

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

HOUSE BILL 687
RATIFIED BILL

AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ACT OUTSIDE OF THE SCOPE OF THEIR AUTHORITY, THE PARTY SUCCESSFULLY CHALLENGING THAT ACTION MAY RECOVER REASONABLE ATTORNEYS' FEES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 6 of the General Statutes is amended by adding a new section to read:

"§ 6-21.6. Attorney fees; cities or counties acting outside the scope of their authority.

In any action in which a city or county is a party, upon a finding by the court that the city or county acted outside the scope of its legal authority, the court may award reasonable attorneys' fees and costs to the party who successfully challenged the city's or county's action, provided that if the court also finds that the city's or county's action was an abuse of its discretion, the court shall award attorneys' fees and costs."

SECTION 2. This act becomes effective October 1, 2011, and applies to claims for relief which are brought or defended on or after that date.

In the General Assembly read three times and ratified this the 16th day of June, 2011.

Walter H. Dalton
President of the Senate

Thom Tillis
Speaker of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2011

