



General Assembly

January Session, 2019

Raised Bill No. 7318

LCO No. 5295



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING REVISIONS TO THE UNIFORM RELOCATION ASSISTANCE ACT.

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

1 Section 1. Section 8-268 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) Whenever a program or project undertaken by a state agency or
4 under the supervision of a state agency will result in the permanent
5 displacement of any person on or after [July 6, 1971] the effective date
6 of this section, the head of such state agency shall make payment to
7 any displaced person, upon proper application as approved by such
8 agency head, for (1) actual reasonable expenses in moving [himself, his
9 family,] such person and such person's family and such person's
10 business, farm operation or other personal property, (2) actual direct
11 losses of tangible personal property as a result of moving or
12 discontinuing a business or farm operation, but not to exceed an
13 amount equal to the reasonable expenses that would have been
14 required to relocate such property, as determined by the state agency,
15 and (3) actual reasonable expenses in searching for a replacement

16 business or farm, provided, whenever any tenant in any dwelling unit
17 is so displaced as the result of the enforcement of any code to which
18 this section is applicable by any town, city or borough or agency
19 thereof, the landlord of such dwelling unit shall be liable for any
20 payments made by such town, city or borough pursuant to this section
21 or by the state pursuant to subsection (b) of section 8-280, and the
22 town, city or borough or the state may place a lien on any real property
23 owned by such landlord to secure repayment to the town, city or
24 borough or the state of such payments, which lien shall have the same
25 priority as and shall be filed, enforced and discharged in the same
26 manner as a lien for municipal taxes under chapter 205.

27 (b) Notwithstanding the provisions of subsection (a) of this section,
28 whenever any tenant in any dwelling unit is displaced for a period of
29 not more than thirty days as the result of the enforcement of any code
30 to which this section is applicable by any town, city or borough or
31 agency thereof, such town, city or borough or agency shall make
32 payment to such tenant, upon proper application as approved by the
33 chief executive officer of such town, city or borough or agency head,
34 for actual reasonable expenses for alternative temporary housing
35 during the period of such displacement, provided such period shall
36 not exceed thirty days. The landlord of such dwelling unit shall be
37 liable for any payments made by such town, city or borough or agency
38 pursuant to this subsection, and the town, city or borough may place a
39 lien on any real property owned by such landlord to secure repayment
40 to the town, city or borough or agency, which lien shall have the same
41 priority as and shall be filed, enforced and discharged in the same
42 manner as a lien for municipal taxes under chapter 205.

43 [(b)] (c) Any displaced person eligible for payments under
44 subsection (a) of this section who is displaced from a dwelling and
45 who elects to accept the payments authorized by this subsection in lieu
46 of the payments authorized by subsection (a) of this section may
47 receive a moving expense allowance, determined according to a
48 schedule established by the state agency, not to exceed three hundred
49 dollars and a dislocation allowance of two hundred dollars.

50 ~~[(c)]~~ (d) Any displaced person eligible for payments under
51 subsection (a) of this section who is displaced from the person's place
52 of business or from the person's farm operation and who elects to
53 accept the payment authorized by this subsection in lieu of the
54 payment authorized by subsection (a) of this section, may receive a
55 fixed payment in an amount equal to the average annual net earnings
56 of the business or farm operation, except that such payment shall not
57 be less than two thousand five hundred dollars nor more than ten
58 thousand dollars. In the case of a business no payment shall be made
59 under this subsection unless the state agency is satisfied that the
60 business (1) cannot be relocated without a substantial loss of its
61 existing patronage, and (2) is not a part of a commercial enterprise
62 having at least one other establishment not being acquired by the state,
63 which is engaged in the same or similar business. For purposes of this
64 subsection, "average annual net earnings" means one half of any net
65 earnings of the business or farm operation, before federal, state and
66 local income taxes, during the two taxable years immediately
67 preceding the taxable year in which such business or farm operation
68 moves from the real property acquired for such project, or during such
69 other period as such agency determines to be more equitable for
70 establishing such earnings, and includes any compensation paid by the
71 business or farm operation to the owner, the owner's spouse or the
72 owner's dependents during such period.

73 ~~[(d)]~~ (e) Notwithstanding the provisions of this section, in the case
74 of displacement of a person on or after October 1, 2007, because of
75 acquisition of real property by a redevelopment agency pursuant to
76 section 8-128, a development agency pursuant to section 8-193, or an
77 implementing agency pursuant to section 32-224, pursuant to a
78 redevelopment plan approved under chapter 130 or a development
79 plan approved under chapter 132 or 588l, the agency shall make
80 relocation payments as provided under the federal Uniform Relocation
81 Assistance and Real Property Acquisition Policies Act of 1970, 42 USC
82 4601 et seq. and any subsequent amendments thereto and regulations
83 promulgated thereunder if payments under said act and regulations

84 would be greater than payments under this section and sections 8-269
85 and 8-270.

86 Sec. 2. Subdivision (3) of section 8-267 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective July*
88 *1, 2019*):

89 (3) "Displaced person" means (A) any person who, on or after [July
90 6, 1971] the effective date of this section, moves from real property, or
91 moves his or her personal property from real property, as a result of
92 the acquisition of such real property, in whole or in part, or as the
93 result of the written order of the acquiring agency to vacate real
94 property, for a program or project undertaken by or supervised by a
95 state agency or unit of local government and solely for the purposes of
96 subsections (a) and [(b)] (c) of section 8-268, as amended by this act,
97 and section 8-271 as a result of the acquisition of or as a result of the
98 written order of the acquiring agency to vacate other real property, on
99 which such person conducts a business or farm operation, for such
100 program or project; or (B) any person who so moves as the direct result
101 of code enforcement activities or a program of rehabilitation of
102 buildings pursuant to such governmental program or under such
103 governmental supervision, except a business which moves from real
104 property or which moves its personal property from real property
105 acquired by a state agency when such move occurs at the end of a lease
106 term or as a result of eviction for nonpayment of rent, provided the
107 state agency acquired the property at least ten years before the move;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	8-268
Sec. 2	<i>July 1, 2019</i>	8-267(3)

Statement of Purpose:

To clarify that the provisions of the Uniform Relocation Assistance Act apply to instances where a program or project undertaken by a state agency results in permanent displacement, and to provide for certain

requirements when enforcement of a town code results in the displacement of a tenant for thirty days or less.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]