



General Assembly

**Substitute Bill No. 5636**

February Session, 2008

\* \_\_\_\_\_ HB05636PD\_JUD031408 \_\_\_\_\_ \*

**AN ACT CONCERNING RELOCATION ASSISTANCE FOR DISPLACED  
RETAIL BUSINESSES AND COMPENSATION FOR OUTDOOR  
ADVERTISING STRUCTURES.**

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

1 Section 1. Section 8-268 of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) Whenever a program or project undertaken by a state agency or  
5 under the supervision of a state agency will result in the displacement  
6 of any person on or after July 6, 1971, the head of such state agency  
7 shall make payment to any displaced person, upon proper application  
8 as approved by such agency head, for (1) actual reasonable expenses in  
9 moving himself, his family, business, farm operation or other personal  
10 property, (2) actual direct losses of tangible personal property as a  
11 result of moving or discontinuing a business or farm operation, but not  
12 to exceed an amount equal to the reasonable expenses that would have  
13 been required to relocate such property, as determined by the state  
14 agency, and (3) actual reasonable expenses in searching for a  
15 replacement business or farm, provided, whenever any tenant in any  
16 dwelling unit is displaced as the result of the enforcement of any code  
17 to which this section is applicable by any town, city or borough or  
18 agency thereof, the landlord of such dwelling unit shall be liable for  
19 any payments made by such town, city or borough pursuant to this

20 section or by the state pursuant to subsection (b) of section 8-280, and  
21 the town, city or borough or the state may place a lien on any real  
22 property owned by such landlord to secure repayment to the town,  
23 city or borough or the state of such payments, which lien shall have the  
24 same priority as and shall be filed, enforced and discharged in the  
25 same manner as a lien for municipal taxes under chapter 205.

26 (b) Any displaced person eligible for payments under subsection (a)  
27 of this section who is displaced from a dwelling and who elects to  
28 accept the payments authorized by this subsection in lieu of the  
29 payments authorized by subsection (a) of this section may receive a  
30 moving expense allowance, determined according to a schedule  
31 established by the state agency, not to exceed three hundred dollars  
32 and a dislocation allowance of two hundred dollars.

33 (c) Any displaced person eligible for payments under subsection (a)  
34 of this section who is displaced from the person's place of business or  
35 from the person's farm operation and who elects to accept the payment  
36 authorized by this subsection in lieu of the payment authorized by  
37 subsection (a) of this section, may receive a fixed payment in an  
38 amount equal to the average annual net earnings of the business or  
39 farm operation, except that such payment shall not be less than two  
40 thousand five hundred dollars nor more than ten thousand dollars. In  
41 the case of a business no payment shall be made under this subsection  
42 unless the state agency is satisfied that the business (1) cannot be  
43 relocated without a substantial loss of its existing patronage, and (2) is  
44 not a part of a commercial enterprise having at least one other  
45 establishment not being acquired by the state, which is engaged in the  
46 same or similar business. For purposes of this subsection, "average  
47 annual net earnings" means one half of any net earnings of the  
48 business or farm operation, before federal, state and local income  
49 taxes, during the two taxable years immediately preceding the taxable  
50 year in which such business or farm operation moves from the real  
51 property acquired for such project, or during such other period as such  
52 agency determines to be more equitable for establishing such earnings,  
53 and includes any compensation paid by the business or farm operation

54 to the owner, the owner's spouse or the owner's dependents during  
55 such period.

56 (d) (1) Notwithstanding the provisions of this section, in the case of  
57 displacement of a person on or after October 1, 2007, because of  
58 acquisition of real property by a redevelopment agency pursuant to  
59 section 8-128 of the 2008 supplement to the general statutes, a  
60 development agency pursuant to section 8-193 of the 2008 supplement  
61 to the general statutes, or an implementing agency pursuant to section  
62 32-224 of the 2008 supplement to the general statutes, pursuant to a  
63 redevelopment plan approved under chapter 130 or a development  
64 plan approved under chapter 132 or 588l, the agency shall make  
65 relocation payments as provided under the federal Uniform Relocation  
66 Assistance and Real Property Acquisition Policies Act of 1970, 42 USC  
67 4601 et seq. and any subsequent amendments thereto and regulations  
68 promulgated thereunder if payments under said act and regulations  
69 would be greater than payments under this section and sections 8-269  
70 of the 2008 supplement to the general statutes and 8-270 of the 2008  
71 supplement to the general statutes.

72 (2) (A) In the case of acquisition of real property by a redevelopment  
73 agency pursuant to section 8-128 of the 2008 supplement to the general  
74 statutes, a development agency pursuant to section 8-193 of the 2008  
75 supplement to the general statutes, or an implementing agency  
76 pursuant to section 32-224 of the 2008 supplement to the general  
77 statutes, relocation payments with respect to a displaced retail  
78 business or an office shall be adjusted to reflect any increase or  
79 decrease in good will.

80 (B) As used in this subsection, (i) "good will" means the benefits that  
81 accrue to a retail business from its location, reputation for  
82 dependability, skill or quality and any other circumstances resulting in  
83 probable retention of old or acquisition of new patronage, (ii)  
84 "location" means traffic volume, visibility, and proximity to interstate  
85 highways, mass transportation, pedestrians and available surface  
86 parking, and (iii) "office" means the occupancy or use of a building for

87 the purpose of carrying out business or professional activities, except,  
88 retail trade and personal service, for customers or clients that may  
89 include walk-in customers or clients.

