

**Office of Ombudsman for Property Rights
Annual Report 2008 - 2009**

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

Budgeted Amount - \$214,667

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 (the “Office”) 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 helps private property owners whose property is taken by a public agency for a public use and tenants occupying such properties by: answering their questions, facilitating communication with the taking agency's officials and employees, understanding the law and mediating disputes between public agencies and private property owners and their tenants. The Office also assists public agencies in applying constitutional provisions and understanding the implications of their actions. Property owners and agencies in over half of Connecticut's municipalities have asked for and received assistance. Another important service is educational outreach, that is, informing and educating the public, elected and appointed officials and the legal community of the importance of property rights and that eminent domain should be used only as a last resort to carry out legitimate public uses.

Improvements/Achievements 2008-09

Organization of the Office – The Ombudsman with the assistance of one staff person has organized the Office and performed the duties in accordance with the directives of the law (P.A. No. 06-187, Sec. 3) establishing the Office of Ombudsman for Property Rights. Mediation regulations were adopted and approved and can be read at Sec.48-52-1 through Sec. 48-52-6 of the Regulations of State Agencies. Additional informational materials were published. The regulations and informational materials can be viewed on the Office's website under the heading Mediation. The Ombudsman communicates regularly with the legislature, governor and elected and appointed municipal chief executive officials. 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 the governor, all of the legislators and all chief elected and appointed municipal officials concerning eminent domain and other related issues. These newsletters are posted on the Office's website under the heading "Newsletters." Mediation – The Ombudsman mediates disputes concerning just compensation and relocation assistance. Disputes between public agencies and private property owners including disputes involving relocation assistance for displaced businesses were settled and many more are in the process of negotiation. The object of mediation is to resolve disputes related to public agency use of eminent domain and avoid litigation. Educational Outreach – The Ombudsman is available to speak to civic, professional and educational groups about issues related to eminent domain law. The Ombudsman has been a featured speaker at Connecticut and American Bar Association seminars, at the annual commercial real estate conference of UConn School of Business and at other educational and civic events. Budget Control – The legislature appropriated sums for the Office for budget year ending June 30, 2009 in the amount of \$214,667. Returned to the general fund on June 30, 2009 was \$57,455. The Office began its operations in June 2007. Total amount returned to the general fund through June 30, 2009 is \$315,726.

Goals 2010

The Office of Ombudsman for Property Rights goals are: to continue to provide high quality services to the public and public agencies seeking the assistance of the Office in the form of rapid response, mediation services, under new statutory authority, reviews of statements of compensation in Superior Court, monthly newsletters, educational outreach programming, and recommendations for changes to the general statutes concerning eminent domain, relocation assistance and regulatory takings.