



General Assembly

**Amendment**

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LCO No. 8490

\*SB0016708490SD0\*

Offered by:

SEN. MCDONALD, 27<sup>th</sup> Dist.

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To: Subst. Senate Bill No. 167

File No. 560

Cal. No. 449

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

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

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 Section 8-193 of the general statutes is repealed and the  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

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

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

13 the municipality, acquire by eminent domain real property located  
14 within the project area and real property and interests therein for  
15 rights-of-way and other easements to and from the project area, in the  
16 same manner that a redevelopment agency may acquire real property  
17 under sections 8-128 to 8-133, inclusive, as amended by this act, as if  
18 said sections specifically applied to development agencies, except that  
19 no real property may be acquired by eminent domain pursuant to this  
20 subsection for the primary purpose of increasing local tax revenue.

21 (2) The development agency shall conduct a public hearing on any  
22 proposed acquisition of real property by eminent domain. The  
23 development agency shall cause notice of the time, place and subject of  
24 the hearing to be published in a newspaper having a substantial  
25 circulation in the municipality not more than ten days before the date  
26 set for the hearing. Not less than ten days before the date of the  
27 hearing, the development agency shall send, by first class mail, notice  
28 of the time, place and subject of the hearing to the owners of record of  
29 the real property and to all owners of real property within one  
30 hundred feet of the real property to be acquired by eminent domain.

31 (3) (A) No parcel of real property may be acquired by eminent  
32 domain under this section except by approval by vote of at least two-  
33 thirds of the members of the legislative body of the municipality or, in  
34 the case of a municipality for which the legislative body is a town  
35 meeting or a representative town meeting, the board of selectmen.  
36 Such approval shall be by (i) separate vote on each parcel of real  
37 property to be acquired, or (ii) a vote on one or more groups of such  
38 parcels, provided each parcel to be acquired is identified for the  
39 purposes of a vote on a group of such parcels under this  
40 subparagraph. The legislative body or the board of selectmen, as the  
41 case may be, shall not approve the use of eminent domain by the  
42 development agency unless the legislative body or board of selectmen  
43 has (I) considered the benefits to the public and any private entity that  
44 will result from the development project and determined that the  
45 public benefits outweigh any private benefits, (II) determined that the  
46 current use of the real property cannot be feasibly integrated into the

47 overall development plan, and (III) determined that the acquisition of  
48 the real property by eminent domain is reasonably necessary to  
49 successfully achieve the objectives of the development plan.

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

54 (C) (i) The development agency shall acquire any property  
55 identified in the plan as property to be acquired by eminent domain by  
56 a date that is five years after the date the first property is acquired by  
57 eminent domain under the plan unless the development agency  
58 approves an extension of the time for acquisition, except that no  
59 property may be acquired by eminent domain under the plan more  
60 than ten years after the first property is acquired by eminent domain  
61 under the plan.

62 (ii) With respect to a development plan for a project that is funded  
63 in whole or in part by federal funds, the provisions of this  
64 subparagraph shall not apply to the extent that such provisions are  
65 prohibited by federal law.

66 (4) The owner-occupant of property acquired by eminent domain  
67 under this section may file an application in the superior court for the  
68 judicial district in which the municipality is located to enjoin the  
69 acquisition of such property. The court may issue such injunction if the  
70 court finds that the development agency or municipality failed to  
71 comply with the requirements of this chapter. The filing of an  
72 application to enjoin the acquisition of property by eminent domain, in  
73 a court of competent jurisdiction, shall toll the five-year period or ten-  
74 year period set forth in subparagraph (C) of subdivision (3) of this  
75 subsection with respect to such property until the date a final  
76 judgment is entered in any such action, or any appeal thereof,  
77 whichever date is later.

78 (c) (1) With respect to real property acquired by eminent domain

79 pursuant to this section on or after the effective date of this section, if  
80 the municipality does not use the real property for the purpose for  
81 which it was acquired or for some other public use and seeks to sell the  
82 property, the municipality shall first offer the real property for sale  
83 pursuant to subdivision (2) of this subsection to the person from whom  
84 the real property was acquired, or heirs of the person designated  
85 pursuant to subdivision (2) of this subsection, if any, for a price not to  
86 exceed the lesser of (A) the amount paid by the development agency to  
87 acquire the property, or (B) the fair market value of the property at the  
88 time of any sale under this subsection. After the municipality provides  
89 notice pursuant to subdivision (2) of this subsection, the municipality  
90 may not sell such property to a third party unless the municipality has  
91 permitted the person or named heirs six months during which to  
92 exercise the right to purchase the property, and an additional six  
93 months to finalize the purchase if the person or named heirs provide  
94 the municipality with notice of intent to purchase the property within  
95 the initial six-month period.

96 (2) For the purposes of any offer of sale pursuant to this subsection,  
97 the municipality shall provide a form to any person whose property is  
98 acquired by eminent domain pursuant to this section to permit such  
99 person to provide an address for notice of sale to be sent, or to provide  
100 the name and address of an agent to receive such notice. Such form  
101 shall be designed to permit the person to designate heirs of the person  
102 who shall be eligible to purchase such property pursuant to this  
103 subsection. The person or agent shall update information in the form  
104 in writing. If the person or agent does not provide or update the  
105 information in the form in a manner that permits the municipality to  
106 send notice of sale pursuant to this subsection, no such notice shall be  
107 required.

108 (3) With respect to a development plan for a project that is funded in  
109 whole or in part by federal funds, the provisions of this subsection  
110 shall not apply to the extent that such provisions are prohibited by  
111 federal law.

112     (d) The development agency may, with the approval of the  
113 legislative body and, of the commissioner if any grants were made by  
114 the state under section 8-190 or 8-195 for such development project,  
115 and in the name of such municipality, transfer by sale or lease at fair  
116 market value or fair rental value, as the case may be, the whole or any  
117 part of the real property in the project area to any person, in  
118 accordance with the project plan and such disposition plans as may  
119 have been determined by the commissioner.

120     ~~[(b)]~~ (e) A development agency shall have all the powers necessary  
121 or convenient to undertake and carry out development plans and  
122 development projects, including the power to clear, demolish, repair,  
123 rehabilitate, operate, or insure real property while it is in its  
124 possession, to make site improvements essential to the preparation of  
125 land for its use in accordance with the development plan, to install,  
126 construct or reconstruct streets, utilities and other improvements  
127 necessary for carrying out the objectives of the development project,  
128 and, in distressed municipalities, as defined in section 32-9p, to lend  
129 funds to businesses and industries in a manner approved by the  
130 commissioner.

131     Sec. 2. (NEW) *(Effective from passage and applicable to property acquired*  
132 *on or after said date)* (a) (1) No real property may be acquired by a  
133 redevelopment agency by eminent domain pursuant to section 8-128 of  
134 the general statutes, as amended by this act, under a redevelopment  
135 plan under chapter 130 of the general statutes, for the primary purpose  
136 of increasing local tax revenue.

137     (2) The redevelopment agency shall conduct a public hearing on any  
138 proposed acquisition of real property by eminent domain. The  
139 redevelopment agency shall cause notice of the time, place and subject  
140 of the hearing to be published in a newspaper having a substantial  
141 circulation in the municipality not more than ten days before the date  
142 set for the hearing. Not less than ten days before the date of the  
143 hearing, the redevelopment agency shall send, by first class mail,  
144 notice of the time, place and subject of the hearing to the owners of

145 record of the real property and to all owners of real property within  
146 one hundred feet of the real property to be acquired by eminent  
147 domain.

148 (3) (A) No parcel of real property may be acquired by eminent  
149 domain under this section except by approval by vote of a majority of  
150 the members of the redevelopment agency. Such approval shall be by  
151 (i) separate vote on each parcel of real property to be acquired, or (ii) a  
152 vote on one or more groups of such parcels, provided each parcel to be  
153 acquired is identified for the purposes of a vote on a group of such  
154 parcels under this subparagraph. The redevelopment agency shall not  
155 approve the use of eminent domain unless the redevelopment agency  
156 has (I) considered the benefits to the public and any private entity that  
157 will result from the redevelopment project and determined that the  
158 public benefits outweigh any private benefits, (II) determined that the  
159 current use of the real property cannot be feasibly integrated into the  
160 overall redevelopment plan, and (III) determined that the acquisition  
161 of the real property by eminent domain is reasonably necessary to  
162 successfully achieve the objectives of the redevelopment plan.

163 (B) The redevelopment agency shall cause notice of any approved  
164 acquisition by eminent domain under this subdivision to be published  
165 in a newspaper having a substantial circulation in the municipality not  
166 more than ten days after such approval.

167 (C) (i) The redevelopment agency shall acquire any property  
168 identified in the plan as property to be acquired by eminent domain by  
169 a date that is five years after the date the first property is acquired by  
170 eminent domain under the plan unless the redevelopment agency  
171 approves an extension of the time for acquisition, except that no  
172 property may be acquired by eminent domain under the plan more  
173 than ten years after the first property is acquired by eminent domain  
174 under the plan.

175 (ii) With respect to a redevelopment plan for a project that is funded  
176 in whole or in part by federal funds, the provisions of this

177 subparagraph shall not apply to the extent that such provisions are  
178 prohibited by federal law.

179 (4) The owner-occupant of property acquired by eminent domain  
180 under this section may file an application in the superior court for the  
181 judicial district in which the municipality is located to enjoin the  
182 acquisition of such property. The court may issue such injunction if the  
183 court finds that the redevelopment agency failed to comply with the  
184 requirements of this chapter. The filing of an application to enjoin the  
185 acquisition of property by eminent domain, in a court of competent  
186 jurisdiction, shall toll the five-year period or ten-year period set forth  
187 in subparagraph (C) of subdivision (3) of this subsection with respect  
188 to such property until the date a final judgment is entered in any such  
189 action, or any appeal thereof, whichever date is later.

