



SENATE BILL 257: 2026 Appropriations Act, Sec. 39.5: Local Land Development Regulatory Changes

2025-2026 General Assembly

Analysis of: S.L. 2026-41, Sec. 39.5

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Section 39.5 of S.L. 2026-41 (Senate Bill 257) makes the following changes with respect to the process for challenging local government development regulations:

- Expands the bases on which a person with standing may bring a civil action challenging a local land development regulation to include (i) a claim that the regulation is arbitrary or capricious, and (ii) a claim that a decision implementing a local land development regulation is unconstitutional, on its face or as applied, is in excess of statutory authority, is ultra vires, preempted, arbitrary or capricious, made upon unlawful procedure, made in error of law, or is an abuse of discretion.
- Eliminates the requirement to bring a claim to the applicable board of adjustment before filing a claim in the general court of justice.
- Grants standing to an association, society, or entity whose membership is comprised of an individual with standing to bring an action challenging a local land development regulation. An association that brings a challenge may not seek damages that require individualized proof of injury to one or more individual members.
- Extends the period for bringing suit to contest a local government development regulation from one year after written notice of the final decision is provided to three years after the accrual of the cause of action.
- Requires local administrative staff to issue a written interpretation of a development regulation applicable to stated facts upon written request. Once issued, it is binding on the locality and requester unless altered by a decision-making board or court.
- Allows an applicant for a rezoning application, including conditional rezoning, to choose which version of the land development regulations will apply to the property requested to be rezoned if the land development regulations are amended between the time the rezoning application is submitted and a decision on the rezoning application is made.
- Expands the definition of "development permit" to include legislative approvals, including conditional zoning approvals and rezoning approvals, and stormwater permits.
- Provides recovery of reasonable attorney's fees and costs for a plaintiff who successfully challenges a local government's land development regulation action.

This section became effective July 1, 2026.

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