

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:

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

4 The General Assembly of North Carolina enacts:

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

7 "§ 160D-1425. Damages, attorneys' fees, and costs.

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

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

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

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

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

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

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

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

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

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

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

