



## 2022 Public Policy Agenda for North Carolina's Nonprofit Sector

### Tax Policy Affecting Nonprofits:

#### State policy

##### 1. Nonprofit tax exemption.

- Oppose further limits on nonprofit sales tax refunds or property tax exemption for *any* 501(c)(3) nonprofits.
- Support conversion of the sales tax refund system to a sales tax *exemption* for all 501(c)(3) nonprofits. Under current law, nonprofits pay sales tax but can request semi-annual refunds of the taxes they pay.
- Support elimination of limits on nonprofit sales tax refunds based on amounts of refunds or National Taxonomy of Exempt Entity classifications.
- Support clarifications necessary to ensure that all 501(c)(3) nonprofits are exempt from paying property tax on property they own that is used for nonprofit purposes.
- Oppose unreasonable new taxes on 501(c)(3) nonprofits.

##### 2. Incentives for charitable giving.

- Support universal, non-itemizer tax deductions or credits for charitable contributions that incentivize all North Carolinians to give generously to the work of charitable nonprofits.
- Oppose limits on the charitable deduction on state income taxes.

##### 3. Sales tax on services.

- Encourage inclusion of nonprofits' input on any expansion of sales tax to services and generally oppose imposition of sales tax on services provided by nonprofits.
- Support clarification that nonprofits are not required to collect and remit sales tax on their fundraising events and educational events.
- Support clarification of ambiguous laws regarding sales tax exemption for annual nonprofit fundraising events and digital sales of educational events offered by nonprofits.

#### Federal policy

##### 1. Nonprofit tax exemption.

- Support repeal of 2017 change to unrelated business income law that treats each revenue stream of a nonprofit as a separate trade or business.
- Oppose unreasonable new taxes on 501(c)(3) nonprofits. Even taxes that only apply to certain types of charitable organizations can undermine nonprofits' missions and set precedents that can ultimately lead to burdensome taxes on all nonprofits.

##### 2. Incentives for charitable giving.

- Support a universal, non-itemizer deduction for charitable giving.

##### 3. Nonprofit nonpartisanship and advocacy.

- Oppose all efforts to repeal or weaken the Johnson Amendment, which protects nonprofits from demands for endorsements of candidates for public office and the diversion of charitable assets to support partisan campaigns.
- Support tax law changes that protect and expand the ability of nonprofits to lobby.

##### 4. Disaster tax relief.

- Support provisions in federal disaster tax relief legislation that encourage donations to nonprofits responding to, or recovering from, disasters, that facilitate automatic extension of federal tax filing deadlines for nonprofits affected by disasters, and that treat nonprofits equitably with for-profit employers in temporary job-retention tax credits during and after disasters.

## **Nonprofit Operations:**

### **State policy**

- 1. Nonprofit governance.**
  - Support changes to the new state law requiring local elected officials who serve on nonprofit boards to recuse themselves from local government decisions to award grants, contracts, or appropriations to those nonprofits. The new law has forced many local elected officials to resign from nonprofit boards this year. The Center supports replacing the recusal requirement with a notice requirement to promote transparency while still enabling public officials to serve on nonprofit boards.
  - Support clarification and modernization of the state nonprofit corporation statute to ensure nonprofit organizations can operate efficiently, effectively, and in a manner consistent with best practices for the nonprofit sector.
- 2. Regulation of nonprofits.**
  - Support clarification and modernization of the state charitable solicitation statute to ensure that licensing requirements are consistent with IRS filing requirements and nonprofit best practices.
  - Support legislation to create simple, no-fee annual reports for nonprofits.
  - Support adequate funding for regulation of nonprofits by the NC Secretary of State.
  - Support policies creating official or unofficial state agency liaisons with nonprofits.
  - Oppose “mandatory volunteerism” requirements for recipients of government services, since these can create financial and administrative burdens for nonprofits.
  - Support clarification and modernization of the state charitable solicitation.
- 3. Laws affecting nonprofits as employers.**
  - Support policies to address the workforce shortages that are creating challenges for many nonprofits. Such policies include including increased funding to support jobs in the nonprofit sector and investment in accessible and affordable child care.
  - Support policies that enable nonprofits to provide affordable and high-quality benefits for their employees.
  - Support policies that reduce unnecessary employment law red tape or expenses for nonprofits.
- 4. Nonprofit funding and fundraising.**
  - Support legislation to expand opportunities for nonprofit fundraising events.
  - Support legislation that promotes access to capital for nonprofits.
- 5. Nonprofit independence.**
  - Oppose policies that limit nonprofits’ governance as independent, nongovernmental corporations with control over their own organizational policies and practices.
- 5. Election laws.**
  - Oppose election law changes that make it more difficult for people to vote, since these changes ultimately diminish nonprofits’ policy influence by reducing the civic participation of people served by nonprofits, including low-income North Carolinians, seniors, and individuals with disabilities.
- 6. Benefit corporations.**
  - Support policies that would formally recognize benefit corporations in North Carolina law and provide legal protections to benefit corporations and their board members. Benefit corporations have been important partners with nonprofits in North Carolina.