190 (b) (1) With respect to real property acquired by eminent domain  
191 pursuant to this section on or after the effective date of this section, if  
192 the municipality does not use the real property for the purpose for  
193 which it was acquired or for some other public use and seeks to sell the  
194 property, the municipality shall first offer the real property for sale  
195 pursuant to subdivision (2) of this subsection to the person from whom  
196 the real property was acquired, or heirs of the person designated  
197 pursuant to subdivision (2) of this subsection, if any, for a price not to  
198 exceed the lesser of (A) the amount paid by the redevelopment agency  
199 to acquire the property, or (B) the fair market value of the property at  
200 the time of any sale under this subsection. After the municipality  
201 provides notice pursuant to subdivision (2) of this subsection, the  
202 municipality may not sell such property to a third party unless the  
203 municipality has permitted the person or named heirs six months  
204 during which to exercise the right to purchase the property, and an  
205 additional six months to finalize the purchase if the person or named  
206 heirs provide the municipality with notice of intent to purchase the  
207 property within the initial six-month period.

208 (2) For the purposes of any offer of sale pursuant to this subsection,  
209 the municipality shall provide a form to any person whose property is

210 acquired by eminent domain pursuant to this section to permit such  
211 person to provide an address for notice of sale to be sent, or to provide  
212 the name and address of an agent to receive such notice. Such form  
213 shall be designed to permit the person to designate heirs of the person  
214 who shall be eligible to purchase such property pursuant to this  
215 subsection. The person or agent shall update information in the form  
216 in writing. If the person or agent does not provide or update the  
217 information in the form in a manner that permits the municipality to  
218 send notice of sale pursuant to this subsection, no such notice shall be  
219 required.

220 (3) With respect to a redevelopment plan for a project that is funded  
221 in whole or in part by federal funds, the provisions of this subsection  
222 shall not apply to the extent that such provisions are prohibited by  
223 federal law.

224 Sec. 3. Section 32-224 of the general statutes is repealed and the  
225 following is substituted in lieu thereof (*Effective from passage and*  
226 *applicable to property acquired on or after said date, and applicable to*  
227 *development plans adopted on or after said date*):

228 (a) Any municipality which has a planning commission may, by  
229 vote of its legislative body, designate an implementing agency to  
230 exercise the powers granted under sections 32-220 to 32-234, inclusive.  
231 Any municipality may, with the approval of the commissioner,  
232 designate a separate implementing agency for each municipal  
233 development project undertaken by such municipality pursuant to  
234 said sections.

235 (b) The implementing agency may initiate a municipal development  
236 project by preparing and submitting a development plan to the  
237 commissioner. Such plan shall meet an identified public need and  
238 include: (1) A legal description of the real property within the  
239 boundaries of the project area; (2) a description of the present  
240 condition and uses of such real property; (3) a description of the  
241 process utilized by the agency to prepare the plan and a description of

242 alternative approaches considered to achieve project objectives; (4) a  
243 description of the types and locations of land uses or building uses  
244 proposed for the project area; [(4)] (5) a description of the types and  
245 locations of present and proposed streets, sidewalks and sanitary,  
246 utility and other facilities and the types and locations of other  
247 proposed project improvements; [(5)] (6) statements of the present and  
248 proposed zoning classification and subdivision status of the project  
249 area and the areas adjacent to the project area; [(6)] (7) a plan for  
250 relocating project area occupants; [(7)] (8) a financing plan; [(8)] (9) an  
251 administrative plan; [(9)] (10) an environmental analysis, marketability  
252 and proposed land use study, or building use study if required by the  
253 commissioner; [(10)] (11) appraisal reports and title searches if  
254 required by the commissioner; [(11)] (12) a description of the  
255 [economic] public benefit of the project, including, but not limited to,  
256 (A) the number of jobs which the implementing agency anticipates  
257 would be created or retained by the project, (B) the estimated property  
258 tax benefits, [and] (C) the number and types of existing housing units  
259 in the municipality in which the project would be located, and in  
260 contiguous municipalities, which would be available to employees  
261 filling such jobs, [and (12)] (D) a general description of infrastructure  
262 improvements, including public access, facilities or use, that the  
263 implementing agency anticipates may be needed to implement the  
264 development plan, (E) a general description of the implementing  
265 agency's goals for blight remediation or, if known, environmental  
266 remediation, (F) a general description of any aesthetic improvements  
267 that the implementing agency anticipates may be generated by the  
268 project, (G) a general description of the project's intended role in  
269 increasing or sustaining market value of land in the municipality, (H) a  
270 general description of the project's intended role in assisting residents  
271 of the municipality to improve their standard of living, and (I) a  
272 general statement of the project's role in maintaining or enhancing the  
273 competitiveness of the municipality; (13) a finding that (A) the land  
274 and buildings within the boundaries of the project area will be used  
275 principally for manufacturing or other economic base business  
276 purposes or business support services; (B) the plan is in accordance

277 with the plan of conservation and development for the municipality, if  
278 any, adopted by its planning commission under section 8-23, and the  
279 plan of development of the regional planning agency adopted under  
280 section 8-35a, if any, for the region within which the municipality is  
281 located; (C) the plan [is not inimical to any] was prepared giving due  
282 consideration to the state plan of conservation and development  
283 adopted under chapter 297 and other state-wide planning program  
284 objectives of the state or state agencies as coordinated by the Secretary  
285 of the Office of Policy and Management; and (D) the project will  
286 contribute to the economic welfare of the municipality and the state  
287 and that to carry out and administer the project, public action under  
288 sections 32-220 to 32-234, inclusive, is required; and (14) a preliminary  
289 statement describing the proposed process for acquiring each parcel of  
290 real property, including findings that (A) public benefits resulting  
291 from the plan will outweigh any private benefits; (B) existing use of the  
292 real property cannot be feasibly integrated into the overall plan for the  
293 project; (C) acquisition by eminent domain is reasonably necessary to  
294 successfully achieve the objectives of such plan; and (D) the plan is not  
295 for the primary purpose of increasing local tax revenues. The  
296 provisions of this subsection with respect to submission of a  
297 development plan to and approval by the commissioner and with  
298 respect to a finding that the plan [is not inimical to any] was prepared  
299 giving due consideration to the state plan of conservation and  
300 development and state-wide planning program objectives of the state  
301 or its agencies shall not apply to a project for which no financial  
302 assistance has been given and no application for financial assistance is  
303 to be made under section 32-223. Any plan [which] that has been  
304 prepared under chapters 130, 132 or 588a may be submitted by the  
305 implementing agency to the legislative body of the municipality and to  
306 the commissioner in lieu of a plan initiated and prepared in accordance  
307 with this section, provided all other requirements of sections 32-220 to  
308 32-234, inclusive, for obtaining the approval of the commissioner of the  
309 development plan are satisfied. Any action taken in connection with  
310 the preparation and adoption of such plan shall be deemed effective to  
311 the extent such action satisfies the requirements of said sections.

312 (c) (1) No plan shall be adopted unless the planning commission of  
313 the municipality finds that the plan is in accord with the plan of  
314 development, if any, for the municipality and the regional planning  
315 agency, if any, organized under chapter 127 for the region within  
316 which such municipality is located finds that such plan is in accord  
317 with the plan of development, if any, for such region. If the regional  
318 planning agency fails to make a finding concerning the plan within  
319 thirty-five days of receipt thereof, by such agency, it shall be presumed  
320 that such agency does not disapprove of the plan. The implementing  
321 agency shall hold at least one public hearing on the plan and shall  
322 cause notice of the time, place, and subject of any public hearing to be  
323 published at least once in a newspaper of general circulation in the  
324 municipality not less than one week nor more than three weeks prior  
325 to the date of such public hearing. At least thirty-five days prior to the  
326 public hearing, the implementing agency shall post the plan on the  
327 Internet web site of the implementing agency, if any. Upon adoption of  
328 the plan the implementing agency shall submit the plan to the  
329 legislative body of the municipality for approval or disapproval. Any  
330 approval by the implementing agency and legislative body of the  
331 municipality made under this section shall specifically provide for  
332 approval of any findings contained therein. After approval of the plan  
333 by the legislative body of the municipality, [such] the plan shall be  
334 submitted to the commissioner for his approval. If the commissioner  
335 requires a substantial modification of the plan as a condition of  
336 approval, the plan shall be subject to a public hearing and approval by  
337 the implementing agency and the legislative body of the municipality  
338 in accordance with the provisions of this subsection.

339 (2) The plan shall be effective for a period of ten years after the date  
340 of approval and may be amended in accordance with this section. The  
341 legislative body shall review the plan at least once every ten years after  
342 the initial approval, and shall reapprove the plan or an amended plan  
343 at least once every ten years after the initial approval in accordance  
344 with this section in order for the plan or amended plan to remain in  
345 effect. With respect to a development plan for a project that is funded

346 in whole or in part by federal funds, the provisions of this subdivision  
347 shall not apply to the extent that such provisions are prohibited by  
348 federal law.

349 (d) The implementing agency shall cause notice of the initial  
350 approval of the plan to be published in a newspaper having general  
351 circulation in the municipality.

352 ~~[(d)]~~ (e) A development plan may be modified at any time by the  
353 implementing agency, provided, if modified after the lease or sale of  
354 real property in the project area, the lessees or purchasers of such real  
355 property or their successor or successors in interest affected by the  
356 proposed modification shall consent to such modification. If the  
357 proposed modification will substantially alter the development plan as  
358 previously approved, the modification shall be subject to the approval  
359 of the local legislative body of the municipality and the commissioner  
360 in the same manner as approval of the development plan. The  
361 municipality may, by vote of its legislative body, abandon the  
362 development plan and convey such real property within the  
363 boundaries of the project area free of any restriction, obligation or  
364 procedure imposed by the plan subject to all other local and state laws,  
365 ordinances or regulations, including, but not limited to, any offer of  
366 sale required under subsection (i) of this section, if after three years  
367 from the date of approval of the plan the implementing agency has not  
368 transferred by sale or lease all or any part of the real property acquired  
369 in the project area to any person in accordance with the development  
370 plan and no grant of financial assistance under sections 32-220 to 32-  
371 234, inclusive, has been given for such project other than for activities  
372 related to the planning of the project pursuant to section 32-222.

