

(NEW) Sec. 8-127(d) Reason. Designation of Blighted. Right of Private Property Owner to Dispute Designation

(1) When a redevelopment agency creates a redevelopment plan or when a redeveloper presents a redevelopment plan to a redevelopment agency for study, the specification of privately owned properties to be acquired in such redevelopment plan, including parcels to be acquired by eminent domain, has the potential to stigmatize the redevelopment area and the privately owned properties, particularly non-blighted properties, located therein, resulting in loss of value. Prior to initiation of negotiations by the redevelopment agency or its designee to acquire private property, the title owner of such property shall be provided an opportunity to contest administratively the inclusion of the property in the redevelopment area and the designation of the area and the property as blighted or slum.

(2) Whenever a redevelopment agency submits a redevelopment plan to the planning agency of the municipality, in addition to the requirements set forth in subsections (a) and (b) of this section, the redevelopment agency shall specify real properties in the proposed redevelopment area that are deteriorated or deteriorating as defined in Sec. 8-125(7) or otherwise substandard or detrimental to the public health, safety, morals or welfare of the citizens of the municipality. For purposes of this subsection (d) any area so described in the plan shall be deemed a “designated blighted area” and any privately owned real property so specified in the plan shall be deemed “designated blighted property.” Whenever the redevelopment agency identifies a designated blighted area or specifies one or more designated blighted properties in such an area, within fifteen (15) days of submitting the redevelopment plan to the planning agency, the redevelopment agency shall notify title owners of all privately owned real property located in such area or areas described in the redevelopment plan, by mailing a notice to each title owner at such title owner’s last known mailing address. The notice shall

contain a description of the location of the designated blighted area and a list of deficiencies that pertain to the area and to the privately owned property of the title owner. Included with the notification shall be a response form which the title owner of such private property may use to request an agency review by signing and returning the form to the redevelopment agency. The purpose of the agency review is to dispute the inclusion of such area or areas or such privately owned property in the plan. The redevelopment agency shall schedule a meeting within a reasonable amount of time but not later than ninety (90) days from receipt of the request for agency review. The agency review shall be held at the office of the redevelopment agency or at the property or other mutually convenient location in the municipality. Three members, at least two of whom are public representatives and not employees of the agency, known as the reviewing panel, shall review the plan, particularly the inclusion of the area and the title owner's property, and make findings and recommendations to the agency, in writing, together with copies of all written documentation, photographs and other information submitted by the private property owner, known as the report, which report shall be presented to the redevelopment agency at a regular or specially called meeting. The redevelopment agency shall consider the report and vote to accept, reject or modify the report and, in its sole discretion, may alter the boundaries of the area or remove any privately owned property in the area from the redevelopment plan. The title owner may be represented by counsel at the agency review and may present information concerning the redevelopment plan including but not limited to the condition of the area and of privately owned real property in the area and other information such as written opinions of real estate, planning, appraisal and other experts. The reviewing panel shall, with the title owner's permission, make an on site inspection of the privately owned real property. The vote of the redevelopment agency and a copy of the minutes of the meeting at which the agency votes to accept, reject or modify the recommendations of the reviewing panel shall be mailed to the title owner. If the title owner is not

satisfied with the determination of the redevelopment agency, the title owner may within thirty (30) days of receipt of such agency determination request, in writing, the legislative body of the municipality to review the redevelopment agency's determination. The legislative body of the municipality shall review the redevelopment plan, the recommendations of the reviewing panel and the decision of the redevelopment agency and by vote of a majority of its members accept, reject or modify the determination of the redevelopment agency. When the legislative body of a municipality is a town meeting or a representative town meeting, the board of selectmen of such municipality shall act as the legislative body. All required notices by the redevelopment agency shall be sent to the title owner certified, postage prepaid, return receipt requested, with a copy sent by regular mail, postage prepaid, to counsel of record of the title owner.

(3) No municipality may acquire real property by eminent domain which is the subject of a pending agency review until such agency review and the vote of the legislative body of the municipality, if requested by the title owner, has occurred. Notwithstanding anything to the contrary stated above in subsections (1) and (2), nothing in this subsection (d) is intended to restrain, reduce, modify or affect adversely in any material way the right of an owner-occupant under Sec. 8-127a(a)(4) to seek to enjoin the acquisition of such owner's property or the right of any owner of real property under applicable law, federal or state, to seek to enjoin or otherwise contest judicially the taking of such property by eminent domain. A municipality may not defend against a title owner's claim for injunctive relief or other legal or equitable remedy in an action contesting the constitutionality or statutory validity of the condemning agency's use of eminent domain by pleading, either generally or specially, title owner's exercise of rights provided for in this subsection (d) or any statements made or information presented by or on behalf of the title owner hereunder.