### **Federal policy**

- 1. Regulation of nonprofits.**

- Support adequate funding for the IRS to provide reasonable regulation and oversight of tax-exempt organizations.
2. **Laws affecting nonprofits as employers.**
    - Support policies to address the workforce shortages that are creating challenges for many nonprofits. Such policies include including increased funding to support jobs in the nonprofit sector and investment in accessible and affordable child care.
    - Support policies that enable nonprofits to provide affordable and quality benefits for their employees.
    - Support labor laws and regulations that treat nonprofits similarly to for-profit businesses and that provide adequate protections for nonprofit employees and clients while not creating unreasonable unexpected new costs for nonprofits. In particular, it is essential that any significant changes to labor laws and regulations provide adequate transition periods for nonprofits to absorb increased costs due to fixed reimbursement rates under government grants and contracts or through limits imposed by private funders.
    - Oppose policies – such as elimination of student loan forgiveness programs – that would harm nonprofit employees.
  3. **Nonprofit independence and advocacy.**
    - Oppose new restrictions on nonprofit advocacy rights.
    - Support policies that would limit the influence of political donors on policymaking. This would help level the playing field for advocacy by nonpartisan nonprofits.

## Government Grants and Contracts with Nonprofits:

### State policy

1. **Prompt payment, red tape, and full payment for costs.**
  - Support policies to ensure that state agencies: (a) delivery contracts to nonprofits in a timely manner; (b) avoid delays in paying nonprofits that deliver services; and (c) inform them in advance if a payment will be late.
  - Support policies that address systemic problems with nonprofit-government contracting, including late contracting, late payments, and underpayment for indirect costs.
  - Support full and fair implementation of the OMB Uniform Guidance in state and local contracts.
2. **Adequate and appropriate state support for public services provided by nonprofits.**
  - Support continued state investment in the work of nonprofits through appropriations and grants.
  - Support enactment of a state budget each year to ensure adequate state support of current community needs.
  - Oppose unfunded mandates for nonprofits in the state budget.
  - Support transparency in the state budget process, including the process for determining which nonprofits receive state funds.
  - Oppose provisions in the state budget or separate legislation that limits' nonprofits ability to receive government grants or contracts based on factors such as administrative expenses.

### Federal policy

1. **Prompt payment, red tape, and full payment for costs.**
  - Support further improvements to the OMB Uniform Guidance.
  - Support legislation to simplify grant reporting requirements for nonprofits.
2. **Adequate and appropriate state support for public services provided by nonprofits.**
  - Support continued federal investment in nonprofits through appropriations and grants.
  - Oppose arbitrary, across-the-board cuts to federal government spending.

## Policy Solutions Related to COVID-19:

## State and local policy

### 1. Economic relief.

- Support state and local grant programs and state tax credits that treat nonprofits equitably with for-profit businesses in providing economic relief to employers that suffered economic harm due to the pandemic.

### 2. Incentives for charitable giving.

- Support temporary state tax credits or deductions that would provide incentives for North Carolina individuals and businesses to donate to nonprofits during the pandemic.

### 3. Appropriations for nonprofits.

- Support policies that prioritize state support to nonprofits that are providing increased services due to the pandemic.
- Support policies that would help nonprofits hire employees to offset the reduction in volunteers due to the pandemic.

### 4. Limitation of liability.

- Support policies that limit the liability of nonprofits, their board members, and their volunteers for reasonable actions taken as a result of the pandemic.

### 5. Public health.

- Support policies that protect the public health by helping to minimize the spread of COVID-19 and by facilitating the distribution of COVID-19 vaccines, treatments, testing, and personal protective equipment.

## Federal policy

### 1. Economic relief.

- Support of the retroactive reinstatement of the Employee Retention Tax Credit for the fourth quarter of 2021.

### 2. Universal charitable deduction.

- Support reinstatement and expansion of the temporary universal charitable deduction from the CARES Act.

### 3. Appropriations for nonprofits.

- Support policies that prioritize federal support to nonprofits that are providing increased services due to the pandemic.
- Support policies that would help nonprofits hire employees to offset the reduction in volunteers due to the pandemic.
- Support any state law changes necessary to ensure that county and municipal governments can use their American Rescue Plan Act funds to fund services provided by nonprofits and to provide economic relief to nonprofits.

## Major State and Federal Policy Issues That Affect the Nonprofit Sector:

### State policy

#### 1. Independent redistricting.

- Support legislation and a constitutional amendment to establish an independent, nonpartisan legislative redistricting process in North Carolina. This would make our state legislators and members of Congress more accountable to nonprofits in their districts.
- Support legislation and policy changes that improve the transparency of the legislative redistricting process.

#### 2. Health care policy.

- Support Medicaid expansion in North Carolina. This would complement the work of many nonprofits by ensuring that hundreds of thousands of North Carolinians – including many employees and clients of nonprofits – have medical coverage.
- Support legislation that will continue to provide adequate funding for the transition of NC's Medicaid program to a system of managed care. A well-developed Medicaid transformation could lead to better coordinated investment in, and focus on, social determinants of health.
- Support policies that enable nonprofits to provide affordable, high quality health insurance for their employees. This may include new health care options for nonprofits and businesses or policies that would enable nonprofits to pool together to negotiate better health insurance options in a way that does not fundamentally harm the overall health care market.

## **Federal policy**

### **1. Federal government shutdown.**

- Support the position that federal policymakers should not use government shutdowns as a way to settle policy disputes, since government shutdowns hurt nonprofits and the communities they serve.
- Support policies that will ensure continuity of government services in the future and the continued payment of nonprofits for the services they deliver on behalf of governments.

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