373 ~~[(e)]~~ (f) The implementing agencies of two or more municipalities  
374 may, after approval by each legislative body thereof, jointly initiate a  
375 development project if the project area is to be located in one or more  
376 of such municipalities. Such implementing agencies, after approval by  
377 the commissioner of the development plan for the project if any state  
378 aid is to be requested under section 32-223, may enter into and amend

379 subject to the approval of the commissioner, an agreement to jointly  
380 carry out the development plan. Such agreement may include  
381 provisions for furnishing municipal services to the project and sharing  
382 costs of and revenues from the project, including property tax and  
383 rental receipts. The development plan shall include a proposed form of  
384 the agreement to be entered into by the municipalities. Each  
385 municipality which is a party to an agreement may make  
386 appropriations and levy taxes in accordance with the provisions of the  
387 general statutes and may issue bonds in accordance with section 32-  
388 227 to further its obligations under the agreement.

389 [(f)] (g) As used in this subsection, "public service facility" includes  
390 any sewer, pipe, main conduit, cable, wire, pole, tower, building or  
391 utility appliance owned or operated by an electric, gas, telephone,  
392 telegraph or water company. Whenever an implementing agency  
393 determines that the closing of any street or public right-of-way is  
394 provided for in a development plan adopted and approved in  
395 accordance with sections 32-220 to 32-234, inclusive, or where the  
396 carrying out of such a development plan, including the construction of  
397 new improvements, requires the temporary or permanent  
398 readjustment, relocation or removal of a public service facility from a  
399 street or public right-of-way, the implementing agency shall issue an  
400 appropriate order to the company owning or operating such facility.  
401 Such company shall permanently or temporarily readjust, relocate or  
402 remove the public service facility promptly in accordance with such  
403 order, provided an equitable share of the cost of such readjustment,  
404 relocation or removal, including the cost of installing and constructing  
405 a facility of equal capacity in a new location, shall be borne by the  
406 implementing agency. Such equitable share shall be fifty per cent of  
407 such cost after the deduction hereinafter provided. In establishing the  
408 equitable share of the cost to be borne by the implementing agency,  
409 there shall be deducted from the cost of the readjusted, relocated or  
410 removed facilities a sum based on a consideration of the value of  
411 materials salvaged from existing installations, the cost of the original  
412 installation, the life expectancy of the original facility and the

413 unexpired term of such life use. The books and records of the company  
414 shall be made available for inspection by the implementing agency to  
415 determine the equitable share of the cost of such readjustment,  
416 relocation or removal. When any facility is removed from a street or  
417 public right-of-way to a private right-of-way, the implementing agency  
418 shall not pay for such private right-of-way. If the implementing agency  
419 and the company owning or operating such facility cannot agree upon  
420 the share of the cost to be borne by the implementing agency, such  
421 agency or the company may apply to the superior court for the judicial  
422 district within which the street or public right-of-way is situated, or, if  
423 the court is not in session, to any judge thereof, for a determination of  
424 the cost to be borne by the implementing agency. The court or the  
425 judge, after causing notice of the pendency of such application to be  
426 given to the other party, shall appoint a state referee to make such  
427 determination. The referee, having given at least ten days' notice to the  
428 interested parties of the time and place of the hearing, shall hear both  
429 parties, take such testimony as he may deem material and thereupon  
430 determine the amount of the cost to be borne by the implementing  
431 agency. The referee shall immediately report the amount to the court.  
432 If the report is accepted by the court, such determination shall, subject  
433 to right of appeal as in civil actions, be conclusive upon such parties.

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

440 (i) (1) The implementing agency may, with the approval of the  
441 legislative body of the municipality, and in the name of the  
442 municipality, condemn in accordance with section 8-128 to 8-133,  
443 inclusive, as amended by this act, any real property necessary or  
444 appropriate for the project as identified in the development plan,  
445 including real property and interests in land for rights-of-way and  
446 other easements to and from the project area, except that no real

447 property may be condemned pursuant to this subsection for the  
448 primary purpose of increasing local tax revenue.

449 (2) The implementing agency shall conduct a public hearing on any  
450 proposed acquisition of real property by condemnation pursuant to  
451 this subsection. The implementing agency shall cause notice of the  
452 time, place and subject of the hearing to be published in a newspaper  
453 having a substantial circulation in the municipality not more than ten  
454 days before the date set for the hearing. Not less than ten days before  
455 the date of the hearing, the implementing agency shall send, by first  
456 class mail, notice of the time, place and subject of the hearing to the  
457 owners of record of the real property and to all owners of real property  
458 within one hundred feet of the real property to be acquired by  
459 condemnation.

460 (3) (A) No parcel of real property may be acquired by condemnation  
461 under this section except by approval by vote of at least two-thirds of  
462 the members of the legislative body of the municipality, or, in the case  
463 of a municipality for which the legislative body is a town meeting or a  
464 representative town meeting, the board of selectmen. Such approval  
465 shall be by (i) separate vote on each parcel of real property to be  
466 acquired, or (ii) a vote on one or more groups of such parcels,  
467 provided each parcel to be acquired is identified for the purposes of a  
468 vote on a group of such parcels under this subparagraph. The  
469 legislative body or the board of selectmen, as the case may be, shall not  
470 approve the use of condemnation by the implementing agency unless  
471 the legislative body or board of selectmen has (I) considered the  
472 benefits to the public and any private entity that will result from the  
473 municipal development project and determined that the public  
474 benefits outweigh any private benefits, (II) determined that the current  
475 use of the real property cannot be feasibly integrated into the overall  
476 development plan, and (III) determined that the acquisition of the real  
477 property by condemnation is reasonably necessary to successfully  
478 achieve the objectives of the development plan.

479 (B) The municipality shall cause notice of any approved acquisition

480 by condemnation under this subdivision to be published in a  
481 newspaper having a substantial circulation in the municipality not  
482 more than ten days after such approval.

483 (C) (i) The implementing agency shall acquire any property  
484 identified in the plan as property to be acquired by condemnation by a  
485 date that is five years after the date the first property is acquired by  
486 condemnation under the plan unless the implementing agency  
487 approves an extension of the time for acquisition, except that no  
488 property may be acquired by condemnation under the plan more than  
489 ten years after the first property is acquired by condemnation under  
490 the plan.

491 (ii) With respect to a development plan for a project that is funded  
492 in whole or in part by federal funds, the provisions of this  
493 subparagraph shall not apply to the extent that such provisions are  
494 prohibited by federal law.

495 (4) The owner-occupant of property acquired by condemnation  
496 under this section may file an application in the superior court for the  
497 judicial district in which the municipality is located to enjoin the  
498 acquisition of such property. The court may issue such injunction if the  
499 court finds that the implementing agency or municipality failed to  
500 comply with the requirements of this section. The filing of an  
501 application to enjoin the acquisition of property by condemnation, in a  
502 court of competent jurisdiction, shall toll the five-year period or ten-  
503 year period set forth in subparagraph (C) of subdivision (3) of this  
504 subsection with respect to such property until the date a final  
505 judgment is entered in any such action, or any appeal thereof,  
506 whichever date is later.

507 (j) (1) With respect to real property acquired by condemnation  
508 pursuant to this section on or after the effective date of this section, if  
509 the municipality does not use the real property for the purpose for  
510 which it was acquired or for some other public use and seeks to sell the  
511 property, the municipality shall first offer the real property for sale

512 pursuant to subdivision (2) of this subsection to the person from whom  
513 the real property was acquired, or heirs of the person designated  
514 pursuant to subdivision (2) of this subsection, if any, for a price not to  
515 exceed the lesser of (A) the amount paid by the implementing agency  
516 to acquire the property, or (B) the fair market value of the property at  
517 the time of any sale under this subsection. After the municipality  
518 provides notice pursuant to subdivision (2) of this subsection, the  
519 municipality may not sell such property to a third party unless the  
520 municipality has permitted the person or named heirs six months  
521 during which to exercise the right to purchase the property, and an  
522 additional six months to finalize the purchase if the person or named  
523 heirs provide the municipality with notice of intent to purchase the  
524 property within the initial six-month period.

525 (2) For the purposes of any offer of sale pursuant to this subsection,  
526 the municipality shall provide a form to any person whose property is  
527 acquired by condemnation pursuant to this section to permit such  
528 person to provide an address for notice of sale to be sent, or to provide  
529 the name and address of an agent to receive such notice. Such form  
530 shall be designed to permit the person to designate heirs of the person  
531 who shall be eligible to purchase such property pursuant to this  
532 subsection. The person or agent shall update information in the form  
533 in writing. If the person or agent does not provide or update the  
534 information in the form in a manner that permits the municipality to  
535 send notice of sale pursuant to this subsection, no such notice shall be  
536 required.

537 (3) With respect to a development plan for a project that is funded in  
538 whole or in part by federal funds, the provisions of this subsection  
539 shall not apply to the extent that such provisions are prohibited by  
540 federal law.

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

545 (3) (A) Take or acquire by gift, purchase, grant, including any grant  
546 from the United States or the state, bequest or devise and hold,  
547 condemn, lease, sell, manage, transfer, release and convey such real  
548 and personal property or interest therein absolutely or in trust as the  
549 purposes of the municipality or any public use or purpose, including  
550 that of education, art, ornament, health, charity or amusement,  
551 cemeteries, parks or gardens, or the erection or maintenance of statues,  
552 monuments, buildings or other structures, [or the encouragement of  
553 private commercial development,] require. Any lease of real or  
554 personal property or any interest therein, either as lessee or lessor, may  
555 be for such term or any extensions thereof and upon such other terms  
556 and conditions as have been approved by the municipality, including  
557 without limitation the power to bind itself to appropriate funds as  
558 necessary to meet rent and other obligations as provided in any such  
559 lease.

