AN ACT PROHIBITING THE USE OF EMINENT DOMAIN FOR CERTAIN COMMERCIAL PURPOSES.

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

Section 1. Subdivision (1) of subsection (a) of section 8-127a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to property acquired on or after October 1, 2019):

(a) (1) No real property may be acquired by a redevelopment agency by eminent domain pursuant to section 8-128 under a redevelopment plan under this chapter for the primary purpose of increasing local tax revenue or for any purpose that produces income from such real property for a private entity.

Sec. 2. Subdivision (3) of section 8-125 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to property acquired on or after October 1, 2019):

(3) A "redevelopment plan" means a plan that includes: (A) (i) A description of the redevelopment area and the condition, type and use of the structures therein, and (ii) specification of each parcel proposed to be acquired, including parcels to be acquired by eminent domain; (B) the location and extent of the land uses, other than for any purpose that produces income from any such parcel acquired by eminent domain for a private entity, proposed for and within the
redevelopment area, such as housing, recreation, business, industry, schools, civic activities, open spaces or other categories of public and private uses; (C) the location and extent of streets and other public utilities, facilities and works within the redevelopment area; (D) schedules showing the number of families displaced by the proposed improvement, the method of temporary relocation of such families and the availability of sufficient suitable living accommodations at prices and rentals within the financial reach of such families and located within a reasonable distance of the area from which such families are displaced; (E) present and proposed zoning regulations in the redevelopment area; (F) a description of how the redevelopment area is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community; and (G) any other detail including financial aspects of redevelopment which, in the judgment of the redevelopment agency authorized herein, is necessary to give it adequate information;

Sec. 3. Subsection (b) of section 8-127 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(b) Before approving any redevelopment plan, the redevelopment agency shall hold a public hearing on the plan, notice of which shall be published at least twice in a newspaper of general circulation in the municipality, the first publication of notice to be not less than two weeks before the date set for the hearing. At least thirty-five days prior to any public hearing, the redevelopment agency shall post the plan on the Internet web site of the redevelopment agency, if any. The redevelopment agency may approve any such redevelopment plan if, following such hearing, it finds that: (1) The area in which the proposed redevelopment is to be located is a redevelopment area; (2) the carrying out of the redevelopment plan will result in materially improving conditions in such area; (3) sufficient living accommodations are available within a reasonable distance of such area or are provided for in the redevelopment plan for families
displaced by the proposed improvement, at prices or rentals within the financial reach of such families; (4) the redevelopment plan is satisfactory as to site planning, relation to the plan of conservation and development of the municipality adopted under section 8-23 and, except when the redevelopment agency has prepared the redevelopment plan, the construction and financial ability of the redeveloper to carry it out; (5) the planning agency has issued a written opinion in accordance with subsection (a) of this section that the redevelopment plan is consistent with the plan of conservation and development of the municipality adopted under section 8-23; and (6) (A) public benefits resulting from the redevelopment plan will outweigh any private benefits; (B) existing use of the real property cannot be feasibly integrated into the overall redevelopment plan for the project; (C) acquisition by eminent domain is reasonably necessary to successfully achieve the objectives of such redevelopment plan; and (D) the redevelopment plan is not for the primary purpose of increasing local tax revenues or for any purpose that produces income from such real property for a private entity. No redevelopment plan for a project that consists predominantly of residential facilities shall be approved by the redevelopment agency in any municipality having a housing authority organized under the provisions of chapter 128 except with the approval of such housing authority.

Sec. 4. Subdivision (1) of subsection (b) of section 8-193 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to property acquired on or after October 1, 2019):

(b) (1) The development agency may, with the approval of the legislative body in accordance with this subsection, and in the name of the municipality, acquire by eminent domain real property located within the project area and real property and interests therein for rights-of-way and other easements to and from the project area, in the same manner that a redevelopment agency may acquire real property under sections 8-128 to 8-133, inclusive, as if said sections specifically
applied to development agencies, except that no real property may be
acquired by eminent domain pursuant to this subsection for the
primary purpose of increasing local tax revenue or for any purpose
that produces income from such real property for a private entity.

Sec. 5. Section 8-187 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2019, and
applicable to property acquired on or after October 1, 2019):

As used in this chapter, (1) "municipality" means a town, city,
consolidated town and city or consolidated town and borough; (2)
"legislative body" means (A) the board of selectmen in a town that
does not have a charter, special act or home rule ordinance relating to
its government or (B) the council, board of aldermen, representative
town meeting, board of selectmen or other elected legislative body
described in a charter, special act or home rule ordinance relating to
government in a city, consolidated town and city, consolidated town
and borough or a town having a charter, special act, consolidation
ordinance or home rule ordinance relating to its government; (3)
"development agency" means the agency designated by a municipality
under section 8-188 through which the municipality may exercise the
powers granted under this chapter; (4) "development project" means a
project conducted by a municipality for the assembly, improvement
and disposition of land or buildings or both to be used principally for
industrial or business purposes and includes vacated commercial
plants; (5) "vacated commercial plants" means buildings formerly used
principally for business or industrial purposes of which more than fifty
per cent of the usable floor space is, or which it is anticipated, within
eighteen months, shall be, unused or substantially underutilized; (6)
"project area" means the area within which the development project is
located; (7) "commissioner" means the Commissioner of Economic and
Community Development; (8) "planning commission" means the
planning and zoning commission designated pursuant to section 8-4a
or the planning commission created pursuant to section 8-19; (9) "real
property" means land, subterranean or subsurface rights, structures,
any and all easements, air rights and franchises and every estate, right
or interest therein; and (10) "business purpose" includes, but is not
limited to, any commercial, financial or retail enterprise, including any enterprise which promotes tourism, but excludes
any property that produces income for a private entity.