90 Sec. 2. Section 8-273a of the 2008 supplement to the general statutes  
91 is repealed and the following is substituted in lieu thereof (*Effective*  
92 *from passage*):

93 (a) Notwithstanding any other provisions of the general statutes, [to  
94 the contrary,] whenever the Commissioner of Transportation  
95 undertakes the acquisition of real property on a state or federally-  
96 funded project which results in any person being displaced from his  
97 home, business, or farm, the Commissioner of Transportation is hereby  
98 authorized to provide relocation assistance and to make relocation  
99 payments to such displaced persons and to do such other acts and  
100 follow procedures and practices as may be necessary to comply with  
101 or to provide the same relocation assistance and relocation payments  
102 as provided under the federal Uniform Relocation Assistance and Real  
103 Property Acquisition Policies Act of 1970, 42 USC 4601 et seq. and any  
104 subsequent amendments thereto and regulations promulgated  
105 thereunder.

106 (b) (1) Whenever the Commissioner of Transportation acquires an  
107 outdoor advertising structure or a lease of an outdoor advertising  
108 structure is terminated as part of a condemnation proceeding under  
109 any provisions of the general statutes, the amount of compensation to  
110 the owner of the outdoor advertising structure shall [include either (A)  
111 payment for relocation costs incurred by such owner, or (B) the  
112 amount] be determined in accordance with subdivision (2) or (3) of this  
113 subsection. For purposes of this section, an outdoor advertising  
114 structure shall be construed to be real property and the fair market  
115 value of the outdoor advertising structure shall be determined by the  
116 income capitalization method.

117 (2) If the owner (A) is able to obtain, within one year of acquisition  
118 by the commissioner or any additional period to which the owner and

119 the commissioner both consent, all state and local permits necessary  
120 for relocation of the outdoor advertising structure to another site in the  
121 Standard Metropolitan Statistical Area, as designated in the federal  
122 census, in which the outdoor advertising structure is located, and (B)  
123 such site was not previously offered for sale or lease to the owner of  
124 the outdoor advertising structure, then the commissioner shall pay to  
125 the owner the replacement cost of the outdoor advertising structure,  
126 plus the fair market value of such outdoor advertising structure less  
127 the fair market value of the outdoor advertising structure at the new  
128 site.

129 (3) If the owner (A) is unable to obtain, within one year of  
130 acquisition by the commissioner or any additional period to which the  
131 owner and the commissioner both consent, all state and local permits  
132 necessary for relocation to another site in the same Standard  
133 Metropolitan Statistical Area, as designated in the federal census in  
134 which the outdoor advertising structure is located, or (B) such site was  
135 previously offered for sale or lease to the owner of the outdoor  
136 advertising structure, the commissioner shall pay the fair market value  
137 of the outdoor advertising structure the commissioner has acquired.  
138 The owner shall provide to the commissioner written documentation  
139 sufficient to establish that all state and local necessary permits cannot  
140 be obtained for relocation within one year of acquisition or any  
141 additional period to which the owner and the commissioner both  
142 consent or that the only available relocation sites have been previously  
143 offered for sale or lease to the owner.

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

147 (5) The provisions of this subsection shall not be construed to  
148 authorize any action that is found to violate the provisions of 23 USC  
149 131 or 23 CFR 750 or the terms of an agreement entered into by the  
150 Commissioner of Transportation with the Secretary of Commerce  
151 pursuant to subsection (b) of section 13a-123.

152 Sec. 3. Section 8-13a of the general statutes is repealed and the  
153 following is substituted in lieu thereof (*Effective October 1, 2008*):

154 (a) When a building is so situated on a lot that it violates a zoning  
155 regulation of a municipality which prescribes the location of such a  
156 building in relation to the boundaries of the lot or when a building is  
157 situated on a lot that violates a zoning regulation of a municipality  
158 which prescribes the minimum area of the lot, and when such building  
159 has been so situated for three years without the institution of an action  
160 to enforce such regulation, such building shall be deemed a  
161 nonconforming building in relation to such boundaries or to the area  
162 of such lot, as the case may be.

163 (b) When a use of land or building (1) is on a parcel that is fifteen or  
164 more acres, (2) is included in industry numbers 1795, 2951, 3272 or  
165 4953 of the Standard Industrial Classification Manual, United States  
166 Office of Management and Budget, 1987 edition, (3) is not permitted by  
167 the zoning regulations of a municipality, (4) has been established and  
168 continued in reasonable reliance on the actions of the municipality,  
169 and (5) has been in existence for twenty years prior to July 8, 1997,  
170 without the institution of court action to enforce the regulations  
171 regarding the use, such use shall be deemed a legally existing  
172 nonconforming use and may be continued. Nothing in this subsection  
173 shall be construed to exempt such use from the requirements of the  
174 general statutes or of any other municipal ordinance.

175 (c) The zoning commission shall not require the removal or  
176 alteration of a nonconforming structure as a condition for the issuance  
177 or continuation of zoning approval unless such removal or alteration is  
178 necessary to achieve the development or redevelopment of the  
179 property on which the structure is located in accordance with a  
180 redevelopment plan approved under chapter 130 or a development  
181 plan approved under chapter 132.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	8-268
Sec. 2	<i>from passage</i>	8-273a
Sec. 3	<i>October 1, 2008</i>	8-13a

**PD**

*Joint Favorable Subst. C/R*

JUD