

North Carolina Nonprofit Community Letter to State Legislators

May 11, 2020

Senator Phil Berger President Pro Tempore, NC Senate 16 West Jones Street, Rm. 2007 Raleigh, NC 27601

Representative Tim Moore Speaker, NC House of Representatives 16 West Jones Street, Rm. 2304 Raleigh, NC 27601

Senator Dan Blue Senate Democratic Leader 16 West Jones Street, Rm. 1129 Raleigh, NC 27601 Representative Darren Jackson House Democratic Leader 300 N. Salisbury Street, Rm. 506 Raleigh, NC 27603

Dear Senator Berger, Senator Blue, Speaker Moore, and Representative Jackson:

North Carolina's nonprofit sector provides about 10% of private sector jobs in our state and like most other parts of the economy, continues to struggle in the face of the COVID-19 pandemic. The federal CARES Act included significant relief for charitable organizations by including nonprofits in new emergency loan programs, extending unemployment benefits to employees of religious organizations and small nonprofits, and providing a small tax incentive for charitable giving. The state COVID-19 Response Act also provides significant support that will help increase access to healthcare, food assistance, broadband, and other needs in North Carolina communities. Nonprofits are appreciative of this initial federal and state relief.

North Carolina's charitable nonprofits need further assistance from the General Assembly to help preserve their organizations' ability to provide essential services at this time of greatest need. Specifically, nonprofits need the following six state policy actions:

- 1. Protect self-insured nonprofits. Many 501(c)(3) nonprofits elect to reimburse the UI Trust Fund for the cost of their employees' unemployment claims rather than pay state unemployment tax. These self-insured nonprofits must keep 1% of their payroll in escrow with the Division of Employment Security at the NC Department of Commerce. Even nonprofits providing essential services during the COVID-19 crisis have had to lay off or furlough some of their employees. Without assistance in covering the costs of these unemployment claims, many nonprofits that provide health care, food assistance, affordable housing, childcare, and other critical services will have to end or curtail services later this year. The CARES Act provides funding to cover *half* of the costs of these nonprofits' COVID-19 related unemployment claims, but still leaves these organizations with significant financial liability to reimburse the UI Trust Fund for the other half of these nonprofits either by covering the other half of the costs of their COVID-19 related unemployment claims from the UI Trust Fund or by delaying the date when self-insured nonprofits must reimburse the state for their COVID-19 related unemployment claims.
- 2. Exempt charitable nonprofits from paying sales tax in 2020. Currently, most 501(c)(3) nonprofits pay sales tax on their purchases and can request semi-annual refunds of these taxes from the NC Department of Revenue (DOR). Because the COVID-19 crisis has forced many

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> nonprofits to exhaust their financial reserves, this delayed form of sales tax exemption reduces these organizations' capacity to provide immediate services like health care, childcare, and food assistance. The General Assembly can help improve nonprofits' immediate cash flow by temporarily allowing for point-of-sale exemption from sales tax instead of sales tax refunds for 2020 and directing DOR to make a simple change on the state's sales tax exemption certificate form.

- 3. Include nonprofits in small business relief. Like small businesses, many nonprofits need immediate financial support to continue to operate and provide services. Nonprofits are grateful that Congress included nonprofits in the small business relief programs established in the CARES Act. As the General Assembly develops or expands loan programs, grants, or other measures to help small businesses, it is essential that nonprofits have full access to these programs.
- 4. Bolster charitable giving incentives. The CARES Act created a temporary above-the-line charitable deduction for 2020, capped at \$300. While nonprofits appreciate this measure, the \$300 cap is unlikely to generate nearly enough new or increased donations to help nonprofits weather this crisis. The General Assembly can create a stronger incentive to increase private giving by temporarily reinstating the non-itemizer state tax credit for charitable contributions.
- 5. Facilitate remote meetings of nonprofit boards. Governor Cooper has issued an executive order to help nonprofits hold membership meetings remotely during the COVID-19 crisis. However, some organizations are unable to conduct board meetings remotely and therefore are unable to take essential actions to ensure that their organizations can continue to provide programs and services. The General Assembly can help by temporarily amending the NC Nonprofit Corporation Act to allow all nonprofit boards to take action by email by unanimous written consent and to conduct meetings by remote communications such as conference calls.
- 6. Seek input from nonprofits. Charitable nonprofits include hospitals, food banks, childcare providers, museums, senior centers, houses of worship, schools, theaters, research facilities, animal shelters, health clinics, housing assistance centers, transportation providers, and much more. Every day, these organizations work directly with a wide range of people in all 100 counties of the state. As the General Assembly determines additional state policy changes and funding to address the COVID-19 crisis, it is essential to consult with nonprofits to fully understand the current needs of communities through North Carolina. Specifically, legislators should seek input from nonprofits serving their districts and from statewide nonprofit organizations.

