

2021

NORTH CAROLINA LEGISLATIVE SESSION:

An Opportunity to Rebuild and Advance Well-Being
in the Recovery from the COVID-19 Pandemic



north carolina
JUSTICE CENTER

► February 2021

Nearly a year into the nation's COVID-19 public health and economic crisis, North Carolina lawmakers are embarking on a new legislative session.

With a year of data and information available to use to address ongoing challenges in our state, lawmakers have a unique opportunity to learn from the past—well before the onset of the pandemic—and move forward policies that will advance the well-being of *all* North Carolinians in the recovery from the crisis as well as in the future.



► This legislative agenda lays out the principles and policies that must guide North Carolina's ongoing response to the pandemic and address the underlying systemic changes necessary to ensure every North Carolinian—white, Black, and brown—thrives as part of an equitable recovery. This is the only way to help our state rebuild and be stronger for future generations.

We are at a crossroads. Even with the promise of the vaccine, there is an urgency to act now before any more North Carolinians and their

families needlessly suffer from the fallout of the pandemic. COVID-19 didn't cause the fissures and broken structures that have long plagued those in our state who are or were incarcerated, or struggled with joblessness, health challenges, or paying their bills, or came from immigrant communities. It merely exacerbated those long-standing problems and brought them to light. We must take this opportunity to rebuild and improve our policies and systems to avert future disasters. **If not now, when?**

▶ IMMEDIATE RECOMMENDATIONS FOR COVID-19 PANDEMIC RESPONSE

Ensure comprehensive response that centers those at risk and advances solutions that build inclusive systems in the future



▶ DEVELOP ECONOMIC SUPPORTS

- Ensure COVID-19 relief includes appropriation of unreserved balance and makes a state level commitment to support people, communities, and public institutions.
- Devote economic development resources to expanding employee ownership to save locally owned businesses and build family wealth as well as targeting grant and other supports to Historically Underutilized Businesses (HUB) hit hard by COVID-19.
- Ensure that the COVID-19 vaccine distribution strategy is equitable and accounts for the longstanding challenges experienced in communities of color, including, trust, infrastructure, and isolation.

▶ IMPROVE HEALTH SYSTEMS

- Support rural hospitals inundated by the stress of managing a persistent COVID-19 surge in the absence of support from Medicaid expansion.

- Implement timely distribution of the COVID-19 vaccine so that doses are not discarded due to spoilage.

▶ PROTECT WORKERS' RIGHTS

- Address the spread of COVID-19 in high-risk, high contact sectors such as meatpacking, correctional institutions, long term care facilities, migrant housing, etc.
- Require the NC Department of Labor (NCDOL) to respond to COVID-related complaints about unsafe working conditions and conduct inspections to protect workers. No worker should face exposure to COVID-19 due to the negligence of their employer.
- Require employers to follow CDC guidelines for COVID-19, including requiring wearing of face coverings for workers and customers, health screenings for workers and customers, ensuring social distance is maintained, and other requirements.

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IMMEDIATE RECOMMENDATIONS FOR COVID-19 PANDEMIC RESPONSE *(cont.)*



▶ ENSURE HOUSING, UTILITY, AND ENVIRONMENTAL SUPPORTS

- Quickly appropriate federal Emergency Rental Assistance Funds, with few requirements beyond what is required by federal law to get help to tenants and landlords as fast as possible.
- Provide funds to help people financially harmed by the COVID-19 pandemic pay their utility bills.

▶ PROTECTIONS IN SCHOOLS

- Measure and certify classroom air quality to prepare for a return to in-school learning. Make HVAC upgrades where needed.
- Provide PPE and ensure facilities are prepared to accommodate strict COVID-19 safety guidelines.

▶ STABILIZE THE EARLY CHILDHOOD SYSTEM

- Provide stabilization grants to providers and increase the market rate for childcare subsidy payments to providers to a statewide floor.
- Provide early childhood educators with bonus payments.

▶ JUSTICE SYSTEM REFORM

- Expand “fair chance” protections for consideration of criminal records to all public and private employers and landlords, particularly during the COVID-19 State of Emergency.

▶ LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE

Advance
equitable economic
stabilization
strategies and safety
net supports



- Increase corporate income tax rate from 2.5 percent to 6 percent.
- Reinstatement of state Earned Income Tax Credit that is refundable and inclusive, set at 20 percent of federal credit.
- Help stabilize childcare system through establishment of a market rate floor for childcare subsidies and ongoing bonus payments to early childhood educators.
- Offer income supports through increase in TANF benefit level, removal of ABAWD (Able Bodied Adults Without Dependents) time limit waiver prohibition, expansion of childcare assistance and removal of parent co-pay, and time limit for those in post-secondary education.
- Increase broadband access, including investment in infrastructure, support for consumers to access broadband, priority infrastructure grants to public housing authorities and farmworker housing, and removal of barriers for municipal governments to connect underserved communities to broadband.

LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Protect the well-being of North Carolinians by improving health care systems



- Expand Medicaid for adults with incomes up to 138 percent of the poverty line without creating new administrative barriers that will limit enrollment.
- Prevent the proliferation of junk insurance products that jeopardize affordability of comprehensive health coverage and protections for North Carolinians with pre-existing conditions.
- Ensure the Medicaid transformation process provides optimal outcomes for all end users, particularly North Carolinians who are people of color.
- Work with leaders at the NCGA to urge federal government to restore Federal Medical Assistance Percentages to 100 percent in order to incentivize the expansion of Medicaid at no additional cost for North Carolinians.
- Prioritize classification of broadband as a utility, ensuring all North Carolinians have access to the infrastructure necessary to utilize telehealth.
- Increase funding for Community Health Centers that offer quality, comprehensive medical services for people who are uninsured and underinsured across the state.
- Place cap of \$20-25 a month on insulin so that all people with diabetes in North Carolina can get this life saving drug at a reasonable cost, and take it as prescribed by their medical provider.

LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Reform North Carolina's Unemployment Insurance program to support workers and the broader economy



- Increase duration for receiving benefits to 26 weeks, like most states.
- Increase weekly benefit amount from one of the lowest in the country by ending a formula no other state uses to one that uses the highest quarter of wages.
- Increase the maximum benefit amount from \$350 per week and index it to the state's wage growth.
- Increase the Earnings Allowance/Disregard so that more part-time workers can qualify for benefits.
- Establish Work-Sharing Option for employers to keep workers on the job.
- Re-establish eligibility for leaving work because of family hardship.
- Repeal waiting weeks for benefits.
- End Overpayment Collections when claimant is not at fault.

LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Support workers through improved wages and employment policies so basic needs can be paid for and time can be taken to deal with family responsibilities



- Raise the North Carolina minimum wage to \$15 an hour.
- Ensure everyone in North Carolina has access to paid family leave to welcome the birth or adoption of a child, provide extended medical care for a sick loved one, and recover from illness.
- Sustain funding for childcare subsidies to provide affordable, quality childcare for workers with low incomes and those pursuing work or educational training.
- Guarantee workers have a minimum number of paid sick days to care for themselves, sick children, and parents.
- Ensure workers can use their paid or unpaid sick time for preventative healthcare and for family caregiving needs (kin care).
- Ensure workers who are survivors of sexual assault, domestic violence, and stalking can take paid or unpaid sick time to seek necessary services and support (safe time).
- Ensure inclusive family definition in any paid leave, paid sick days, kin care, and safe time legislation.
- Guarantee pregnant workers will be offered reasonable accommodations, if needed, in order to continue working throughout their pregnancy, without jeopardizing their own health or that of their baby.

LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Provide for
access and
protection for
those in
the immigrant
community



- Establish access to driver's licenses for the undocumented immigrant community.
- Provide in-state tuition for North Carolinian youth, regardless of their immigration status.
- Protect the immigrant community from further efforts to entangle local law enforcement with immigration enforcement.
- Increase working opportunities for individuals with Deferred Action for Childhood Arrivals (DACA), such as expanded access to professional licenses.

LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Support programs
that protect and
aid tenants,
homeowners,
and consumers



▶ Increase access to safe, decent, and affordable housing

- Substantially increase recurring funding to the North Carolina Housing Trust Fund and Workforce Housing Loan Fund.
- Increase the amount from Community Development Block Grant dedicated to affordable housing.
- Implement a foreclosure prevention program for homeowners with low incomes who for no fault of their own cannot make mortgage payments.
- Provide a process to remove an eviction filing from a tenant's record when the case is resolved.

▶ Protect consumers from abusive predatory lending and other harmful practices

- Support legislation improving North Carolina legal protections against debt settlement companies.
- Combat legislation that weakens North Carolina laws against debt-buyer and debt-collection practices.

- Oppose legislation weakening rent-to-own regulations.
- Protect existing North Carolina mortgage lending and mortgage broker laws.
- Oppose legislation that legalizes payday lending or car title lending.
- Combat increased rates and fees on consumer loans or weaken consumer protections.



