so  
1305 recovered eight per cent annual interest on the amount of the rejected  
1306 offer. The interest shall be computed from the date the complaint in the  
1307 civil action or application under section 8-132, as amended by this act,  
1308 was filed with the court if the offer of compromise was filed not later  
1309 than eighteen months from the filing of such complaint or application.  
1310 If such offer was filed later than eighteen months from the date of  
1311 filing of the complaint or application, the interest shall be computed  
1312 from the date the offer of compromise was filed. The court may award  
1313 reasonable attorney's fees in an amount not to exceed three hundred  
1314 fifty dollars, and shall render judgment accordingly. This section shall  
1315 not be interpreted to abrogate the contractual rights of any party  
1316 concerning the recovery of attorney's fees in accordance with the  
1317 provisions of any written contract between the parties to the action.

1318 Sec. 17. (NEW) (*Effective from passage*) (a) No person who negotiates  
1319 the acquisition or rental of real property may represent in such  
1320 negotiation that the person has the power to acquire the property by  
1321 eminent domain unless the person has such power. The provisions of  
1322 this section shall not apply to the chief executive official of a  
1323 municipality.

1324 (b) Any violation of subsection (a) of this section shall be deemed an  
1325 unfair or deceptive trade practice under subsection (a) of section 42-  
1326 110b of the general statutes.

1327 Sec. 18. Section 13a-73 of the general statutes is repealed and the  
1328 following is substituted in lieu thereof (*Effective from passage and*  
1329 *applicable to property acquired on or after said date*):

1330 (a) As used in this section:

1331 (1) "Real property" [~~as used in this section, includes~~] means land  
1332 and buildings and any estate, interest or right in land; and

1333 (2) "Business value" means the price of a specific business interest at  
1334 which a willing seller will sell and a willing buyer will buy when  
1335 neither is compelled to sell or buy and both have reasonable  
1336 knowledge of relevant circumstances.

1337 (b) The commissioner may take any land he finds necessary for the  
1338 layout, alteration, extension, widening, change of grade or other  
1339 improvement of any state highway or for a highway maintenance  
1340 storage area or garage and the owner of such land shall be paid by the  
1341 state for all damages, and the state shall receive from such owner the  
1342 amount or value of all benefits, resulting from such taking, layout,  
1343 alteration, extension, widening, change of grade or other  
1344 improvement. The use of any site acquired for highway maintenance  
1345 storage area or garage purposes by condemnation shall conform to any  
1346 zoning ordinance or development plan in effect for the area in which  
1347 such site is located, provided the commissioner may be granted any  
1348 variance or special exception as may be made pursuant to the zoning

1349 ordinances and regulations of the town in which any such site is to be  
1350 acquired. The assessment of such damages and of such benefits shall  
1351 be made by he commissioner and filed by him with the clerk of the  
1352 superior court for the judicial district in which the land affected is  
1353 located. The commissioner shall give notice of such assessment to each  
1354 person having an interest of record therein by mailing to each a copy  
1355 of the same, postage prepaid, and, at any time after such assessment  
1356 has been made by the commissioner, the physical construction of such  
1357 layout, alteration, extension, widening, maintenance storage area or  
1358 garage, change of grade or other improvement may be made. If notice  
1359 cannot be given to any person entitled thereto because his  
1360 whereabouts or existence is unknown, notice may be given by  
1361 publishing a notice at least twice in a newspaper published in the  
1362 judicial district and having a daily or weekly circulation in the town in  
1363 which the property affected is located. Any such published notice shall  
1364 state that it is a notice to the last owner of record or his surviving  
1365 spouse, heirs, administrators, assigns, representatives or creditors if he  
1366 is deceased, and shall contain a brief description of the property taken.  
1367 Notice shall also be given by mailing to each such person at his last-  
1368 known address, by registered or certified mail, a copy of such notice.  
1369 If, after a search of the land and probate records, the address of any  
1370 interested party cannot be found, an affidavit stating such facts and  
1371 reciting the steps taken to establish the address of any such person  
1372 shall be filed with the clerk of the court and accepted in lieu of service  
1373 of such notice by mailing the same to the last known address of such  
1374 person. Upon filing an assessment with the clerk of the court, the  
1375 commissioner shall forthwith sign and file for record with the town  
1376 clerk of the town in which such real property is located a certificate  
1377 setting forth the fact of such taking, a description of the real property  
1378 so taken and the names and residences of the owners from whom it  
1379 was taken. Upon the filing of such certificate, title to such real property  
1380 in fee simple shall vest in the state of Connecticut, except that, if it is so  
1381 specified in such certificate, a lesser estate, interest or right shall vest in  
1382 the state. The commissioner shall permit the last owner of record of  
1383 such real property upon which a residence is situated to remain in

1384 such residence, rent free, for a period of one hundred twenty days after  
1385 the filing of such certificate.

1386 (c) The commissioner may purchase any land and take a deed  
1387 thereof in the name of the state when such land is needed in  
1388 connection with the layout, construction, repair, reconstruction or  
1389 maintenance of any state highway or bridge, and any land or buildings  
1390 or both, necessary, in the commissioner's opinion, for the efficient  
1391 accomplishment of the foregoing purpose, and may further, when the  
1392 commissioner determines that it is in the best interests of the state,  
1393 purchase, lease or otherwise arrange for the acquisition or exchange of  
1394 land or buildings or both for use as a highway maintenance storage  
1395 area or garage, provided any purchase of such land or land and  
1396 buildings in an amount in excess of the sum of one hundred thousand  
1397 dollars shall be approved by a state referee. The commissioner, with  
1398 the advice and consent of the Attorney General, may settle and  
1399 compromise any claim by any person, firm or corporation claiming to  
1400 be aggrieved by such layout, construction, reconstruction, repair or  
1401 maintenance by the payment of money, the transfer of other land  
1402 acquired for or in connection with highway purposes, or otherwise.