560 Sec. 5. Section 8-125 of the general statutes is repealed and the  
561 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
562 *applicable to redevelopment plans adopted on or after said date*):

563 As used in this chapter:

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

568 [(b)] (2) "Redevelopment area" means an area within the state  
569 [which] that is deteriorated, deteriorating, substandard or detrimental  
570 to the safety, health, morals or welfare of the community. An area may  
571 consist partly or wholly of vacant or unimproved land or of land with  
572 structures and improvements thereon, and may include structures not  
573 in themselves substandard or insanitary which are found to be  
574 essential to complete an adequate unit of development, if the  
575 redevelopment area is deteriorated, deteriorating, substandard or  
576 detrimental to the safety, health, morals or welfare of the community.

577 An area may include properties not contiguous to each other. An area  
578 may include all or part of the territorial limits of any fire district, sewer  
579 district, fire and sewer district, lighting district, village, beach or  
580 improvement association or any other district or association, wholly  
581 within a town and having the power to make appropriations or to levy  
582 taxes, whether or not such entity is chartered by the General Assembly;

583 [(c)] (3) A "redevelopment plan" [shall include: (1)] means a plan  
584 that includes: (A) (i) A description of the redevelopment area and the  
585 condition, type and use of the structures therein, and (ii) specification  
586 of each parcel proposed to be acquired, including parcels to be  
587 acquired by eminent domain; [(2)] (B) the location and extent of the  
588 land uses proposed for and within the redevelopment area, such as  
589 housing, recreation, business, industry, schools, civic activities, open  
590 spaces or other categories of public and private uses; [(3)] (C) the  
591 location and extent of streets and other public utilities, facilities and  
592 works within the redevelopment area; [(4)] (D) schedules showing the  
593 number of families displaced by the proposed improvement, the  
594 method of temporary relocation of such families and the availability of  
595 sufficient suitable living accommodations at prices and rentals within  
596 the financial reach of such families and located within a reasonable  
597 distance of the area from which [they] such families are displaced; [(5)]  
598 (E) present and proposed zoning regulations in the redevelopment  
599 area; [(6)] (F) a description of how the redevelopment area is  
600 deteriorated, deteriorating, substandard or detrimental to the safety,  
601 health, morals or welfare of the community; and (G) any other detail  
602 including financial aspects of redevelopment which, in the judgment  
603 of the redevelopment agency authorized herein, is necessary to give it  
604 adequate information;

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

608 [(e)] (5) "Redeveloper" means any individual, group of individuals  
609 or corporation or any municipality or other public agency including

610 any housing authority established pursuant to chapter 128;

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

614 Sec. 6. Section 8-127 of the general statutes is repealed and the  
615 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
616 *applicable to redevelopment plans adopted on or after said date*):

617 (a) The redevelopment agency may prepare, or cause to be  
618 prepared, a redevelopment plan and any redeveloper may submit a  
619 redevelopment plan to the redevelopment agency, and such  
620 redevelopment agency shall immediately transmit such plan to the  
621 planning agency of the municipality for its study. The planning agency  
622 may make a comprehensive or general plan of the entire municipality  
623 as a guide in the more detailed and precise planning of redevelopment  
624 areas. Such plan and any modifications and extensions [thereof] of the  
625 plan shall show the location of proposed redevelopment areas and the  
626 general location and extent of use of land for housing, business,  
627 industry, communications and transportation, recreation, public  
628 buildings and such other public and private uses as are deemed by the  
629 planning agency essential to the purpose of redevelopment.  
630 Appropriations by the municipality of any amount necessary are  
631 authorized to enable the planning agency to make such comprehensive  
632 or general plan. The redevelopment agency shall request the written  
633 opinion of the planning agency on all redevelopment plans prior to  
634 approving such redevelopment plans. Such written opinion shall  
635 include a determination on whether the plan is consistent with the  
636 plan of conservation and development of the municipality adopted  
637 under section 8-23.

638 (b) Before approving any redevelopment plan, the redevelopment  
639 agency shall hold a public hearing [thereon] on the plan, notice of  
640 which shall be published at least twice in a newspaper of general  
641 circulation in the municipality, the first publication of notice to be not

642 less than two weeks before the date set for the hearing. At least thirty-  
643 five days prior to any public hearing, the redevelopment agency shall  
644 post the plan on the Internet web site of the redevelopment agency, if  
645 any. The redevelopment agency may approve any such redevelopment  
646 plan if, following such hearing, it finds that: [(a)] (1) The area in which  
647 the proposed redevelopment is to be located is a redevelopment area;  
648 [(b)] (2) the carrying out of the redevelopment plan will result in  
649 materially improving conditions in such area; [(c)] (3) sufficient living  
650 accommodations are available within a reasonable distance of such  
651 area or are provided for in the redevelopment plan for families  
652 displaced by the proposed improvement, at prices or rentals within the  
653 financial reach of such families; [and (d)] (4) the redevelopment plan is  
654 satisfactory as to site planning, relation to the [comprehensive or  
655 general plan] plan of conservation and development of the  
656 municipality adopted under section 8-23 and, except when the  
657 redevelopment agency has prepared the redevelopment plan, the  
658 construction and financial ability of the redeveloper to carry it out; (5)  
659 the planning agency has issued a written opinion in accordance with  
660 subsection (a) of this section that the redevelopment plan is consistent  
661 with the plan of conservation and development of the municipality  
662 adopted under section 8-23; and (6) (A) public benefits resulting from  
663 the redevelopment plan will outweigh any private benefits; (B)  
664 existing use of the real property cannot be feasibly integrated into the  
665 overall redevelopment plan for the project; (C) acquisition by eminent  
666 domain is reasonably necessary to successfully achieve the objectives  
667 of such redevelopment plan; and (D) the redevelopment plan is not for  
668 the primary purpose of increasing local tax revenues. No  
669 redevelopment plan for a project [which] that consists predominantly  
670 of residential facilities shall be approved by the redevelopment agency  
671 in any municipality having a housing authority organized under the  
672 provisions of chapter 128 except with the approval of such housing  
673 authority.

674 (c) (1) The approval of a redevelopment plan [may] shall be given  
675 by the legislative body. [or by such agency as it designates to act in its

676 behalf.] The plan shall be effective for a period of ten years after the  
677 date of approval and may be amended in accordance with this section.  
678 The legislative body shall review the plan at least once every ten years  
679 after the initial approval, and shall reapprove such plan or an  
680 amended plan at least once every ten years after the initial approval in  
681 accordance with this section in order for the plan or amended plan to  
682 remain in effect. With respect to a redevelopment plan for a project  
683 that is funded in whole or in part by federal funds, the provisions of  
684 this subdivision shall not apply to the extent that such provisions are  
685 prohibited by federal law.

686 (2) The redevelopment agency shall cause notice of the initial  
687 approval of any redevelopment plan to be published in a newspaper  
688 having general circulation in the municipality.

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

692 (a) Within a reasonable time after its approval of the redevelopment  
693 plan as [hereinbefore] provided in section 8-127, as amended by this  
694 act, the redevelopment agency may proceed with the acquisition or  
695 rental of real property by purchase, lease, exchange or gift. The  
696 redevelopment agency may acquire real property by eminent domain  
697 with the approval of the legislative body of the municipality and in  
698 accordance with the provisions of sections 8-129 to 8-133, inclusive, as  
699 amended by this act, and this section, except that a redevelopment  
700 agency that acquires real property by eminent domain pursuant to a  
701 redevelopment plan under this chapter shall approve the acquisition in  
702 accordance with section 2 of this act. The legislative body in its  
703 approval of a project [under section 8-127] shall specify the time within  
704 which real property is to be acquired, [The] except as provided in  
705 sections 8-193 and 32-224, as amended by this act, and such time for  
706 acquisition may be extended by the legislative body in accordance  
707 with section 48-6, as amended by this act, upon request of the  
708 redevelopment agency, provided the owner of the real property

709 consents to such request.

710 (b) Real property may be acquired [previous] prior to the adoption  
711 or approval of the project area redevelopment plan, provided the  
712 property acquired shall be located within an area designated on the  
713 general plan as an appropriate redevelopment area or within an area  
714 whose boundaries are defined by the planning commission as an  
715 appropriate area for a redevelopment project, and provided such  
716 acquisition shall be authorized by the legislative body. The  
717 redevelopment agency may clear, repair, operate or insure such  
718 property while it is in its possession or make site improvements  
719 essential to preparation for its use in accordance with the  
720 redevelopment plan.

721 Sec. 8. Section 8-129 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) (1) The redevelopment agency shall determine the compensation  
725 to be paid to the persons entitled thereto for [such] real property [and]  
726 to be acquired by eminent domain pursuant to section 8-128, as  
727 amended by this act.