▶ **Ensure people with low incomes have access to affordable, environmentally sustainable energy**

- Support energy efficiency, urgent repair, and weatherization residential programs for individuals and families with low incomes.
- Support renewable energy and retire expensive, cost ineffective coal fired power plants.
- Oppose legislation that raises electric rates and/or changes utility regulation without protecting and assisting consumers with low incomes.

LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Promote opportunity for
and protect people who are
currently or have been
incarcerated, and improve
fairness and equity in
the justice system



▶ Reduce the population in North Carolina prisons

- Mandate early release based on length of time from release date, type of conviction, and disparity of the sentence with current sentencing laws.
- Expand the authority and capacity of the North Carolina Post-Release Supervision and Parole Commission and other decision-making entities within the North Carolina Department of Public Safety to conduct individual assessments of suitability for early release and other decarceration-focused relief.
- Reform structured sentencing laws to shorten the maximum length of active sentences, eliminate use of mandatory minimums and “habitual” offenses, and reinstate the broad use of parole and other “second look” mechanisms like the North Carolina First Step Act.
- Require courts to consider alternatives to incarceration in order to keep “primary caregivers” with their children.

▶ Facilitate the successful reentry of people with criminal records

- Provide proper treatment to individuals in prison with behavioral and substance use conditions.
- End solitary confinement.

- Provide funding and incentives to significantly increase housing and employment opportunities, especially for people exiting prison and people on the sex offense registry.

▶ **Increase opportunities to expunge criminal records**

- Expand eligibility for expunctions to multiple nonviolent felony convictions after 10 years of good behavior and at the discretion of a judge.
- Narrow the misdemeanor and felony convictions that are considered “violent” and currently excluded from expunction relief.

▶ **Improve the fairness and equity of North Carolina’s criminal justice system**

- Reduce court fees, mandate “ability to pay” protections, and eliminate draconian collection mechanisms like the indefinite suspension of driving privileges for “failure to pay.”
- Provide judges the discretion not to require sex offense registration for certain misdemeanor sex offenses.
- Prohibit the commercial extortion and exploitation of booking photos (“mug shots”) as an unfair trade practice.
- Repeal the North Carolina Unauthorized Substances Tax (the “Drug Tax”).
- Repeal the disqualification of SNAP benefits for individuals convicted of felony drug offenses.
- Extend voting rights to people on probation, parole, or post-release supervision for a felony conviction.



LONG-TERM RECOMMENDATIONS AND PRIORITIES FOR THE STATE *(cont.)*

Support the state's public education systems



▶ Comply with all *Leandro* court orders to provide a plan for high-quality early education

- Expand NC Pre-K with goal of ensuring all eligible students may attend a high-quality, full-year prekindergarten program by the 2027-28 school year.
- Expand funding for the childcare subsidy system.
- Increase Smart Start funding with the goal of meeting 25 percent of the statewide need for children from birth to age 5 by the 2027-28 school year.

▶ Comply with all *Leandro* court orders to ensure adequate and equitable K-12 funding

- Ensure additional funding to benefit all students, particularly in categories such as classroom teachers, instructional support personnel, teacher assistants, textbooks, and supplies.
- Expand supplemental funding for disadvantaged students, disabled students, English learners, and low wealth districts.
- Offer educator pay that is competitive with other professions.
- Implement recommendations from the DRIVE Task Force to expand the number of teachers and principals of color.
- Overhaul school accountability measures to add additional, non-test-based measures of school quality and minimize the role of achievement.

- Offer supports for high-poverty schools such as a fully staffed Department of Public Instruction District & Regional Support team and technical assistance for community schools models.
- Ensure *Leandro* monitoring plan includes representation and involvement from student groups most impacted by harmful policies and declining investments, such as students of color, disabled students, English learners, and rural communities.



▶ **Provide necessary measures to create a world-class education system and help students compensate for interruptions to education created by the COVID-19 pandemic**

- Close the digital divide for students by funding technology infrastructure in schools and expanding broadband infrastructure, particularly in low-income and rural communities.
- Bring school support staff (nurses, school counselors, and social workers) ratios in line with nationally recognized industry recommendations.
- Provide schools with supplementary funding to expand learning time via expanded calendar and after-school opportunities.
- Create incentives and provide technical assistance to districts that are implementing school integration plans.
- Address the current backlog of capital needs through a statewide school bond.
- Cap school choice options that exacerbate segregation and increase costs.
- Provide districts with an additional year of waivers from punitive test-based accountability measures.

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