



HOUSE BILL 913: Liability/Unfair/Deceptive Develop. Actions.

2025-2026 General Assembly

Committee:	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2025
Introduced by:	Rep. Brody	Prepared by:	Ike McRee
Analysis of:	PCS to First Edition H913-CSCO-12		Committee Co-Counsel

OVERVIEW: *The proposed committee substitute (PCS) for House Bill 913 would:*

- *Authorize a court to award attorneys' fees, and potentially punitive damages, to a party seeking recourse for adverse land use decisions rendered by local governments under Chapter 160D of the General Statutes.*
- *Modify terms for clarity and consistency.*

CURRENT LAW: Article 14 of Chapter 160D of the General Statutes provides for judicial review of local government land use decisions. Under G.S. 6-21.7, a court must award reasonable attorneys' fees upon a finding by the court that (i) the local government violated a statute or case law setting forth unambiguous limits on the local government's authority or (ii) the local government took action inconsistent with, or in violation of, G.S. 160D-108(b) or G.S. 143-755 covering permit choice. In all other instances the court can award reasonable attorneys' fees to the prevailing litigant.

BILL ANALYSIS: The PCS would:

- Provide that a court may award reasonable attorneys' fees to a person with standing in an action brought for judicial review of a local government land use decision.
- Provide that a court must award reasonable attorneys' fees to a person with standing in an action brought for judicial review of a local government land use decision and in which any of the following occurs:
 - The person with standing shows the local government intentionally acted in violation of Chapter 160D of the General Statutes.
 - The person with standing shows the local government intentionally delayed action on a development approval to cause the person to seek judicial review under Article 14 of Chapter 160D of the General Statutes.
 - The person with standing successfully shows that the local government acted in a flagrantly unfair or deceptive manner with respect to development approval with the intent to cause the person with standing to initiate judicial review under Article 14 of Chapter 160D of the General Statutes.
- Provide that the court must award punitive damages up to 10 times the damages proved if the court finds that the local government acted in a flagrantly unfair or deceptive manner with respect to development approval with the intent to cause the person with standing to initiate judicial review

Kara McCraw
Director



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under Chapter 160D of the General Statutes. "Damages" would mean loss of revenue, increases in costs due to delays caused by the local government's actions, and any other damages proven.

- Provide that the court must not award attorneys' fees against the local government if the court finds that the local government acted in reasonable reliance on (i) a judgement or order of a court applicable to a local government in similar circumstances (ii) the published opinion of an appellate court, an order of the North Carolina Business Court, or final order of the Trial Division of the General Court of Justice or (iii) a written opinion or letter of the Attorney General.

EFFECTIVE DATE: This act would become effective October 1, 2025, and would apply to causes of action arising on or after that date.