1403 (d) The commissioner may purchase or take in the name of the state  
1404 any land, buildings, interest in land, easements or other rights he finds  
1405 necessary for the layout, construction, maintenance or use of roads or  
1406 bridges authorized by section 13a-5, under the provisions of this title  
1407 relating to the purchase and taking of land for state highways. Any  
1408 person aggrieved by any such action of the commissioner shall have  
1409 the same rights of appeal as provided in this title in relation to the  
1410 taking of land by the commissioner for highway purposes.

1411 (e) The commissioner may take any land (1) which is necessary for  
1412 the construction of any ditch, drain, gutter or other structure which is  
1413 required for the purpose of draining any state highway; or (2) which is  
1414 required for the purpose of preserving any historical monument or  
1415 memorial, the removal of which is made necessary by the construction  
1416 or reconstruction of a state highway. The commissioner may assess

1417 benefits and damages caused by any such construction and for the  
1418 taking of any such land under the provisions of subsection (b) of this  
1419 section and sections 13a-74, 13a-76, 13a-77 and 13a-78 and any person  
1420 aggrieved by the assessment of any such benefits or damages shall be  
1421 entitled to the relief provided for in said sections.

1422 (f) The commissioner may take or purchase rights of access to and  
1423 egress from land abutting any highway or land taken or purchased as  
1424 right-of-way therefor, or any other highway for the purpose of  
1425 protecting the functional characteristics of any state highway or state  
1426 highway appurtenances or safety of the traveling public to and from  
1427 any state highway or state highway appurtenances when in his  
1428 judgment such limitation of access is necessary to permit the  
1429 convenient, safe and expeditious flow of traffic. Such taking or  
1430 purchase shall be in the same manner and with like powers as  
1431 authorized and exercised by said commissioner in taking or  
1432 purchasing real property for state highway purposes.

1433 (g) When the Commissioner of Transportation finds it necessary  
1434 that real property, the title to which is in the state of Connecticut and  
1435 which is under the custody and control of any state department,  
1436 commission or institution, be taken for the purpose of drainage,  
1437 construction, alteration, reconstruction, improvement, relocation,  
1438 widening and change of grade of any highway to be constructed under  
1439 his supervision, he shall petition the Secretary of the Office of Policy  
1440 and Management that custody of such real property be transferred to  
1441 him as Commissioner of Transportation. Such petition shall set forth  
1442 the necessity for such transfer and control. The Secretary of the Office  
1443 of Policy and Management shall present such petition to the  
1444 department, commission or institution having custody and control of  
1445 such real property, and, upon the recommendation of, and subject to  
1446 such consideration as may be required by, such department,  
1447 commission or institution and with the approval of the Secretary of the  
1448 Office of Policy and Management, such department, commission or  
1449 institution shall transfer the custody and control of such real property  
1450 to the Commissioner of Transportation for the purposes required.

1451 (h) All sales or exchanges of surplus property by the Department of  
 1452 Transportation and matters dealing with the initial acquisition of any  
 1453 existing mass transit system or the purchase or sale of properties  
 1454 acquired in connection with any state highway system or mass transit  
 1455 system shall be subject to review and approval of the State Properties  
 1456 Review Board except that those acquisitions and administrative  
 1457 settlements relating to such properties which involve sums not in  
 1458 excess of five thousand dollars shall be reported to the board by the  
 1459 Commissioner of Transportation but shall not be subject to such  
 1460 review and approval. The Commissioner of Public Works shall be  
 1461 informed for inventory purposes of any transfer effectuated in  
 1462 connection with this section. The State Properties Review Board shall  
 1463 not grant such approval if the Department of Transportation has failed  
 1464 to comply with any applicable statutes in connection with the  
 1465 proposed action.

1466 (i) (1) Whenever the commissioner proposes to take an outdoor  
 1467 advertising structure, the commissioner shall notify the State  
 1468 Properties Review Board. The board shall acquire such outdoor  
 1469 advertising structures on behalf of the commissioner. Such outdoor  
 1470 advertising structure shall be acquired by the board in accordance  
 1471 within the procedures provided in this section.

1472 (2) The board shall determine the amount of compensation to the  
 1473 owners of the outdoor advertising structure as follows: (A) If such  
 1474 structure can be relocated, compensation shall be based on  
 1475 replacement costs, or (B) if the outdoor advertising structure cannot be  
 1476 located, compensation shall include an amount equal to the business  
 1477 value of the outdoor advertising structure.

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>	7-148(c)(3)(A)

Sec. 2	<i>from passage and applicable to property acquired on or after said date</i>	8-125
Sec. 3	<i>from passage and applicable to property acquired on or after said date</i>	8-127
Sec. 4	<i>from passage and applicable to property acquired on or after said date</i>	8-128
Sec. 5	<i>from passage and applicable to property acquired on or after said date</i>	8-129
Sec. 6	<i>from passage and applicable to property acquired on or after said date</i>	8-132
Sec. 7	<i>from passage</i>	8-189
Sec. 8	<i>from passage</i>	8-191
Sec. 9	<i>from passage and applicable to property acquired on or after said date</i>	8-193
Sec. 10	<i>from passage and applicable to property acquired on or after said date</i>	8-200
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 and applicable to property acquired on or after said date</i>	32-224
Sec. 15	<i>from passage</i>	48-50
Sec. 16	<i>from passage and applicable to applications filed on or after said date</i>	52-192a
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage and applicable to property acquired on or after said date</i>	13a-73

**PD**      *Joint Favorable Subst.*

**JUD**      *Joint Favorable*

**TRA**      *Joint Favorable*