Thank you for your continued leadership during this crisis. The COVID-19 Response Act was an important first step in helping North Carolina communities recover. We hope you and your colleagues in the General Assembly can make these additional state legislative changes to help nonprofits continue to provide essential services in our communities.

Please feel free to reach out to David Heinen at the North Carolina Center *for* Nonprofits (<u>dheinen@ncnonprofits.org</u>) for additional information and suggestions for specific legislative language on any of these requests.

Sincerely,

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Brick Capital Community Development Corporation (Lee County) Brother Wolf Animal Rescue (Buncombe County) Brunswick Arts Council (Brunswick County) Burning Coal Theatre Company (Wake County) Caldwell Heritage Museum (Caldwell County) Camp Corral (Wake County) Camp Corral (Wake County) Camp LUCK, Inc. (Mecklenburg County) Campground Preschool (Cumberland County) Camplify (Henderson County) Cape Fear Botanical Garden (Cumberland County) Cape Fear Regional Theatre (Cumberland County) CareNet Counseling East (Pitt County) Carolina Catholic Radio Network (Iredell County) Carolina Theatre of Durham (Durham County) Carolina Theatre of Greensboro (Guilford County) Carolina Wetlands Association (Wake County) Carolinas District of Kiwanis (Watauga County) Carousel Center (New Hanover County) CCPFC (Caswell County) Center for Creative Economy (Forsyth County) Central Piedmont Community Action, Inc. (Chatham, Durham, Orange, Randolph County) Centro Unido Latino-Americano (McDowell County) Chapel Hill-Carrboro Meals on Wheels (Orange County) Charlotte Ballet (Mecklenburg County) Charlotte Community Services Association (Mecklenburg County) Charlotte Speech and Hearing Center (Mecklenburg County) Chatham County Literacy Council, Inc (Chatham, Durham, Orange, Randolph County) Child Care Services Association (Orange County) Children's Museum of Jacksonville (Onslow County) Choral Society of Durham (Durham County) Chowan/Perquimans Smart Start Partnership (Chowan County) Clay County Communities Revitalization Association (Clay County) Clean Air Carolina (Mecklenburg County) Cleveland County Arts Council (Cleveland County) Coltrane LIFE Center (Cabarrus County) Common Heart (Union County) Communities In Schools of Thomasville (Davidson County) Community Care Clinic (Watauga County) Community Care Clinic of Rowan County (Rowan County) Community Council for the Arts (Lenoir County) Community Foundation of Western North Carolina (Buncombe County) Community Health Interventions (Cumberland County) Community Housing Coalition (Madison County) ComServ, Inc. (Caldwell County) Cone Health Foundation (Guilford County) Conserving Carolina (Henderson County) Consumer Credit Counseling Service of Greater Greensboro (Guilford County) Corolla Wild Horse Fund, Inc. (Dare County) Corporation of Guardianship (Guilford County) Crisis Control Ministry (Forsyth County) Culture's Edge (Rutherford County)