728 (2) For any real property to be acquired by eminent domain  
729 pursuant to section 8-128, as amended by this act, or section 8-193, as  
730 amended by this act, or by condemnation pursuant to section 32-224,  
731 as amended by this act, pursuant to a redevelopment plan approved  
732 under this chapter or a development plan approved under chapter 132  
733 or 588l, the agency shall have two independent appraisals conducted  
734 on the real property in accordance with this subdivision. Each  
735 appraisal shall be conducted by a state certified real estate appraiser  
736 without consultation with the appraiser conducting the other  
737 independent appraisal, and shall be conducted in accordance with  
738 generally accepted standards of professional appraisal practice as  
739 described in the Uniform Standards of Professional Appraisal Practice  
740 issued by the Appraisal Standards Board of the Appraisal Foundation

741 pursuant to Title XI of FIRREA and any regulations adopted pursuant  
742 to section 20-504. Each appraiser shall provide a copy of the appraisal  
743 to the agency and the property owner. The amount of compensation  
744 for such real property shall be equal to the average of the amounts  
745 determined by the two independent appraisals, except that the  
746 compensation for any real property to be acquired by eminent domain  
747 pursuant to section 8-193, as amended by this act, or by condemnation  
748 pursuant to section 32-244, as amended by this act, shall be one  
749 hundred twenty-five per cent of such average amount. If the agency  
750 acquires real property that is subject to this subdivision five years or  
751 more after acquiring another parcel of real property within one  
752 thousand feet of the property pursuant to a redevelopment plan or  
753 development plan, the agency shall increase the amount of  
754 compensation for the subsequent acquisition of real property by an  
755 additional five per cent for each year from the sixth year until the tenth  
756 year after the acquisition of the first parcel of real property. With  
757 respect to a redevelopment plan or development plan for a project that  
758 is funded in whole or in part by federal funds, the provisions of this  
759 subdivision shall not apply to the extent that such provisions are  
760 prohibited by federal law.

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

767 (b) Upon filing such statement of compensation and deposit, the  
768 redevelopment agency shall forthwith cause to be recorded, in the  
769 office of the town clerk of each town in which the property is located, a  
770 copy of such statement of compensation, such recording to have the  
771 same effect and to be treated the same as the recording of a lis  
772 pendens, and shall forthwith give notice, as provided in this section, to  
773 each person appearing of record as an owner of property affected  
774 thereby and to each person appearing of record as a holder of any

775 mortgage, lien, assessment or other encumbrance on such property or  
776 interest therein [(a)] (1) in the case of any such person found to be  
777 residing within this state, by causing a copy of such notice, with a copy  
778 of such statement of compensation, to be served upon each such  
779 person by a state marshal, constable or indifferent person, in the  
780 manner set forth in section 52-57 for the service of civil process, and  
781 [(b)] (2) in the case of any such person who is a nonresident of this  
782 state at the time of the filing of such statement of compensation and  
783 deposit or of any such person whose whereabouts or existence is  
784 unknown, by mailing to each such person a copy of such notice and of  
785 such statement of compensation, by registered or certified mail,  
786 directed to [his] such person's last-known address, and by publishing  
787 such notice and such statement of compensation at least twice in a  
788 newspaper published in the judicial district and having daily or  
789 weekly circulation in the town in which such property is located. Any  
790 such published notice shall state that it is notice to the widow or  
791 widower, heirs, representatives and creditors of the person holding  
792 such record interest, if such person is dead. If, after a reasonably  
793 diligent search, no last-known address can be found for any interested  
794 party, an affidavit stating such fact, and reciting the steps taken to  
795 locate such address, shall be filed with the clerk of the superior court  
796 and accepted in lieu of mailing to the last-known address.

797 (c) Not less than [twelve] thirty-five days or more than ninety days  
798 after such notice and such statement of compensation have been so  
799 served or so mailed and first published, the redevelopment agency  
800 shall file with the clerk of the superior court a return of notice setting  
801 forth the notice given and, upon receipt of such return of notice, such  
802 clerk shall, without any delay or continuance of any kind, issue a  
803 certificate of taking setting forth the fact of such taking, a description  
804 of all the property so taken and the names of the owners and of all  
805 other persons having a record interest therein. The redevelopment  
806 agency shall cause such certificate of taking to be recorded in the office  
807 of the town clerk of each town in which such property is located. Upon  
808 the recording of such certificate, title to such property in fee simple

809 shall vest in the municipality, and the right to just compensation shall  
810 vest in the persons entitled thereto. At any time after such certificate of  
811 taking has been so recorded, the redevelopment agency may repair,  
812 operate or insure such property and enter upon such property, and  
813 take any action that is proposed with regard to such property by the  
814 project area redevelopment plan.

815 (d) The notice [referred to above] required in subsection (b) of this  
816 section shall state that (1) not less than [twelve] thirty-five days or  
817 more than ninety days after service or mailing and first publication  
818 thereof, the redevelopment agency shall file, with the clerk of the  
819 superior court for the judicial district in which such property is  
820 located, a return setting forth the notice given, (2) upon receipt of such  
821 return, such clerk shall issue a certificate for recording in the office of  
822 the town clerk of each town in which such property is located, (3) upon  
823 the recording of such certificate, title to such property shall vest in the  
824 municipality, the right to just compensation shall vest in the persons  
825 entitled thereto and the redevelopment agency may repair, operate or  
826 insure such property and enter upon such property and take any  
827 action that may be proposed with regard thereto by the project area  
828 redevelopment plan, and (4) such notice shall bind the widow or  
829 widower, heirs, representatives and creditors of each person named  
830 [therein] in the notice who then or thereafter may be dead.

831 (e) When any redevelopment agency acting on behalf of any  
832 municipality has acquired or rented real property by purchase, lease,  
833 exchange or gift in accordance with the provisions of this section, or in  
834 exercising its right of eminent domain has filed a statement of  
835 compensation and deposit with the clerk of the superior court and has  
836 caused a certificate of taking to be recorded in the office of the town  
837 clerk of each town in which such property is located as provided in  
838 this section, any judge of such court may, upon application and proof  
839 of such acquisition or rental or such filing and deposit and such  
840 recording, order such clerk to issue an execution commanding a state  
841 marshal to put such municipality and the redevelopment agency, as its  
842 agent, into peaceable possession of the property so acquired, rented or

843 condemned. The provisions of this [section] subsection shall not be  
844 limited in any way by the provisions of chapter 832.

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

848 (a) Any person claiming to be aggrieved by the statement of  
849 compensation filed by the redevelopment agency may, at any time  
850 within six months after the [same] statement of compensation has been  
851 filed, apply to the superior court for the judicial district in which such  
852 property is situated for a review of such statement of compensation so  
853 far as [the same] it affects such applicant. The court, after causing  
854 notice of the pendency of such application to be given to the  
855 redevelopment agency, may, with the consent of the parties or their  
856 attorneys, appoint a judge trial referee to make a review of the  
857 statement of compensation, except that the court shall, upon the  
858 motion of either party or their attorneys, refer the application to a  
859 judge appointed by the Chief Court Administrator to hear tax appeals  
860 pursuant to section 12-39l, who shall consider such application in the  
861 manner set forth in subsection (c) of this section. For the purposes of  
862 such application, review and appeal therefrom, and for the purposes of  
863 sections 52-192a to 52-195, inclusive, as amended by this act, such  
864 applicant shall be deemed a counterclaim plaintiff.

865 (b) If the court appoints a judge trial referee, the judge trial referee,  
866 after giving at least ten days' notice to the parties interested of the time  
867 and place of hearing, shall hear the applicant and the redevelopment  
868 agency, shall view the property and take such testimony as the judge  
869 trial referee deems material and shall thereupon revise such statement  
870 of compensation in such manner as the judge trial referee deems  
871 proper and forthwith report to the court. Such report shall contain a  
872 detailed statement of findings by the judge trial referee, sufficient to  
873 enable the court to determine the considerations upon which the judge  
874 trial referee's conclusions are based. The report of the judge trial  
875 referee shall take into account any evidence relevant to the fair market

876 value of the property, including evidence of environmental condition  
877 and required environmental remediation. The judge trial referee shall  
878 make a separate finding for remediation costs and the property owner  
879 shall be entitled to a set-off of such costs in any pending or subsequent  
880 action to recover remediation costs for the property. The court shall  
881 review the report, and may reject it for any irregular or improper  
882 conduct in the performance of the duties of the judge trial referee. If  
883 the report is rejected, the court may appoint another judge trial referee  
884 to make such review and report. If the report is accepted, its statement  
885 of compensation shall be conclusive upon such owner and the  
886 redevelopment agency.

887 (c) If the court does not appoint a judge trial referee, the court, after  
888 giving at least ten days' notice to the parties interested of the time and  
889 place of hearing, shall hear the applicant and the redevelopment  
890 agency and take such testimony as [it] the court deems material, may  
891 view the subject property, and shall make a finding regarding the  
892 statement of compensation. The findings of the court shall take into  
893 account any evidence relevant to the fair market value of the property,  
894 including evidence of environmental condition and required  
895 environmental remediation. The court shall make a separate finding  
896 for remediation costs and the property owner shall be entitled to a set-  
897 off of such costs in any pending or subsequent action to recover  
898 remediation costs for the property. The findings of the court shall be  
899 conclusive upon such owner and the redevelopment agency.

900 (d) If no appeal to the Appellate Court is filed within the time  
901 allowed by law, or if an appeal is filed and the proceedings have  
902 terminated in a final judgment finding the amount due the property  
903 owner, the clerk shall send a certified copy of the statement of  
904 compensation and of the judgment to the redevelopment agency,  
905 which shall, upon receipt thereof, pay such property owner the  
906 amount due as compensation. The pendency of any such application  
907 for review shall not prevent or delay any action that is proposed with  
908 regard to such property by the project area redevelopment plan.

