

House Republican Press Release

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Rep. DelGobbo Supports Measure Reforming State's Eminent Domain Law



Bill Gives Homeowners More Protection from Takings for Private Economic Development Projects

Homeowners whose properties could be taken for private economic development projects will receive more protection under a bill that received final legislative approval in the state House of Representatives Saturday, state Representative Kevin M. DelGobbo, R-Naugatuck, said after the vote.

“Ever since the U.S. Supreme Court’s 2005 Kelo decision, I have believed the main implication of the ruling was to give government virtually unchecked power to use the state’s eminent domain law to take people’s land and homes for private economic development projects. I think that is wrong,” Representative DelGobbo said.

“Although the legislation (Senate Bill 167) that passed the House Saturday gives homeowners additional protection against eminent domain property seizures, it does not go as far as I would have liked,” Representative DelGobbo said. “However, since the bill places more limitations on eminent domain seizures for those purposes than are available under current law, I voted for the proposal.”

“I also supported an amendment that would have explicitly prohibited the taking of homes for private economic development projects,” Representative DelGobbo said. “It would have given homeowners the kind of protection from these kinds of seizures that I believe is necessary in Connecticut. Unfortunately, it failed on a narrow vote of 72 – 67.”

“At the end of the day, it’s my belief that the power of eminent domain to take people’s homes and land should be limited to projects that have a clear public purpose such as the construction of schools, fire houses, roads and bridges,” Representative DelGobbo said. “I have always considered taking people’s property for private economic development projects to be an improper use of the state’s eminent domain law and I will continue to fight for reforms to deny that power to state or local government.”

The measure approved Saturday would:

- Prohibit the taking of property by eminent domain for the primary purpose of increasing local tax revenues.
- Require a public hearing on a plan and certain findings about taking property,

- Require the town's legislative body to approve proposed takings by a two-thirds vote of its members for takings under the municipal development and Manufacturing Assistance Act statutes.
- Impose an overall 10-year deadline for completing a taking.
- Allow owners to ask the Superior Court to halt a taking if the agency did not follow the correct statutory procedures.
- Give the former owner of property taken by eminent domain the right of first refusal to buy it back if it is not used for its intended purpose or another public purpose.

The bill was forwarded to Governor M. Jodi Rell to be signed into law.