

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH80166-LB-346 (03/29)

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

Sponsors: Representatives Brawley, Moffitt, LaRoque, and Brubaker (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ENACT ORDINANCES  
3 OR TAKE ADMINISTRATIVE ACTIONS FOR WHICH THERE IS NO STATUTORY  
4 AUTHORITY, AND THE ORDINANCE OR ACTION IS AN ABUSE OF AUTHORITY,  
5 THE PLAINTIFF MAY RECOVER ATTORNEY FEES.  
6 The General Assembly of North Carolina enacts:  
7 SECTION 1. Article 43C of Chapter 1 of the General Statutes is amended by  
8 adding a new section to read:  
9 "**§ 1-539.17. Attorney fees in certain actions against cities and counties.**  
10 In any civil action where a city or county is a defendant, and the court finds that there was  
11 no statutory authority for any ordinance, resolution, or administrative action of that defendant,  
12 and that the action of the defendant city or county was an abuse of authority, the court shall  
13 award attorney fees against the defendant city or county."  
14 SECTION 2. This act applies with respect to causes of action arising on or after  
15 the date this act becomes law.

