

## **HUMAN RESOURCES/SOCIAL POLICY**

Promote social and economic justice, secure equal rights for all, and combat discrimination and poverty.

### **CRIMINAL JUSTICE**

Promote fair and equal treatment of all citizens involved in the criminal justice system, including victims and witnesses.

Promote swift, sure, and fair disposition for every defendant and measures to assure the relief of overcrowding and inmate idleness; support improved services to juveniles through mandatory statewide guidelines, special training for personnel, and elimination of inter-agency fragmentation; support improvements in education and/or training for employment, and family visitation for incarcerated females, special assistance to handicapped inmates, and increased use of alternatives to incarceration for non-violent crimes.

Support the establishment of a witness assistance program in every court district.

Support limited compensation for all victims of violent crimes, including services and financial support.

Establishment of community alternatives to incarceration in state training schools and local jails.

Increased attention by policy makers to the needs of females in jails and prisons (family visitation, education, vocational training and work release opportunities).

Limited compensation for victims of violent crimes, including services and financial support for all victims regardless of their income.

### **Legislative Background**

In broad categories the League supports: funding of the criminal justice system to provide adequate pay for those working in the system, from law enforcement to judiciary; continued training and upgrading of skills for those working in the criminal justice system, especially those working in juvenile justice; upgrading and/or maintaining prison facilities serving men, women, or juveniles.

League interest in the Criminal Justice System began in 1952. The initial study was of state agencies with an emphasis on the penal system. Studies and consensus on the court system continued through the 1950s, 1960s, and 1970s. In 1974-79 the League concentrated on various aspects of the juvenile justice system: a survey of juvenile training schools and detention facilities and community-based alternatives within the state.

Activities during 1978 through 1982 concentrated on women in prison and services to victims and witnesses of crimes. The League testified in the state legislature in 1953, 1955 and 1957 in support of bills to separate the Prison Department from the State Highway Department and the Public Works Commission. Legislative action in 1957 achieved this separation.

In 1967, the State Prison Department was renamed the Department of Corrections and became part of the Department of Social Rehabilitation and Control. Further reorganization followed in 1974 when the Department of Correction incorporated three divisions: the

Division of Probation and Parole, the Division of Prisons, and the Division of Youth Services (DYS). The Division of Youth Services was transferred to the Department of Human Resources in 1975. The League worked in the area of the courts and the state judicial system from 1956 to 1976, a historic time for the judicial system in North Carolina. In 1959 and 1961, the League supported bills that proposed a uniform and unified court system.

In 1961, the General Assembly adopted a proposal to rewrite Article IV (Judicial Article) of the State Constitution. The voters approved the new article in 1961, directing the General Assembly to complete the new court system by January 1971.

One issue continues to be elusive. The issue of merit selection of judges has been introduced intermittently through the years and has yet to gain acceptance in the General Assembly.

Interest in juvenile justice prompted study and action by the League from 1973-1980. The Juvenile Code (HB 474) was rewritten. The Division of Youth Services accepted most of the responsibility to provide services in institutions and community-based programs that implement the right of each child to appropriate treatment.

In 1980, the League conducted a study of 11 juvenile detention centers/training schools in the state. The study concluded:

- There are few similarities among facilities.
- The public should be made aware of requirements and needs of these facilities.
- Staff training appears to be minimal at some schools.
- Some areas of responsibility for juveniles are unclear among agencies.
- Long term facilities need more emphasis on uninterrupted education of the juvenile and attention to his/her physical and mental well-being.

In 1981, the League could report that facilities had been painted, furniture replaced, and a program for emotionally disturbed children initiated at John Umstead Hospital. Services were increased to other emotionally disturbed and developmentally disabled youth. A 1976 study on the North Carolina prisons emphasized overcrowding and idleness. Consensus of this study placed an emphasis on "sure and fair disposition of every defendant" and concern that the prison system initiate measures "to assure the relief of overcrowding and inmate idleness."

