

Office of Ombudsman for Property Rights

Annual Report 2007 - 2008

Robert S. Poliner, Ombudsman for Property Rights

Established – 2007

Statutory Authority – CGS Sec. 48-50 et seq.

Central Office – 450 Capitol Avenue, Hartford, CT 06106

Number of Employees – 2

Recurring Operating Expenses - \$205,224

Organizational structure – Ombudsman and Executive Secretary

Website – www.ct.gov/pro

Email address – pro.ombud@ct.gov

Mission

The Office of Ombudsman for Property Rights assists private property owners and public agencies in understanding and applying the law in matters concerning eminent domain and relocation assistance, including mediation.

Statutory Responsibility

The Office of Ombudsman for Property Rights:

(1) Develops and maintains expertise in, and understanding of, the (A) provisions of the federal and state constitutions governing the taking of private property and provisions of state law authorizing a public agency to take private property, and (B) case law interpreting such provisions; (2) Assists public agencies in applying constitutional and statutory provisions concerning eminent domain and in analyzing actions that have potential eminent domain implications; (3) Provides assistance to private property owners concerning eminent domain powers and procedures; (4) Identifies state or local governmental actions that have potential eminent domain implications and, provides advice to public agencies about such implications; (5) Provides information to private citizens, civic groups and other interested parties about eminent domain law and their rights with respect to eminent domain; (6) Mediates disputes between private property owners and public agencies concerning the use of eminent domain or related relocation assistance; and (7) Recommends to the General Assembly changes to the general statutes related to eminent domain powers and procedures.

Public Service

The Office of Ombudsman for Property Rights helps private property owners whose property may be taken by a public agency for a public use or tenants occupying such properties by: answering their questions, facilitating communication with the taking agency's officials and employees, understanding the law and when possible bringing about resolution of disputes between public agencies and private property owners and their tenants. Another important service is informing and educating the public including

elected and appointed officials of the importance of property rights and publicizing the message that the rights of property owners are constitutionally protected and that eminent domain should be used only as a last resort to carry out legitimate public uses.

Improvements/Achievements 2007-08

Organization of the Office – The Ombudsman with the assistance of one staff person has organized the Office to carry out the directives of the law establishing the Office of Ombudsman for Property Rights. Importantly, the Ombudsman has written mediation regulations and informational materials that can be viewed on the office’s website and has communicated regularly with the legislature, governor and all of the elected municipal chief executives and city and town managers. Rapid Response - The Office of Ombudsman responds to telephone and email communications as quickly as possible, most times on the same day or within 24 hours. For those who call with issues not within the Office’s principal jurisdiction, help is provided to connect the caller to the agency or person most likely to provide assistance. Newsletter - An electronic newsletter is sent each month to all of the legislators and the governor concerning eminent domain and other related issues. These newsletters are posted on the Office’s website under the heading “Newsletters.” Goodwill Study – The legislature requested the Ombudsman to study the feasibility of calculating goodwill for businesses displaced by eminent domain. The Ombudsman established a committee of qualified and experienced experts representing both public and private sectors. The report can be viewed on the Office’s website under the heading “Goodwill Study.” Mediation – The Ombudsman mediates disputes concerning just compensation and relocation assistance. Several disputes, including matters involving relocation assistance for displaced businesses, were resolved and many more are in process of negotiation or settlement. The object of mediation is to reach a fair settlement acceptable to both sides of the dispute and to avoid litigation. Educational Outreach – The Ombudsman is available to speak to civic and professional groups and to meet with representatives of state and municipal agencies to further understanding of eminent domain law. The Ombudsman has been a featured speaker at Connecticut and American Bar Association seminars. Budget Control – The legislature appropriated sums for the Office for budget years ending June 30, 2007 and 2008 totaling \$406,961. The Office began its operations in June 2007. Returned to the general fund on June 30, 2008 was the unused portion of the budgeted sums in the amount of \$258,271.

Goals 2009

The Office of Ombudsman for Property Rights will endeavor to provide: continuation of rapid response to citizens and public agencies seeking assistance; more mediation services; under new statutory authority, reviews of statements of compensation in Superior Court; a monthly newsletter; continuation of educational outreach programming; and, recommendations for changes to the general statutes that provide fairer treatment to property owners whose properties are potentially the subject of takings especially as a result of redevelopment and economic development projects.