

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 687
Committee Substitute Favorable 5/23/11
Third Edition Engrossed 5/25/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H687-PCS50404-RF-48

Short Title: Atty Fees/City or County Action Outside Auth.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ACT OUTSIDE OF THE
SCOPE OF THEIR AUTHORITY, THE PARTY SUCCESSFULLY CHALLENGING
THAT ACTION MAY RECOVER REASONABLE ATTORNEYS' FEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 6 of the General Statutes is amended by adding a
new section to read:

"§ 6-21.6. Attorney fees; cities or counties acting outside the scope of their authority.

In any action in which a city or county is a party, upon a finding by the court that the city or
county acted outside the scope of its legal authority, the court may award reasonable attorneys'
fees and costs to the party who successfully challenged the city's or county's action, provided
that if the court also finds that the city's or county's action was an abuse of its discretion, the
court shall award attorneys' fees and costs."

SECTION 2. This act becomes effective October 1, 2011, and applies to claims for
relief which are brought or defended on or after that date.



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