Sec. 6. Subsection (a) of section 8-189 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019, and applicable to property acquired on or after October 1,
2019):

(a) The development agency may initiate a development project by
preparing a project plan in accordance with regulations adopted by the
commissioner pursuant to section 8-198. The project plan shall meet an
identified public need and include: (1) A legal description of the land
within the project area; (2) a description of the present condition and
uses of such land or building; (3) a description of the process utilized
by the agency to prepare the plan and a description of alternative
approaches considered to achieve project objectives; (4) a description
of the types and locations of land uses or building uses proposed for
the project area; (5) a description of the types and locations of present
and proposed streets, sidewalks and sanitary, utility and other
facilities and the types and locations of other proposed site
improvements; (6) statements of the present and proposed zoning
classification and subdivision status of the project area and the areas
adjacent to the project area; (7) a plan for relocating project-area
occupants; (8) a financing plan; (9) an administrative plan; (10) a
marketability and proposed land-use study or building use study if
required by the commissioner; (11) appraisal reports and title searches;
(12) a description of the public benefits of the project including, but not
limited to, (A) the number of jobs which the development agency
anticipates would be created by the project; (B) the estimated property
tax benefits; (C) the number and types of existing housing units in the
municipality in which the project would be located, and in contiguous
municipalities, which would be available to employees filling such
jobs; (D) a general description of infrastructure improvements, including public access, facilities or use, that the development agency anticipates may be needed to implement the development plan; (E) a general description of the development agency's goals for blight remediation or, if known, environmental remediation; (F) a general description of any aesthetic improvements that the development agency anticipates may be generated by the project; (G) a general description of the project's intended role in increasing or sustaining market value of land in the municipality; (H) a general description of the project's intended role in assisting residents of the municipality to improve their standard of living; and (I) a general statement of the project's role in maintaining or enhancing the competitiveness of the municipality; (13) findings that (A) the land and buildings within the project area will be used principally for industrial or business purposes; (B) the plan is in accordance with the plan of conservation and development for the municipality adopted by its planning commission under section 8-23, and the plan of development of the regional council of governments adopted under section 8-35a, if any, for the region within which the municipality is located; (C) the plan was prepared giving due consideration to the state plan of conservation and development adopted under chapter 297 and any other state-wide planning program objectives of the state or state agencies as coordinated by the Secretary of the Office of Policy and Management; and (D) the project will contribute to the economic welfare of the municipality and the state; and that to carry out and administer the project, public action under this chapter is required; and (14) a preliminary statement describing the proposed process for acquiring each parcel of real property, including findings that (A) public benefits resulting from the development plan will outweigh any private benefits; (B) existing use of the real property cannot be feasibly integrated into the overall development plan for the project; (C) acquisition by eminent domain is reasonably necessary to successfully achieve the objectives of such development plan; and (D) the development plan is not for the primary purpose of increasing local.
tax revenues or for any purpose that produces income from such real property for a private entity. Any plan that has been prepared by a redevelopment agency under chapter 130 may be submitted by the development agency to the legislative body and to the commissioner for approval in lieu of a plan initiated and prepared in accordance with this section, provided all other requirements of this chapter for obtaining the approval of the commissioner of the project plan are satisfied.

Sec. 7. Subdivision (1) of subsection (i) of section 32-224 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to property acquired on or after October 1, 2019):

(i) (1) The implementing agency may, with the approval of the legislative body of the municipality, and in the name of the municipality, condemn in accordance with section 8-128 to 8-133, inclusive, any real property necessary or appropriate for the project as identified in the development plan, including real property and interests in land for rights-of-way and other easements to and from the project area, except that no real property may be condemned pursuant to this subsection for the primary purpose of increasing local tax revenue or for any purpose that produces income from such real property for a private entity.

