

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 787
PROPOSED COMMITTEE SUBSTITUTE H787-PCS30500-RF-15

Short Title: Protect Rural Land Use Rights.

(Public)

Sponsors:

Referred to:

April 11, 2013

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 (a) When rural property used for a bona fide farm purpose may no longer be used for a
11 bona fide farm purpose in an economically viable manner due to the application of
12 environmental regulations or other State laws or local ordinances limiting land use in order to
13 obtain a general environmental benefit to the region where the property is located, the property
14 owner may initiate an action under G.S. 40A-51 to seek compensation for the lost use of the
15 property against any condemnor listed in G.S. 40A-3(b) or (c). For purposes of this section,
16 "rural 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 (b) If the property owner prevails in an action instituted under subsection (a) of this
20 section and is awarded compensation for the lost use of the property, the court shall award
21 reasonable attorneys' fees and costs to the property owner."

22 **SECTION 2.** This act is effective when it becomes law and applies to causes of
23 action filed on or after that date.



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