



General Assembly

Amendment

January Session, 2007

LCO No. 8538

SB0016708538SRO

Offered by:

SEN. FASANO, 34th Dist.

SEN. DELUCA, 32nd Dist.

SEN. MCKINNEY, 28th Dist.

SEN. CALIGIURI, 16th Dist.

SEN. CAPIELLO, 24th Dist.

SEN. DEBICELLA, 21st Dist.

SEN. FREEDMAN, 26th Dist.

SEN. GUGLIELMO, 35th Dist.

SEN. HERLIHY, 8th Dist.

SEN. KISSEL, 7th Dist.

SEN. NICKERSON, 36th Dist.

SEN. RORABACK, 30th Dist.

To: Subst. Senate Bill No. 167

File No. 560

Cal. No. 449

(As Amended)

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

1 Strike subsection (c) of section 6 in its entirety and substitute the
2 following in lieu thereof:

3 "(c) (1) The approval of a redevelopment plan [may] shall be given
4 by the legislative body. [or by such agency as it designates to act in its
5 behalf.] The plan shall be effective for a period of ten years after the
6 date of approval and may be amended in accordance with this section.
7 The legislative body shall review the plan at least once every ten years
8 after the initial approval, and shall reapprove such plan or an
9 amended plan at least once every ten years after the initial approval in

10 accordance with this section in order for the plan or amended plan to
11 remain in effect. With respect to a redevelopment plan for a project
12 that is funded in whole or in part by federal funds, the provisions of
13 this subdivision shall not apply to the extent that such provisions are
14 prohibited by federal law.

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

18 (3) Any owner of property located in the redevelopment area may
19 appeal the findings of the redevelopment agency made pursuant to
20 subdivision (6) of subsection (b) of this section. Such appeal shall be
21 filed in the superior court for the judicial district in which the
22 municipality is located. The appeal shall be commenced by service of
23 process not more than fifteen days from the date that notice of the
24 approval of the plan was published as required by this section. The
25 appeal shall be returned to the court in the same manner and within
26 the same period of time as prescribed for civil actions brought to that
27 court. Upon an appeal taken under this section, the burden of proof
28 shall be on the redevelopment agency to prove, by clear and
29 convincing evidence and based upon the evidence in the record
30 compiled before such agency, that the findings in the plan from which
31 such appeal is taken and the reasons cited for such findings are
32 supported by sufficient evidence on the record. If the redevelopment
33 agency does not satisfy the burden of proof under this section, the
34 court shall order the agency to wholly or partly revise, modify or
35 remand the findings from which the appeal was taken in a manner
36 consistent with the evidence in the record before it."

37 Strike subsection (d) of section 3 in its entirety and substitute the
38 following in lieu thereof:

39 "(d) (1) The implementing agency shall cause notice of the initial
40 approval of the plan to be published in a newspaper having general
41 circulation in the municipality.

42 (2) Any owner of property located in the project area may appeal
43 the findings of the agency made pursuant to subdivision (14) of
44 subsection (b) of this section. Such appeal shall be filed in the superior
45 court for the judicial district in which the municipality is located. The
46 appeal shall be commenced by service of process not more than fifteen
47 days from the date that notice of the approval of the plan was
48 published as required by this section. The appeal shall be returned to
49 the court in the same manner and within the same period of time as
50 prescribed for civil actions brought to that court. Upon an appeal taken
51 under this section, the burden of proof shall be on the implementing
52 agency to prove, by clear and convincing evidence and based upon the
53 evidence in the record compiled before such agency, that the findings
54 in the plan from which such appeal is taken and the reasons cited for
55 such findings are supported by sufficient evidence in the record. If the
56 implementing agency does not satisfy the burden of proof under this
57 section, the court shall order the agency to wholly or partly revise,
58 modify or remand the findings from which the appeal was taken in a
59 manner consistent with the evidence in the record before it."

60 Strike subsection (b) of section 10 in its entirety and substitute the
61 following in lieu thereof:

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

64 (2) The plan shall be effective for a period of ten years after the date
65 of approval and may be amended in accordance with this section. The
66 legislative body shall review the plan at least once every ten years after
67 the initial approval, and shall reapprove the plan or an amended plan
68 at least once every ten years after the initial approval in accordance
69 with this section in order for the plan or amended plan to remain in
70 effect. With respect to a development plan for a project that is funded
71 in whole or in part by federal funds, the provisions of this subdivision
72 shall not apply to the extent that such provisions are prohibited by
73 federal law.

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

77 (4) Any owner of property located in the project area may appeal
78 the findings of the agency made pursuant to subdivision (14) of
79 subsection (a) of this section. Such appeal shall be filed in the superior
80 court for the judicial district in which the municipality is located. The
81 appeal shall be commenced by service of process not more than fifteen
82 days from the date that notice of the approval of the plan was
83 published as required by this section. The appeal shall be returned to
84 the court in the same manner and within the same period of time as
85 prescribed for civil actions brought to that court. Upon an appeal taken
86 under this section, the burden of proof shall be on the development
87 agency to prove, by clear and convincing evidence and based upon the
88 evidence in the record compiled before such agency, that the findings
89 in the plan from which such appeal is taken and the reasons cited for
90 such findings are supported by sufficient evidence in the record. If the
91 development agency does not satisfy the burden of proof under this
92 section, the court shall order the agency to wholly or partly revise,
93 modify or remand the findings from which the appeal was taken in a
94 manner consistent with the evidence in the record before it."