909 Sec. 10. Section 8-189 of the general statutes is repealed and the  
910 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
911 *applicable to development plans adopted on or after said date*):

912 (a) The development agency may initiate a development project by  
913 preparing a project plan [therefor] in accordance with regulations [of]  
914 adopted by the commissioner pursuant to section 8-198. The project  
915 plan shall meet an identified public need and include: [(a)] (1) A legal  
916 description of the land within the project area; [(b)] (2) a description of  
917 the present condition and uses of such land or building; [(c)] (3) a  
918 description of the process utilized by the agency to prepare the plan  
919 and a description of alternative approaches considered to achieve  
920 project objectives; (4) a description of the types and locations of land  
921 uses or building uses proposed for the project area; [(d)] (5) a  
922 description of the types and locations of present and proposed streets,  
923 sidewalks and sanitary, utility and other facilities and the types and  
924 locations of other proposed site improvements; [(e)] (6) statements of  
925 the present and proposed zoning classification and subdivision status  
926 of the project area and the areas adjacent to the project area; [(f)] (7) a  
927 plan for relocating project-area occupants; [(g)] (8) a financing plan;  
928 [(h)] (9) an administrative plan; [(i)] (10) a marketability and proposed  
929 land-use study or building use study if required by the commissioner;  
930 [(j)] (11) appraisal reports and title searches; [(k)] a statement of [(12)] a  
931 description of the public benefits of the project including, but not  
932 limited to, (A) the number of jobs which the development agency  
933 anticipates would be created by the project; [and] (B) the estimated  
934 property tax benefits; (C) the number and types of existing housing  
935 units in the municipality in which the project would be located, and in  
936 contiguous municipalities, which would be available to employees  
937 filling such jobs; [and (l)] (D) a general description of infrastructure  
938 improvements, including public access, facilities or use, that the  
939 development agency anticipates may be needed to implement the  
940 development plan; (E) a general description of the development  
941 agency's goals for blight remediation or, if known, environmental  
942 remediation; (F) a general description of any aesthetic improvements

943 that the development agency anticipates may be generated by the  
944 project; (G) a general description of the project's intended role in  
945 increasing or sustaining market value of land in the municipality; (H) a  
946 general description of the project's intended role in assisting residents  
947 of the municipality to improve their standard of living; and (I) a  
948 general statement of the project's role in maintaining or enhancing the  
949 competitiveness of the municipality; (13) findings that (A) the land and  
950 buildings within the project area will be used principally for industrial  
951 or business purposes; [that] (B) the plan is in accordance with the plan  
952 of conservation and development for the municipality adopted by its  
953 planning commission under section 8-23, and the plan of development  
954 of the regional planning agency adopted under section 8-35a, if any,  
955 for the region within which the municipality is located; [that] (C) the  
956 plan [is not inimical to any] was prepared giving due consideration to  
957 the state plan of conservation and development adopted under chapter  
958 297 and any other state-wide planning program objectives of the state  
959 or state agencies as coordinated by the Secretary of the Office of Policy  
960 and Management; [that] and (D) the project will contribute to the  
961 economic welfare of the municipality and the state; and that to carry  
962 out and administer the project, public action under this chapter is  
963 required; and (14) a preliminary statement describing the proposed  
964 process for acquiring each parcel of real property, including findings  
965 that (A) public benefits resulting from the development plan will  
966 outweigh any private benefits; (B) existing use of the real property  
967 cannot be feasibly integrated into the overall development plan for the  
968 project; (C) acquisition by eminent domain is reasonably necessary to  
969 successfully achieve the objectives of such development plan; and (D)  
970 the development plan is not for the primary purpose of increasing  
971 local tax revenues. Any plan [which] that has been prepared by a  
972 redevelopment agency under chapter 130 may be submitted by the  
973 development agency to the legislative body and to the commissioner  
974 for approval in lieu of a plan initiated and prepared in accordance with  
975 this section, provided all other requirements of this chapter for  
976 obtaining the approval of the commissioner of the project plan are  
977 satisfied.

978       (b) (1) The approval of a development plan shall be given by the  
979       legislative body pursuant to section 8-191, as amended by this act.

980       (2) The plan shall be effective for a period of ten years after the date  
981       of approval and may be amended in accordance with this section. The  
982       legislative body shall review the plan at least once every ten years after  
983       the initial approval, and shall reapprove the plan or an amended plan  
984       at least once every ten years after the initial approval in accordance  
985       with this section in order for the plan or amended plan to remain in  
986       effect. With respect to a development plan for a project that is funded  
987       in whole or in part by federal funds, the provisions of this subdivision  
988       shall not apply to the extent that such provisions are prohibited by  
989       federal law.

990       (3) The development agency shall cause notice of the initial  
991       approval of the plan to be published in a newspaper having general  
992       circulation in the municipality.

993       Sec. 11. Section 8-191 of the general statutes is repealed and the  
994       following is substituted in lieu thereof (*Effective October 1, 2007, and*  
995       *applicable to development plans adopted on or after said date*):

996       (a) Before the development agency adopts a plan for a development  
997       project, (1) the planning commission of the municipality shall find that  
998       the plan is in accord with the plan of development for the  
999       municipality; and (2) the regional planning agency, if any, for the  
1000       region within which such municipality is located shall find that such  
1001       plan is in accord with the plan of development for such region, or if  
1002       such agency fails to make a finding concerning [said] the plan within  
1003       thirty-five days of receipt [thereof] of the plan by such agency, it shall  
1004       be presumed that such agency does not disapprove of [such] the plan;  
1005       and (3) the development agency shall hold at least one public hearing  
1006       [thereon] on the plan. At least thirty-five days prior to any public  
1007       hearing, the development agency shall post the plan on the Internet  
1008       web site of the development agency, if any. Upon approval by the  
1009       development agency, the agency shall submit [such] the plan to the

1010 legislative body which shall vote to approve or disapprove the plan.  
1011 After approval of the plan by the legislative body, the development  
1012 agency shall submit the plan for approval to the commissioner. Notice  
1013 of the time, place and subject of any public hearing held under this  
1014 section shall be published once in a newspaper of general circulation in  
1015 [such town] the municipality, such publication to be made not less  
1016 than one week nor more than three weeks prior to the date set for the  
1017 hearing. In the event the commissioner requires a substantial  
1018 modification of the project plan before giving approval, then upon the  
1019 completion of such modification such plan shall first have a public  
1020 hearing and then be approved by the development agency and the  
1021 legislative body. Any legislative body, agency or commission in  
1022 approving a plan for a development project shall specifically approve  
1023 the findings made [therein] in the plan.

1024 (b) The provisions of subsection (a) of this section with respect to  
1025 submission of a development project to and approval by the  
1026 commissioner shall not apply to a project for which no grant has been  
1027 made under section 8-190 and no application for a grant is to be made  
1028 under section 8-195.

1029 Sec. 12. Section 8-200 of the general statutes is repealed and the  
1030 following is substituted in lieu thereof (*Effective from passage and*  
1031 *applicable to property acquired on or after said date*):

1032 (a) A development plan may be modified at any time by the  
1033 development agency, provided, if modified after the lease or sale of  
1034 real property in the development project area, the modification must  
1035 be consented to by the lessees or purchasers of such real property or  
1036 their successor or successors in interest affected by the proposed  
1037 modification. Where the proposed modification will substantially  
1038 change the development plan as previously approved, the  
1039 modification must be approved in the same manner as the  
1040 development plan.

1041 (b) If after three years from the date of approval of the development

1042 plan the development agency has been unable to transfer by sale or  
1043 lease at fair market value or fair rental value, as the case may be, the  
1044 whole or any part of the real property acquired in the project area to  
1045 any person in accordance with the project plan, and no grant has been  
1046 made for such project pursuant to section 8-195, the municipality may,  
1047 by vote of its legislative body, abandon the project plan and such real  
1048 property may be conveyed free of any restriction, obligation or  
1049 procedure imposed by the plan but shall be subject to all other local  
1050 and state laws, ordinances or regulations, including, but not limited to,  
1051 any offer of sale required under subsection (c) of section 8-193, as  
1052 amended by this act.

1053 Sec. 13. Section 8-268 of the general statutes is repealed and the  
1054 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
1055 *applicable to property acquired on or after said date*):

1056 (a) Whenever a program or project undertaken by a state agency or  
1057 under the supervision of a state agency will result in the displacement  
1058 of any person on or after July 6, 1971, the head of such state agency  
1059 shall make payment to any displaced person, upon proper application  
1060 as approved by such agency head, for (1) actual reasonable expenses in  
1061 moving himself, his family, business, farm operation or other personal  
1062 property, (2) actual direct losses of tangible personal property as a  
1063 result of moving or discontinuing a business or farm operation, but not  
1064 to exceed an amount equal to the reasonable expenses that would have  
1065 been required to relocate such property, as determined by the state  
1066 agency, and (3) actual reasonable expenses in searching for a  
1067 replacement business or farm, provided, whenever any tenant in any  
1068 dwelling unit is displaced as the result of the enforcement of any code  
1069 to which this section is applicable by any town, city or borough or  
1070 agency thereof, the landlord of such dwelling unit shall be liable for  
1071 any payments made by such town, city or borough pursuant to this  
1072 section or by the state pursuant to subsection (b) of section 8-280, and  
1073 the town, city or borough or the state may place a lien on any real  
1074 property owned by such landlord to secure repayment to the town,  
1075 city or borough or the state of such payments, which lien shall have the

1076 same priority as and shall be filed, enforced and discharged in the  
1077 same manner as a lien for municipal taxes under chapter 205.

1078 (b) Any displaced person eligible for payments under subsection (a)  
1079 of this section who is displaced from a dwelling and who elects to  
1080 accept the payments authorized by this subsection in lieu of the  
1081 payments authorized by subsection (a) of this section may receive a  
1082 moving expense allowance, determined according to a schedule  
1083 established by the state agency, not to exceed three hundred dollars  
1084 and a dislocation allowance of two hundred dollars.

