

House Republican Press Release

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A VIEW FROM THE INSIDE **State Representative Ruth Fahrbach**



Legislature takes action on eminent domain reform

Kelo v. New London, the landmark legal case that sparked a nationwide debate on the use of eminent domain for economic development purposes, happened right here in Connecticut. Ultimately, the United States Supreme Court ruled 5-4 in 2005 that the taking of private land in New London for economic development was justified. Now, two years after the ruling, the General Assembly has passed legislation to try and limit such property seizures as much as possible in the future.

In the final days of the recent legislative session, a bill that prohibits taking property by eminent domain for the primary purpose of raising tax revenues was passed. The new law requires the town legislative body to approve any proposed taking of private land by a two-thirds majority vote, and bases compensation for a piece of land on 125 percent of the value of two independent appraisals. The law also lays out other provisions to help protect private land owners.

Other provisions in the new law include:

- Right of first refusal to the owners of the property slated to be taken if the land is not used for the intended use or another public purpose.
- Agencies must include expanded research and analysis before justifying an eminent domain seizure.

Tacked on to the eminent domain bill is a new section, which has come under some scrutiny recently; a provision to better compensate billboard owners when transportation projects

require the removal of billboards. The Federal Highway Administration has issued a warning to the state that Connecticut could lose federal highway funding because of the billboard provision. That will likely be a factor when the governor makes a decision on whether she will sign the bill into law.

During the three-hour debate on the bill in the House of Representatives, some legislators stated that they believe the bill does not go far enough to protect private landowners' property and homes. An amendment that would have provided even greater protections to private, owner-occupied dwellings was narrowly defeated by a 72-67 vote.

While S.B. 167 is not a perfect bill (few bills in the legislature are), it is about time the General Assembly took a step toward addressing a national issue which originated right here in Connecticut. If you have any questions or comments regarding eminent domain, please contact my office at 240-8700.

Rep. Ruth Fahrback represents the 61st District, including Suffield, and parts of Windsor and East Granby, in the General Assembly.