

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 35

Short Title: Attorneys' Fees/New Homes.

(Public)

Sponsors: Representatives Hasty, Easterling, Ligon, Lineberry, Privette, Woodard; Pope and Warner.

Referred to: Judiciary I.

February 11, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE COURT TO AWARD REASONABLE ATTORNEYS'
3 FEES TO PREVAILING PLAINTIFFS IN CLAIMS INVOLVING HOME
4 CONSTRUCTION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 6 of the General Statutes is amended by adding a new
7 section to read:

8 "**§ 6-21.6. Attorneys' fees in cases involving newly constructed homes.**

9 In any civil claim brought by a homeowner or homeowners association against a
10 general contractor, whether licensed under Article 1 of Chapter 87 of the General
11 Statutes or unlicensed in violation of Article 1, for fraud, unfair or deceptive
12 commercial act or practice, negligence, breach of contract, breach of express warranty
13 or breach of implied warranty arising out of the construction or alteration of one or
14 more residential dwelling units in this State, the court shall award reasonable attorneys'
15 fees to the homeowner or homeowners association if that party substantially prevails in
16 its claim. Such attorneys' fees shall be based on the actual time expended by counsel for
17 the homeowner or homeowners association unless the court determines as a matter of
18 fact that specific time expended was not reasonably necessary to prevail in the claim."

19 Sec. 2. This act is effective upon ratification and applies to claims filed on or
20 after that date.