1085 (c) Any displaced person eligible for payments under subsection (a)  
1086 of this section who is displaced from [his] the person's place of  
1087 business or from [his] the person's farm operation and who elects to  
1088 accept the payment authorized by this subsection in lieu of the  
1089 payment authorized by subsection (a) of this section, may receive a  
1090 fixed payment in an amount equal to the average annual net earnings  
1091 of the business or farm operation, except that such payment shall not  
1092 be less than two thousand five hundred dollars nor more than ten  
1093 thousand dollars. In the case of a business no payment shall be made  
1094 under this subsection unless the state agency is satisfied that the  
1095 business (1) cannot be relocated without a substantial loss of its  
1096 existing patronage, and (2) is not a part of a commercial enterprise  
1097 having at least one other establishment not being acquired by the state,  
1098 which is engaged in the same or similar business. For purposes of this  
1099 subsection, [the term] "average annual net earnings" means one half of  
1100 any net earnings of the business or farm operation, before federal, state  
1101 and local income taxes, during the two taxable years immediately  
1102 preceding the taxable year in which such business or farm operation  
1103 moves from the real property acquired for such project, or during such  
1104 other period as such agency determines to be more equitable for  
1105 establishing such earnings, and includes any compensation paid by the  
1106 business or farm operation to the owner, [his] the owner's spouse or  
1107 [his] the owner's dependents during such period.

1108 (d) Notwithstanding the provisions of this section, in the case of

1109 displacement of a person on or after the effective date of this section  
1110 because of acquisition of real property by a redevelopment agency  
1111 pursuant to section 8-128, as amended by this act, a development  
1112 agency pursuant to section 8-193, as amended by this act, or an  
1113 implementing agency pursuant to section 32-224, as amended by this  
1114 act, pursuant to a redevelopment plan approved under chapter 130 or  
1115 a development plan approved under chapter 132 or 588l, the agency  
1116 shall make relocation payments as provided under the federal Uniform  
1117 Relocation Assistance and Real Property Acquisition Policies Act of  
1118 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and  
1119 regulations promulgated thereunder if payments under said act and  
1120 regulations would be greater than payments under this section and  
1121 sections 8-269 and 8-270, as amended by this act.

1122       Sec. 14. Section 8-269 of the general statutes is amended by adding  
1123 subsection (c) as follows (*Effective October 1, 2007, and applicable to*  
1124 *property acquired on or after said date*):

1125       (NEW) (c) Notwithstanding the provisions of this section, in the  
1126 case of displacement of a person on or after the effective date of this  
1127 section because of acquisition of real property by a redevelopment  
1128 agency pursuant to section 8-128, as amended by this act, a  
1129 development agency pursuant to section 8-193, as amended by this act,  
1130 or an implementing agency pursuant to section 32-224, as amended by  
1131 this act, pursuant to a redevelopment plan approved under chapter  
1132 130 or a development plan approved under chapter 132 or 588l, the  
1133 agency shall make relocation payments as provided under the federal  
1134 Uniform Relocation Assistance and Real Property Acquisition Policies  
1135 Act of 1970, 42 USC 4601 et seq. and any subsequent amendments  
1136 thereto and regulations promulgated thereunder if payments under  
1137 said act and regulations would be greater than payments under this  
1138 section and sections 8-268 and 8-270, as amended by this act.

1139       Sec. 15. Section 8-270 of the general statutes is repealed and the  
1140 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
1141 *applicable to property acquired on or after said date*):

1142       (a) In addition to amounts otherwise authorized by this chapter, a  
1143 state agency shall make a payment to or for any displaced person  
1144 displaced from any dwelling not eligible to receive a payment under  
1145 section 8-269, as amended by this act, which dwelling was actually and  
1146 lawfully occupied by such displaced person for not less than ninety  
1147 days prior to the initiation of negotiations for acquisition of such  
1148 dwelling under the program or project which results in such person  
1149 being displaced. Such payment shall be either (1) the amount necessary  
1150 to enable such displaced person to lease or rent for a period not to  
1151 exceed four years, a decent, safe, and sanitary dwelling of standards  
1152 adequate to accommodate such person in areas not generally less  
1153 desirable [in] with regard to public utilities and public and commercial  
1154 facilities, and reasonably accessible to [his] such displaced person's  
1155 place of employment, but not to exceed four thousand dollars, or (2)  
1156 the amount necessary to enable such displaced person to make a down  
1157 payment, including reasonable expenses incurred by such displaced  
1158 person for evidence of title, recording fees, and other closing costs  
1159 incident to the purchase of a decent, safe, and sanitary dwelling of  
1160 standards adequate to accommodate such person in areas not  
1161 generally less desirable [in] with regard to public utilities and public  
1162 and commercial facilities, but not to exceed four thousand dollars,  
1163 except that if such amount exceeds two thousand dollars, such person  
1164 must equally match any such amount in excess of two thousand  
1165 dollars in making the downpayment, and provided, whenever any  
1166 tenant in any dwelling unit is displaced as the result of the  
1167 enforcement of any code to which this section is applicable by any  
1168 town, city or borough or agency thereof, the landlord of such dwelling  
1169 unit shall be liable for any payments made by such town, city or  
1170 borough pursuant to this section or by the state pursuant to subsection  
1171 (b) of section 8-280, and the town, city or borough or the state may  
1172 place a lien on any real property owned by such landlord to secure  
1173 repayment to the town, city or borough or the state of such payments,  
1174 which lien shall have the same priority as and shall be filed, enforced  
1175 and discharged in the same manner as a lien for municipal taxes under  
1176 chapter 205.

1177 (b) Notwithstanding the provisions of this section, in the case of  
1178 displacement of a person on or after the effective date of this section  
1179 because of acquisition of real property by a redevelopment agency  
1180 pursuant to section 8-128, as amended by this act, a development  
1181 agency pursuant to section 8-193, as amended by this act, or an  
1182 implementing agency pursuant to section 32-224, as amended by this  
1183 act, pursuant to a redevelopment plan approved under chapter 130 or  
1184 a development plan approved under chapter 132 or 588I, the agency  
1185 shall make relocation payments as provided under the federal Uniform  
1186 Relocation Assistance and Real Property Acquisition Policies Act of  
1187 1970, 42 USC 4601 et seq. and any subsequent amendments thereto and  
1188 regulations promulgated thereunder if payments under said act and  
1189 regulations would be greater than payments under this section and  
1190 sections 8-268 and 8-269, as amended by this act.

1191 Sec. 16. Section 52-192a of the general statutes is repealed and the  
1192 following is substituted in lieu thereof (*Effective from passage and*  
1193 *applicable to applications filed on or after said date*):

1194 (a) After commencement of any civil action based upon contract or  
1195 seeking the recovery of money damages, whether or not other relief is  
1196 sought, the plaintiff may, not earlier than one hundred eighty days  
1197 after service of process is made upon the defendant in such action but  
1198 not later than thirty days before trial, file with the clerk of the court a  
1199 written offer of compromise signed by the plaintiff or the plaintiff's  
1200 attorney, directed to the defendant or the defendant's attorney,  
1201 offering to settle the claim underlying the action for a sum certain. For  
1202 the purposes of this section, such plaintiff includes a counterclaim  
1203 plaintiff under section 8-132, as amended by this act. The plaintiff shall  
1204 give notice of the offer of compromise to the defendant's attorney or, if  
1205 the defendant is not represented by an attorney, to the defendant  
1206 himself or herself. Within thirty days after being notified of the filing  
1207 of the offer of compromise and prior to the rendering of a verdict by  
1208 the jury or an award by the court, the defendant or the defendant's  
1209 attorney may file with the clerk of the court a written acceptance of the  
1210 offer of compromise agreeing to settle the claim underlying the action

1211 for the sum certain specified in the plaintiff's offer of compromise.  
1212 Upon such filing and the receipt by the plaintiff of such sum certain,  
1213 the plaintiff shall file a withdrawal of the action with the clerk and the  
1214 clerk shall record the withdrawal of the action against the defendant  
1215 accordingly. If the offer of compromise is not accepted within thirty  
1216 days and prior to the rendering of a verdict by the jury or an award by  
1217 the court, the offer of compromise shall be considered rejected and not  
1218 subject to acceptance unless refiled. Any such offer of compromise and  
1219 any acceptance of the offer of compromise shall be included by the  
1220 clerk in the record of the case.

1221 (b) In the case of any action to recover damages resulting from  
1222 personal injury or wrongful death, whether in tort or in contract, in  
1223 which it is alleged that such injury or death resulted from the  
1224 negligence of a health care provider, an offer of compromise pursuant  
1225 to subsection (a) of this section shall state with specificity all damages  
1226 then known to the plaintiff or the plaintiff's attorney upon which the  
1227 action is based. At least sixty days prior to filing such an offer, the  
1228 plaintiff or the plaintiff's attorney shall provide the defendant or the  
1229 defendant's attorney with an authorization to disclose medical records  
1230 that meets the privacy provisions of the Health Insurance Portability  
1231 and Accountability Act of 1996 (P.L. 104-191) (HIPAA), as amended  
1232 from time to time, or regulations adopted thereunder, and disclose any  
1233 and all expert witnesses who will testify as to the prevailing  
1234 professional standard of care. The plaintiff shall file with the court a  
1235 certification that the plaintiff has provided each defendant or such  
1236 defendant's attorney with all documentation supporting such  
1237 damages.

1238 (c) After trial the court shall examine the record to determine  
1239 whether the plaintiff made an offer of compromise which the  
1240 defendant failed to accept. If the court ascertains from the record that  
1241 the plaintiff has recovered an amount equal to or greater than the sum  
1242 certain specified in the plaintiff's offer of compromise, the court shall  
1243 add to the amount so recovered eight per cent annual interest on said  
1244 amount, except in the case of a counterclaim plaintiff under section 8-

1245 132, as amended by this act, the court shall add to the amount so  
1246 recovered eight per cent annual interest on the difference between the  
1247 amount so recovered and the sum certain specified in the counterclaim  
1248 plaintiff's offer of compromise. The interest shall be computed from  
1249 the date the complaint in the civil action or application under section 8-  
1250 132, as amended by this act, was filed with the court if the offer of  
1251 compromise was filed not later than eighteen months from the filing of  
1252 such complaint or application. If such offer was filed later than  
1253 eighteen months from the date of filing of the complaint or application,  
1254 the interest shall be computed from the date the offer of compromise  
1255 was filed. The court may award reasonable attorney's fees in an  
1256 amount not to exceed three hundred fifty dollars, and shall render  
1257 judgment accordingly. This section shall not be interpreted to abrogate  
1258 the contractual rights of any party concerning the recovery of  
1259 attorney's fees in accordance with the provisions of any written  
1260 contract between the parties to the action.

