

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 687

Short Title: Local Abuse of Authority Attorneys Fees. (Public)

Sponsors: Representatives Brawley, Moffitt, LaRoque, and Brubaker (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ENACT ORDINANCES
OR TAKE ADMINISTRATIVE ACTIONS FOR WHICH THERE IS NO STATUTORY
AUTHORITY, AND THE ORDINANCE OR ACTION IS AN ABUSE OF AUTHORITY,
THE PLAINTIFF MAY RECOVER ATTORNEY FEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 43C of Chapter 1 of the General Statutes is amended by
adding a new section to read:

"§ 1-539.17. Attorney fees in certain actions against cities and counties.

In any civil action where a city or county is a defendant, and the court finds that there was
no statutory authority for any ordinance, resolution, or administrative action of that defendant,
and that the action of the defendant city or county was an abuse of authority, the court shall
award attorney fees against the defendant city or county."

SECTION 2. This act applies with respect to causes of action arising on or after
the date this act becomes law.

