

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 787
Committee Substitute Favorable 5/1/13

Short Title: Protect Rural Land Use Rights.

(Public)

Sponsors:

Referred to:

April 11, 2013

A BILL TO BE ENTITLED

AN ACT TO PROTECT RURAL ENVIRONMENTAL AND ECONOMIC LAND-USE RIGHTS BY CLARIFYING THAT OWNERS OF BONA FIDE FARMS MAY FILE A CIVIL ACTION FOR A REGULATORY TAKING IF THE OWNER CAN NO LONGER USE THE LAND FOR A BONA FIDE FARM USE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 40A of the General Statutes is amended by adding a new section to read:

"§ 40A-52. Regulatory taking of certain rural lands.

(a) When rural property used for a bona fide farm purpose may no longer be used for a bona fide farm purpose in an economically viable manner due to the application of environmental regulations or other State laws or local ordinances limiting land use in order to obtain a general environmental benefit to the region where the property is located, the property owner may initiate an action under G.S. 40A-51 to seek compensation for the lost use of the property against any condemnor listed in G.S. 40A-3(b) or (c). For purposes of this section, "rural property" refers to any property outside the corporate limits of a municipality, including property within the extraterritorial jurisdiction of the municipality, and "bona fide farm purpose" shall have the meaning set forth in G.S. 153A-340.

(b) If the property owner prevails in an action instituted under subsection (a) of this section and is awarded compensation for the lost use of the property, the court shall award reasonable attorneys' fees and costs to the property owner."

SECTION 2. This act is effective when it becomes law and applies to causes of action filed on or after that date.

