



NH Community Rights Amendment FAQ

[What is the NH Community Rights Amendment?](#)

The Community Rights Amendment is a proposed amendment to New Hampshire's constitution that **empowers people and their local governments throughout the state with the authority to enact local laws that protect the rights of people, communities, and their natural environments at the municipal level.** The amendment would specifically recognize the right of local community self-government in the New Hampshire Constitution's Bill of Rights.

[How does the NH Community Rights Amendment get on the ballot?](#)

According to Article 100 of the Second Part of the New Hampshire Constitution, there are two ways to propose amendments to the Constitution. The first is through a constitutional convention proposing such an amendment, and the second is for both houses of the state legislature, the General Court, to support the amendment. In order for the Community Rights Amendment to be sent to the next biennial November ballot, the law requires a three-fifths vote of each house of the General Court and a two-thirds vote of the electorate participating in the election to adopt the amendment as part of the New Hampshire State Constitution.

[Are there other states proposing a Community Rights Amendment?](#)

Yes, both **Colorado and Oregon are also proposing Community Rights Amendments** to their state constitutions. Colorado and Oregon propose amendments through an initiative process by collecting signatures of a certain number of citizens in order to place a new law, or constitutional amendment, on the ballot. Ohio and Pennsylvania are preparing Community Rights Amendments as well.

[Why is a state constitutional amendment necessary?](#)

Today, the law elevates the rights of private corporations over the rights of people who live in New Hampshire communities. Private corporations regularly invoke these rights and privileges when their interests conflict with communities' attempts to protect the local environment, economy and workforce, rural aesthetics, and residents' health, safety and welfare. The Community Rights Amendment would empower people and their local governments with the authority to enact local laws that protect the rights of people, communities, and their natural environments over the interests of private corporations.

[Will the NH Community Rights Amendment undermine current rights and protections?](#)

No. The proposed Community Rights Amendment includes two provisions that limit its scope in this regard. **Local laws enacted under the amendment cannot restrict or weaken the fundamental rights of natural persons, communities, or nature secured by local, state or federal constitutions or international law.** These provisions ensure that the floor of rights and protections already established by state or federal governments can be built upon but not eroded.

[Will the NH Community Rights Amendment ban all corporate projects?](#)

No. Projects like the Northern Pass transmission line, Northeast Energy Direct pipeline, or Spruce Ridge industrial wind currently enjoy state and federal enforced legal privileges. Under existing law, corporations can use state and federal laws to override a community's attempt to protect themselves from corporate projects within their boundaries regardless of local opposition, public or environmental harm. The Community Rights Amendment confronts this structure of corporate legal privilege by asserting the community's right of local self-government. Under the Community Rights Amendment, a community can create local laws that prohibit such projects without interference from corporations, or "preempted" by government. **If a community chooses not to use their authority under the Community Rights Amendment, nothing in its local codes, laws or charter will change.**

[How are local laws enacted?](#)

Local laws can be enacted directly by a local municipality through the selectmen, or by residents through a petitioned warrant article on a Town Meeting Warrant. There are currently communities in New Hampshire that have enacted locally binding ordinances that protect the health, safety and welfare of residents and their natural environments by prohibiting corporate activities that would violate the rights defined within the local law. Too often local rights-based laws are resisted and rejected due to misguided concerns over whether people have the authority to legislate locally to protect their own health, safety, quality of life, and natural environments. The goal of the Community Rights Amendment is to codify, as a state constitutional guarantee, the right of self-government at the local level.

[What kind of local laws could be enacted under the NH Community Rights Amendment?](#)

The Community Rights Amendment contains three parts. The first part recognizes that the people, communities, and nature – in each municipality – have rights to health, and well-being, and the authority to prohibit activities that violate those rights. The second part secures the right of people in municipalities across New Hampshire to local community self-government using prohibitions and other means; and modifying the rights and duties of corporations and other business entities that interfere with the fundamental rights of people, communities and nature. **The third part makes clear that the people can only use their lawmaking power to enact local laws that create *greater protections* for people, communities, and nature, NOT to restrict or weaken fundamental rights.**

[What is the “Rights of Nature” language in the NH Community Rights Amendment?](#)

Nature according to law, is mere property of the landowner. Responsibility to protect community wetlands, rivers, streams, bogs, forests and watersheds rests with the landowner. A growing number of communities across the nation have enacted local laws designed to better protect their natural environments, where the whole community is empowered to protect nature for the benefit of the whole community. **The proposed Community Rights Amendment would enable communities to enact local laws that recognize the right of nature to exist and flourish as nature comprises the life support systems we depend upon for our survival.**

[Does the NH Community Rights Amendment contradict the NH or Federal Constitutions?](#)

No. The right of local community self-government is fundamental to our American heritage; the denial of this right was a principal reason for the American Revolution. The right of local community self-government recognized by the proposed Community Rights Amendment can be found within the Declaration of Independence and the United States Constitution. This right is also embedded in the New Hampshire Constitution which states that *all men have certain natural, essential and inherent rights; that all government of right originates with the people and is founded in consent; and that all power resides originally in, and is derived from the people and all magistrates and officers of government are accountable at all times to them.* The New Hampshire Constitution has excellent language, but does not specify the right of local community self-government free from state and corporate override.

[Will the NH Community Rights Amendment affect economic stability?](#)

Corporate domination destroys stable local/regional economics and forces economic instability. The Community Rights Amendment places local economic control into the hands of local people which improves every measure of environmental and human well-being, leading to a long-term economic stimulus. **When corporate exploitation of individuals, communities and nature lessens, it will create more room for more diverse, localized small business enterprises to take hold in ways that make them directly accountable to the communities they serve, increasing economic welfare, diversity, and sustainability of communities.**

[What obstacles should we expect?](#)

State-chartered corporations who are currently licensed in the state that seek to use the communities of New Hampshire as for-profit resource colonies against their will are likely to speak against the Community Rights Amendment because they benefit from the way the corporate structure is currently operating. Anyone who benefits from the current structure will likely resist changes that do not favor them. We need to stay focused on the fact that this proposed amendment expands fundamental rights and protections for individuals, communities, and their natural environments.