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Cumberland County Council on Older Adults (Cumberland County) Cumberland HealthNET (Cumberland County) Damascus Outreach Association, Inc. (Gates County) Dan River Basin Association (Rockingham County) Dementia Alliance of NC (Wake County) Democracy North Carolina (Wake County) Diaper Bank of North Carolina (Durham County) Discovery Place (Mecklenburg County) Don and Catharine Bryan Cultural Series (Dare County) Downtown Newton Development Association (Catawba County) DREAMS Center for Arts Education (New Hanover County) Eagle's Nest Foundation (Forsyth County) Eagle's Wings Food Pantry (Beaufort County) East Carolina Council, BSA (Lenoir County) Eastern Carolina Human Services Agency, Inc. (Onslow County) Eastover Civic Club, Inc. (Cumberland County) Educate Tomorrow's Parents (Wake County) Ellington-White CDC (Cumberland County) EmcArts (Forsyth County) Emily K Center (Durham County) Emmanuel Senior Enrichment Center (Guilford County) EmPOWERment, Inc. (Orange County) Environmental Educators of North Carolina (Orange County) Equinox Ranch (Jackson County) ESC of the Triangle (Wake County) Executive Service Corps of the Triangle (Chatham County) Expo Cultural Center (Robeson County) FIRST (Buncombe County) Families First-NC, Inc. (Rowan County) Families Together (Wake County) Family Care Center of Catawba Valley (Catawba County) Family Promise of Wake County (Wake County) Family Support Network of Central Carolina (Guilford County) Favetteville Symphony Orchestra (Cumberland County) Fill Your Bucket List Foundation (Wake County) FIRST North Carolina (Guilford County) First United Methodist Church (Lincoln County) Florence Crittenton Services (Mecklenburg County) Foothills Arts Council (Surry County) Forest School Foundation (Buncombe County) Forsyth Country Day School (Forsyth County) Fostering Faith Foundation (Davidson County) Four Square Community Action, Inc (Cherokee County) Freedom School Partners (Mecklenburg County) Friends of Residents in Long Term Care (Wake County) Friends of the NC Library for the Blind (Wake County) Friends of the NC Museum of Natural Sciences (Wake County) Friends of the NC Museum of Natural Sciences (Wake County) Friendship Adult Day Services, Inc. (Alamance County) Fuquay-Varina Chamber of Commerce (Wake County) Fuguay-Varina Downtown Association (Wake County) Gaston County Family YMCA (Gaston County) Gaston Literacy Council (Gaston County) Gilbert Theater (Cumberland County) Gilbert Theater (Cumberland County)

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Land Loss Prevention Project (Durham County) Laurel Community Center (Madison County) LEAD Girls Of NC Inc. (Forsyth County) Leadership Asheville (Buncombe County) LEAF Global Arts (Buncombe County) League of Women Voters of North Carolina (Moore County) Lewisville Historical Society (Forsyth County) Life Enrichment Center of Cleveland County (Cleveland County) LIFE Village (Watauga County) LifeWork Collaborative Foundation (Wake County) Lincoln County Historical Association (Lincoln County) Lincoln Cultural Center (Lincoln County) Lincolnton Cultural Center (Lincoln County) Literacy Council of Buncombe County (Buncombe County) Little Pink Houses of Hope (Alamance County) Living The Dream Org (Mecklenburg County) Loaves and Fishes Ministry, Inc. (Wake County) Lung Cancer Initiative of North Carolina (Wake County) Lung Transplant Foundation (Wake County) Lutheran Services Carolinas (Rowan County) Madison County Arts Council (Madison County) Mainspring Conservation Trust (Macon County) Me Fine Foundation (Durham County) MeckEd (Mecklenburg County) Mending Strides Ranch (Mecklenberg County) Mental Health America of Central Carolinas (Mecklenburg County) Methodist Home for Children (Wake County) Miracle League of the Triangle (Wake County) ML Performing Arts Center (Macon County) Monarch (Cabarras County) Monarch (Stanly County) Montessori Association of North Carolina (Buncombe County) Montford Park Players (Buncombe County) Mount Airy Museum of Regional History (Surry County) Mount Ulla Historic Preservation Society (Rowan County) Mountain Projects Community Action Agency (Haywood County) MountainTrue (Buncombe County) Mt. Bethel UMC Bahama (Durham County) Museum of Life and Science (Durham County) Musical Empowerment (Orange County) NAMI Johnston County (Johnston County) Nazareth Child & Family Connection (Rowan County) NC Alliance of YMCAs (Wake County) NC Association of CPAs (Wake County) NC Chamber Music Institute (Wake County) NC Child (Wake County) NC Coalition on Aging (Wake County) NC Community Action Association (Wake County) NC Community Development Initiative (Wake County) NC Counts Coalition (Wake County) NC Fine Wines Society (Forsyth County) NC Museum of Life and Science (Durham County) NC Rural Center (Wake County) NC Science Fair Foundation (Wake County) NC Theatre Conference (Guilford County) NC Therapeutic Riding Center (Orange County) NC Transportation Museum Founation (Rowan County)

