

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 913
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40489-ST-12

Short Title: Liability/Unfair/Deceptive Develop. Actions. (Public)

Sponsors: Representative Brody.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO HOLD LOCAL GOVERNMENTS ACCOUNTABLE FOR DEVELOPMENT
DECISIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 14 of Chapter 160D of the General Statutes is amended by adding a new section to read:

"§ 160D-1425. Damages, attorneys' fees, and costs.

(a) The court may allow the party seeking recourse to recover its reasonable attorneys' fees attributed to an action brought pursuant to this Article.

(b) The court shall allow the party seeking recourse to recover its reasonable attorneys' fees attributed to the action in any action brought pursuant to this Article in which any of the following occurs:

(1) A party successfully shows the local government intentionally acted in violation of this Chapter.

(2) A party successfully shows the local government intentionally delayed action on a development approval to cause the plaintiff to seek action under this Article.

(3) A party successfully shows the local government acted in a flagrantly unfair or deceptive manner with respect to the development approval with intent to cause a party to initiate an action under this Article.

(c) If the court finds in accordance with subdivision (3) of subsection (b) of this section, the court shall award punitive damages in addition to any reasonable attorneys' fees attributed to the action in an amount as determined by the court, up to 10 times the damages. For purposes of this subsection, damages shall mean loss of revenue, increases in costs due to the delays caused by the local government's actions, and any other damages proven by the plaintiff.

(d) The court shall not award attorneys' fees against the local government under this section if the court finds that the local government acted in reasonable reliance on any of the following:

(1) A judgment or an order of a court applicable to a local government in the same or similar circumstances.

(2) The published opinion of an appellate court, an order of the North Carolina Business Court, or a final order of the Trial Division of the General Court of Justice.

(3) A written opinion, decision, or letter of the Attorney General."

SECTION 2. This act becomes effective October 1, 2025, and applies to causes of action arising on or after that date.



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