

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 787
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30374-MH-166 (03/26)

Short Title: Protect Rural Land Use Rights. (Public)

Sponsors: Representative Cleveland.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT RURAL ENVIRONMENTAL AND ECONOMIC LAND USE
3 RIGHTS BY CLARIFYING THAT OWNERS OF BONA FIDE FARMS MAY FILE A
4 CIVIL ACTION FOR A REGULATORY TAKING IF THE OWNER CAN NO LONGER
5 USE THE LAND FOR A BONA FIDE FARM USE.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** Article 3 of Chapter 40A of the General Statutes is amended by
8 adding a new section to read:
9 **"§ 40A-52. Regulatory taking of certain rural lands.**
10 When rural property used for a bona fide farm purpose may no longer be used for a bona
11 fide farm purpose in an economically viable manner due to the application of environmental
12 regulations or other State laws or local ordinances limiting land use in order to obtain a general
13 environmental benefit to the region where the property is located, the property owner may
14 initiate an action under G.S. 40A-51 to seek compensation for the lost use of the property
15 against any condemnor listed in G.S. 40A-3(b) or (c). For purposes of this section, "rural
16 property" refers to any property outside the corporate limits of a municipality, including
17 property within the extraterritorial jurisdiction of the municipality, and "bona fide farm
18 purpose" shall have the meaning set forth in G.S. 153A-340."
19 **SECTION 2.** This act is effective when it becomes law and applies to causes of
20 action filed on or after that date.