1261 Sec. 17. (NEW) (*Effective from passage*) (a) No person who negotiates  
1262 the acquisition of real property may represent in such negotiation that  
1263 the person has the power to acquire the property by eminent domain  
1264 unless the person is an appointed or elected official of a public agency,  
1265 as defined in section 1-200 of the general statutes, that has such power.

1266 (b) Any violation of subsection (a) of this section shall be deemed an  
1267 unfair or deceptive trade practice under subsection (a) of section 42-  
1268 110b of the general statutes.

1269 Sec. 18. Section 8-273a of the general statutes is repealed and the  
1270 following is substituted in lieu thereof (*Effective from passage and*  
1271 *applicable to property acquired on or after said date*):

1272 (a) Notwithstanding any other provisions of the general statutes to  
1273 the contrary, whenever the Commissioner of Transportation  
1274 undertakes the acquisition of real property on a state or federally-  
1275 funded project which results in any person being displaced from his  
1276 home, business, or farm, the Commissioner of Transportation is hereby

1277 authorized to provide relocation assistance and to make relocation  
1278 payments to such displaced persons and to do such other acts and  
1279 follow procedures and practices as may be necessary to comply with  
1280 or to provide the same relocation assistance and relocation payments  
1281 as provided under the federal Uniform Relocation Assistance and Real  
1282 Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any  
1283 subsequent amendments thereto and regulations promulgated  
1284 thereunder.

1285 (b) (1) Whenever the Commissioner of Transportation acquires an  
1286 outdoor advertising structure, the amount of compensation to the  
1287 owner of the outdoor advertising structure shall include payment for  
1288 relocation costs incurred by such owner.

1289 (2) If the owner (A) is able to obtain, within one year of acquisition  
1290 by the commissioner, all state and local permits necessary for  
1291 relocation of the outdoor advertising structure to another site in the  
1292 Standard Metropolitan Statistical Area, as designated in the federal  
1293 census, in which the outdoor advertising structure is located, and (B)  
1294 such site was not previously offered for sale or lease to the owner of  
1295 the outdoor advertising structure, then the commissioner shall pay to  
1296 the owner the replacement cost of the outdoor advertising structure,  
1297 plus the fair market value of such outdoor advertising structure less  
1298 the fair market value of the new site. The fair market value of such site  
1299 shall be determined by the income capitalization method.

1300 (3) If the owner (A) is unable to obtain, within one year of  
1301 acquisition by the commissioner, all state and local permits necessary  
1302 for relocation to another site in the same Standard Metropolitan  
1303 Statistical Area, as designated in the federal census in which the  
1304 outdoor advertising structure is located, or (B) such site was  
1305 previously offered for sale or lease to the owner of the outdoor  
1306 advertising structure, the commissioner shall pay the replacement cost  
1307 plus the fair market value of the outdoor advertising structure the  
1308 commissioner has acquired. The owner shall provide to the  
1309 commissioner written documentation sufficient to establish that all

1310 state and local necessary permits cannot be obtained for relocation  
1311 within one year of acquisition or that the only available relocation sites  
1312 have been previously offered for sale or lease to the owner.

1313 (4) Any person aggrieved by determination of the amount of  
1314 compensation paid under this subsection may appeal to the State  
1315 Properties Review Board.

1316 Sec. 19. Subsection (f) of section 4b-3 of the general statutes is  
1317 repealed and the following is substituted in lieu thereof (*Effective from*  
1318 *passage and applicable to property acquired on or after said date*):

1319 (f) The State Properties Review Board shall review real estate  
1320 acquisitions, sales, leases and subleases proposed by the  
1321 Commissioner of Public Works, the acquisition, other than by  
1322 condemnation, or the sale or lease of any property by the  
1323 Commissioner of Transportation under subdivision (12) of section 13b-  
1324 4, subject to section 4b-23 and subsection (h) of section 13a-73 and  
1325 review, for approval or disapproval, any contract for a project  
1326 described in subsection (h) of section 4b-91. Such review shall consider  
1327 all aspects of the proposed actions, including feasibility and method of  
1328 acquisition and the prudence of the business method proposed. The  
1329 board shall also cooperate with and advise and assist the  
1330 Commissioner of Public Works and the Commissioner of  
1331 Transportation in carrying out their duties. The board shall have access  
1332 to all information, files and records, including financial records, of the  
1333 Commissioner of Public Works and the Commissioner of  
1334 Transportation, and shall, when necessary, be entitled to the use of  
1335 personnel employed by said commissioners. The board shall approve  
1336 or disapprove any acquisition of development rights of agricultural  
1337 land by the Commissioner of Agriculture under section 22-26cc. The  
1338 board shall hear any appeal under section 8-273a, as amended by this  
1339 act, and shall render a final decision on the appeal within thirty days  
1340 thereafter. The written decision of the board shall be a final decision  
1341 for the purposes of sections 4-180 and 4-183.

1342 Sec. 20. Section 48-6 of the general statutes is repealed and the  
1343 following is substituted in lieu thereof (*Effective from passage and*  
1344 *applicable to property acquired on or after said date*):

1345 (a) Any municipal corporation having the right to purchase real  
1346 property for its municipal purposes which has, in accordance with its  
1347 charter or the general statutes, voted to purchase the same shall have  
1348 power to take or acquire such real property, within the corporate limits  
1349 of such municipal corporation, and if such municipal corporation  
1350 cannot agree with any owner upon the amount to be paid for any real  
1351 property thus taken, it shall proceed in the manner provided by  
1352 section 48-12 within six months after such vote or such vote shall be  
1353 void.

1354 (b) In the case of acquisition by a redevelopment agency of real  
1355 property located in a redevelopment area, except as provided in  
1356 section 2 of this act and sections 8-193 and 32-224, as amended by this  
1357 act, the time for acquisition may be extended by the legislative body  
1358 upon request of the redevelopment agency, provided the owner of the  
1359 real property consents to such request.

1360 (c) In accordance with the policy established in section 7-603, any  
1361 municipal corporation may take property which is located within the  
1362 boundaries of a neighborhood revitalization zone identified in a  
1363 strategic plan adopted pursuant to sections 7-601 and 7-602. The  
1364 acquisition of such property shall proceed in the manner provided in  
1365 sections 8-128 to 8-133, inclusive, as amended by this act, and section  
1366 48-12.

1367 Sec. 21. Section 8-191a of the general statutes is repealed and the  
1368 following is substituted in lieu thereof (*Effective October 1, 2007*):

1369 No plan prepared and approved under sections 8-189 and 8-191, as  
1370 amended by this act, which includes the findings enumerated in  
1371 [subsection (k)] subdivisions (12) and (13) of section 8-189, as amended  
1372 by this act, shall be invalid and deemed ineffective solely because of  
1373 the commissioner's failure to comply with any provision of sections

1374 22a-1a to 22a-1f, inclusive. All actions taken by the commissioner  
 1375 between February 1, 1975, and June 14, 1977, are validated. Nothing in  
 1376 this section or section 8-191, as amended by this act, 8-193, as amended  
 1377 by this act or 8-196 shall relieve the commissioner from [his] the  
 1378 commissioner's obligation to comply with sections 22a-1a to 22a-1f,  
 1379 inclusive, subsequent to June 14, 1977.

1380 Sec. 22. Section 48-56 of the general statutes is repealed and the  
 1381 following is substituted in lieu thereof (*Effective from passage*):

1382 There is established, within the General Fund, an Ombudsman for  
 1383 Property Rights account that shall be a separate nonlapsing account.  
 1384 Any funds received under [this] section 48-55 shall, upon deposit in  
 1385 the General Fund, be credited to said account and may be used by the  
 1386 Office of Ombudsman for Property Rights in the performance of its  
 1387 duties."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to property acquired on or after said date</i>	8-193
Sec. 2	<i>from passage and applicable to property acquired on or after said date</i>	New section
Sec. 3	<i>from passage and applicable to property acquired on or after said date, and applicable to development plans adopted on or after said date</i>	32-224
Sec. 4	<i>from passage and applicable to property acquired on or after said date</i>	7-148(c)(3)(A)

Sec. 5	<i>October 1, 2007, and applicable to redevelopment plans adopted on or after said date</i>	8-125
Sec. 6	<i>October 1, 2007, and applicable to redevelopment plans adopted on or after said date</i>	8-127
Sec. 7	<i>from passage and applicable to property acquired on or after said date</i>	8-128
Sec. 8	<i>from passage and applicable to property acquired on or after said date</i>	8-129
Sec. 9	<i>from passage and applicable to property acquired on or after said date</i>	8-132
Sec. 10	<i>October 1, 2007, and applicable to development plans adopted on or after said date</i>	8-189
Sec. 11	<i>October 1, 2007, and applicable to development plans adopted on or after said date</i>	8-191
Sec. 12	<i>from passage and applicable to property acquired on or after said date</i>	8-200
Sec. 13	<i>October 1, 2007, and applicable to property acquired on or after said date</i>	8-268
Sec. 14	<i>October 1, 2007, and applicable to property acquired on or after said date</i>	8-269

Sec. 15	<i>October 1, 2007, and applicable to property acquired on or after said date</i>	8-270
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>	8-273a
Sec. 19	<i>from passage and applicable to property acquired on or after said date</i>	4b-3(f)
Sec. 20	<i>from passage and applicable to property acquired on or after said date</i>	48-6
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Sec. 22	<i>from passage</i>	48-56