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The Center for Community Transitions (Mecklenburg County) The Center for Innovative Thinking (Buncombe County) The Centers for Exceptional Children (Forsyth County) The Collaborative of NC (wake County) The Community Table (Jackson County) The Corner Table (Catawba County) The Eco-Institute at Pickards Mountain (Orange County) The Family Place of Transylvania County (Transylvania County) The First Tee of Greater Charlotte (Mecklenburg County) The Free Clinics (Henderson County) The Health Foundation (Wilkes County) The Hope Center at Pullen (Wake County) The Montessori School of Raleigh (Wake County) The Ocracoke Foundation, Inc. (Hyde County) The Orchard at Altapass (McDowell County) The Outreach Center (Burke County) The Paula Takacs Foundation for Sarcoma Research (Mecklenburg County) The Raleigh Ringers (Wake County) The Rick Herrema Foundation (Cumberland County) The Shepherd's Center of Kernersville (Forsyth County) The Thomas S. Kenan III Foundation (Orange County) The Walking Classroom Institute (Orange County) The Warner-Craven Foundation (Orange County) Thermal Belt Outreach (Polk County) Threshold (Durham County) Toxic Free NC (Durham County) Transforming Youth Movement Inc (Mecklenburg County) Transforming Youth Movement Inc. (Union County) Triad Adult and Pediatric Medicine (Guilford County) Triangle Bikeworks (Orange County) Triangle Land Conservancy (Durham County) Triangle Nonprofit & Volunteer Leadership Center (Wake County) Trillium Arts (Buncombe County) Tryon Arts and Crafts School (Polk County) Tryon Fine Arts Center (Polk County) Tryon Historical Museum (Polk County) Tryon Riding & Hunt Club (Polk County) Tryon Toy Makers & Wood Carvers (Polk County) Turtle Island Preserve (Watauga County) Twin Rivers YMCA (Craven County) UMAR Services, Inc. (Mecklenburg County) UNCF (Mecklenburg County) United Way ABC (Buncombe County) United Way of Alamance County (Alamance County) United Way of Asheville and Buncombe County (Buncombe County) United Way of Iredell County (Iredell County) United Way of Lee County (Lee County) United Way of Lincoln County (Lincoln County) United Way of North Carolina (Wake County) United Way of Rutherford County (Rutherford County) Universal Institute for Successful Aging of Carolinas (Mecklenburg County) University Presbyterian Church (Orange County) Upstairs Artspace (Polk County) USO of North Carolina (Wake County) Vaccine Ambassadors (Durham County) Valle Crucis Conference Center (Watauga County)

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Verner Center for Early Learning (Buncombe County) Vets to Vets United (Durham County) VictoryLife House (Gaston County) Warren County Community Foundation (Warren County) Watauga County Arts Council (Watauga County) Watauga Opportunities Inc. (Watauga County) Western North Carolina AIDS Project (Buncombe County) Western North Carolina Historical Association (Buncombe County) Williams YMCA of Avery County (Avery County) Williams YMCA of Avery County (Avery County) Williams Family YMCA (Wilson County) Wilson Family YMCA (Wilson County) Winston-Salem Mixxer, Community Makerspace (Forsyth County)

Winston-Salem Street School (Forsyth County) Winston-Salem Urban League (Forsyth County)

WNC Bridge Foundation (Buncombe County) Women Veterans Support Services (Wake County) Wrightsville Beach Museum (New Hanover County) Yadkin Valley Economic Development District, Inc. (Davie, Stokes, Surry and Yadkin County) YMCA Blue Ridge Assembly (Buncombe County) YMCA of Avery County (Avery County) YMCA of Catawba Valley (Catawba County) YMCA of High Point Inc. (Guildford County) YMCA of Northwest North Carolina (Forsyth County) YMCA of the Sandhills (Cumberland, Harnett, Hoke, Moore, Bladen County) YMCA of the Triangle Area, Inc. (Wake County) YMCA of Western North Carolina (Buncombe County) Zing Zumm, Children's Museum of Jacksonville (Onslow County)