



HOUSE BILL 821: Award Atty. Fees in Certain Land Use Cases.

2021-2022 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 11, 2021
Introduced by:	Rep. McNeely	Prepared by:	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 821 requires the award of reasonable attorneys' fees and costs whenever a party prevails against a city or county if the court finds that that the city or county acted in a manner inconsistent with its comprehensive zoning plan.*

CURRENT LAW: In any action in which a city or county is a party, the court must award reasonable attorneys' fees and costs to the party who successfully challenged the city or county's action in the following instances:

- If the court finds that the city or county violated a statute or case law setting forth unambiguous limits on its authority. "Unambiguous" means that the limits of authority are not reasonably susceptible to multiple constructions.
- If the court finds that the city or county took action that is inconsistent with or in violation of permit choice statutes.

In all other matters under this statute, the court may award attorneys' fees and costs to the prevailing private litigant. G.S. 6-21.7

BILL ANALYSIS: House Bill 821 amends G.S. 6-21.7 to provide that in any action in which a city or county is a party, the court must award attorneys' fees and costs to the party who successfully challenged the city or county if the courts finds that the city or county acted in a manner inconsistent with the its comprehensive zoning plan.

EFFECTIVE DATE: The act is effective when it becomes law and applies to actions commenced on or after that date.

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