

**ASSEMBLY CONCURRENT
RESOLUTION No. 134**

**STATE OF NEW JERSEY
214th LEGISLATURE**

INTRODUCED JUNE 21, 2010

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

SYNOPSIS

Clarifies housing rights of state residents under State Constitution and prohibits laws requiring municipalities to provide housing opportunities through zoning and land use regulations.

CURRENT VERSION OF TEXT

As introduced.



1 A **CONCURRENT RESOLUTION** proposing to amend Article I,
2 paragraph I and Article IV, Section VI, paragraph 2 of the New
3 Jersey Constitution.

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5 **BE IT RESOLVED** by the General Assembly of the State of New
6 Jersey (the Senate concurring):

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8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is hereby agreed to:

10
11 PROPOSED AMENDMENT

12
13 a. Amend Article I, Section I to read as follows:

14 1. All persons are by nature free and independent, and have
15 certain natural and unalienable rights, among which are those of
16 enjoying and defending life and liberty, of acquiring, possessing,
17 and protecting property, and of pursuing and obtaining safety and
18 happiness; except however, that any such rights found herein shall
19 not obligate the State to establish any law to facilitate the
20 availability of housing for all income levels in every municipality.

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22 b. Amend Article IV, Section VI, paragraph 2 to read as
23 follows:

24 2. The Legislature may enact general laws under which
25 municipalities, other than counties, may adopt zoning ordinances
26 limiting and restricting to specified districts and regulating therein,
27 buildings and structures, according to their construction, and the
28 nature and extent of their use, and the nature and extent of the uses
29 of land, and the exercise of such authority shall be deemed to be
30 within the police power of the State. Such laws shall be subject to
31 repeal or alteration by the Legislature. No law shall obligate or
32 require any municipality to create, fund or implement any program
33 to provide housing for all income levels by means of land use
34 regulation, or by fee assessment. The Legislature shall not adopt
35 any law for the purpose of providing housing for all income levels
36 that supersedes, overturns or interferes with a municipal zoning
37 ordinance.

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39 2. When this proposed amendment to the Constitution is finally
40 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
41 shall be submitted to the people at the next general election
42 occurring more than three months after the final agreement and
43 shall be published at least once in at least one newspaper of each
44 county designated by the President of the Senate, the Speaker of the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ACR134 MCHOSE, BIONDI

1 General Assembly and the Secretary of State, not less than three
2 months prior to the general election.

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4 3. This proposed amendment to the Constitution shall be
5 submitted to the people at that election in the following manner and
6 form:

7 There shall be printed on each official ballot to be used at the
8 general election, the following:

9 a. In every municipality in which voting machines are not used,
10 a legend which shall immediately precede the question as follows:

11 If you favor the proposition printed below make a cross (X), plus
12 (+), or check (✓) in the square opposite the word "Yes." If you are
13 opposed thereto make a cross (X), plus (+) or check (✓) in the
14 square opposite the word "No."

15 b. In every municipality the following question:
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	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENTS REMOVING MUNICIPAL OBLIGATION TO PROVIDE REALISTIC HOUSING OPPORTUNITIES FOR ALL PERSONS THROUGH ZONING</p> <p>Shall the amendment of Article I, paragraph 1 and Article IV, Section VI, paragraph 2 of the New Jersey Constitution, agreed to by the Legislature, which clarifies that there is no personal right to housing for all income levels in all municipalities, and that the Legislature shall not enact laws that require any municipality to provide housing for all income levels through zoning and land use regulation, be approved?</p>
	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Approval of these proposed amendments will clarify that there is no personal right to housing for all income levels in all municipalities, and that the Legislature shall not enact laws that require any municipality to provide housing for all income levels through zoning and land use regulation. The intent of these proposed amendments is to remove the affordable housing obligations placed on municipalities as a result of the <i>Mount Laurel</i> cases.</p>

STATEMENT

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If approved by the voters of the State, this proposed amendment of Article I, paragraph 1 and Article IV, Section VI, paragraph 2 of the New Jersey Constitution would remove the affordable housing obligations placed upon municipalities as a result of the *Mount Laurel* cases. Approval of these proposed amendments will clarify that there is no personal right to housing for all income levels in all municipalities, and that the Legislature shall not enact laws that require any municipality to provide housing for all income levels through zoning and land use regulation. The amendments further ensure that the Legislature shall not adopt any law for the purpose of providing housing for all income levels that supersedes, overturns or interferes with a municipal zoning ordinance.