Sec. 8. Subsection (a) of section 32-222 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to property acquired on or after October 1, 2019):

(a) "Business development project" means a project undertaken by an eligible applicant involving one or more of the following:

(1) The construction, substantial renovation, improvement or expansion of a facility;
217 (2) The acquisition of new machinery and equipment;

218 (3) The acquisition, other than by condemnation for any purpose
219 that produces income for a private entity, improvement, demolition,
220 cultivation or disposition of real property, or combinations thereof, or
221 the remediation of contaminated real property;

222 (4) The creation at a facility, within twenty-four months of the
223 initiation of a hiring program, not less than ten new jobs or an increase
224 in the number of persons employed at the facility of twenty per cent,
225 whichever is greater;

226 (5) Economic diversification of the economy of an area of the state or
227 manufacturing or other economic base business where such area or
228 business is substantially reliant upon defense and related industry;

229 (6) Participation in the avoidance of an imminent plant closing or
230 relocation by a manufacturing or other economic base business or
231 assist or improve the economy of an area of the state which has been or
232 is likely to be significantly and adversely impacted by one or more
233 major plant closings or relocations;

234 (7) Support research and development or commercialization of
235 technologies, products, processes or techniques of a manufacturing or
236 other economic base business;

237 (8) Creation or support of organizations and activities specifically
238 leveraging federal resources that provide technical and engineering
239 assistance to small manufacturers or other economic base businesses to
240 assist them with the design, testing, manufacture and marketing of
241 new products, the exporting of state products and services, and the
242 instruction and implementation of new techniques and technologies;

243 (9) Support of substantial workforce development efforts;

244 (10) Promotion of community conservation or development or
245 improvement of the quality of life for urban residents of the state;
(11) Promotion of the revitalization of underutilized, state-owned former railroad depots and areas adjacent to such depots; or

(12) Promotion of export activities, including sponsorship of programs that support exportation, assistance to companies in accessing federal Department of Commerce services, and provision of marketing materials and web site improvements for exporters;

Sec. 9. Subsection (b) of section 32-224 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019, and applicable to property acquired on or after October 1, 2019):

(b) The implementing agency may initiate a municipal development project by preparing and submitting a development plan to the commissioner. Such plan shall meet an identified public need and include: (1) A legal description of the real property within the boundaries of the project area; (2) a description of the present condition and uses of such real property; (3) a description of the process utilized by the agency to prepare the plan and a description of alternative approaches considered to achieve project objectives; (4) a description of the types and locations of land uses or building uses proposed for the project area; (5) a description of the types and locations of present and proposed streets, sidewalks and sanitary, utility and other facilities and the types and locations of other proposed project improvements; (6) statements of the present and proposed zoning classification and subdivision status of the project area and the areas adjacent to the project area; (7) a plan for relocating project area occupants; (8) a financing plan; (9) an administrative plan; (10) an environmental analysis, marketability and proposed land use study, or building use study if required by the commissioner; (11) appraisal reports and title searches if required by the commissioner; (12) a description of the public benefit of the project, including, but not limited to, (A) the number of jobs which the implementing agency anticipates would be created or retained by the project, (B) the
estimated property tax benefits, (C) the number and types of existing
housing units in the municipality in which the project would be
located, and in contiguous municipalities, which would be available to
employees filling such jobs, (D) a general description of infrastructure
improvements, including public access, facilities or use, that the
implementing agency anticipates may be needed to implement the
development plan, (E) a general description of the implementing
agency's goals for blight remediation or, if known, environmental
remediation, (F) a general description of any aesthetic improvements
that the implementing agency anticipates may be generated by the
project, (G) a general description of the project's intended role in
increasing or sustaining market value of land in the municipality, (H) a
general description of the project's intended role in assisting residents
of the municipality to improve their standard of living, and (I) a
general statement of the project's role in maintaining or enhancing the
competitiveness of the municipality; (13) a finding that (A) the land
and buildings within the boundaries of the project area will be used
principally for manufacturing or other economic base business
purposes or business support services; (B) the plan is in accordance
with the plan of conservation and development for the municipality, if
any, adopted by its planning commission under section 8-23, and the
plan of development of the regional council of governments adopted
under section 8-35a, if any, for the region within which the
municipality is located; (C) the plan was prepared giving due
consideration to the state plan of conservation and development
adopted under chapter 297 and other state-wide planning program
objectives of the state or state agencies as coordinated by the Secretary
of the Office of Policy and Management; and (D) the project will
contribute to the economic welfare of the municipality and the state
and that to carry out and administer the project, public action under
sections 32-220 to 32-234, inclusive, is required; and (14) a preliminary
statement describing the proposed process for acquiring each parcel of
real property, including findings that (A) public benefits resulting
from the plan will outweigh any private benefits; (B) existing use of the
real property cannot be feasibly integrated into the overall plan for the
project; (C) acquisition by eminent domain is reasonably necessary to
successfully achieve the objectives of such plan; and (D) the plan is not
for the primary purpose of increasing local tax revenues or for any
purpose that produces income from such parcel for a private entity.
The provisions of this subsection with respect to submission of a
development plan to and approval by the commissioner and with
respect to a finding that the plan was prepared giving due
consideration to the state plan of conservation and development and
state-wide planning program objectives of the state or its agencies shall
not apply to a project for which no financial assistance has been given
and no application for financial assistance is to be made under section
32-223. Any plan that has been prepared under chapters 130, 132 or
588a may be submitted by the implementing agency to the legislative
body of the municipality and to the commissioner in lieu of a plan
initiated and prepared in accordance with this section, provided all
other requirements of sections 32-220 to 32-234, inclusive, for obtaining
the approval of the commissioner of the development plan are
satisfied. Any action taken in connection with the preparation and
adoption of such plan shall be deemed effective to the extent such
action satisfies the requirements of said sections.

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