Work in this area led to further study concerning "Alternatives to Incarceration for Women and The Mentally Retarded." Many of the conclusions reached in that study remain issues for action. The study of 1982 centered on "Problems, Treatment, and Compensation for Victims of Crime." Through consensus, the League supports the principle that the State of North Carolina has a responsibility to victims of crime. Members support victim assistance programs throughout the state and compensation to victims of violent crimes. By 1983, the League had seen many favorable changes in the North Carolina Criminal Justice system.

In 1984, the League was invited to moderate community discussion on a proposed women's facility in Black Mountain. The women's prison was placed there.

The 1987 Legislature eliminated the death penalty for juveniles under the age of seventeen. The law applied only to new cases and allowed the death penalty for someone serving a life term for murder who murders someone in prison or who escapes and kills again.

Efforts to secure expansion funds for the Community Based Alternatives (CBA) program for

youth under sixteen were unsuccessful. Two bills were ratified: To allow convicted juveniles who will be imprisoned in the adult prison system to be held in adult jails rather than juvenile detention centers while awaiting transport to prison; and allow juveniles committing misdemeanors involving assault to be held in secure custody. More confidential use of juvenile records was assured by bills allowing agencies working cooperatively on a case to share information and allowing future juvenile records to be used for research when certain safeguards are in place. The North Carolina Prison system will continue to demand increased public funds to update facilities to meet required building standards for prisons.

The Victims Compensation Act of 1983 established the Victims Compensation Fund to assist victims of criminally injurious conduct with expenses related to medical care, rehabilitation and other remedial treatment and care. The 1983 Act provided that no claims could be filed for criminally injurious conduct occurring after December 31, 1991 and that remaining monies would revert to the General Fund on July 1, 1993. HB534 removed those provisions effective June 17, 1991.

HB513 created a new offense: ethnic intimidation, thus adding a new aggravating factor of ethnic animosity in sentencing for felonies.

Repeal Prison Cap/Prevent Parole of Violent Criminals (HB229, Chapter 324) effective July 1, 1995, the Secretary of Corrections is authorized to contract with private for profit or non-profit firms. Prison Cap Repeal (HB229, Chapter 324) requires the Department of Corrections to provide space to allow habitual and violent felons to serve full sentence imposed.

Effective 1995 (HB230, Section 19.2) \$250,000 of funds appropriated to Department of Corrections for 1995-96 Fiscal Year is placed in reserve for bunking inmates in shifts.

Psychological Counseling of Parents (SB379, Chapter 328) amends the juvenile code to expand the court's authority over the parent of a juvenile who is adjudicated abused, neglected, dependent, undisciplined or delinquent to allow the court to: (1)remove the juvenile from the custody of the parent(s); (2)require the juvenile to receive medical, psychological treatment, and require parent to participate in the treatment; and/ or (3)require the parent to undergo psychiatric or other counseling and require parent to pay for treatment.

A constitutional amendment passed in 1996 provides that probation, restitution, community service, work programs, and other restraints on liberty are punishments that may be imposed on a person convicted of a criminal offense. Another constitutional amendment that passed in 1996 was the Victims' Rights Amendment that gave crime victims basic rights to participate in the judicial system. The amendment provides victims with the following rights:

- to be informed of and be present at court proceedings
- to be heard at sentencing of the accused
- to receive restitution
- to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services to victims
- to receive notification of escape, release, proposed parole, or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence
- to present their views and concerns to the Governor or agency considering action that could result in the release of the accused, prior to such action becoming effective.

For additional details, see **Background: Positions for Action**, published September 1982, LWVNC, Part I, Criminal Justice, pages I-1 to I-14.

## **DAYCARE**

*Adopted 1993-95*

Promote the availability of quality daycare to all North Carolina families, regardless of socioeconomic status, through adequate state and federal standards, financial assistance, and monitoring the enforcement of those standards.

*Reached in June 1980*

Affordable, quality daycare should be available to all segments of North Carolina's population. The physical and psychological well-being of the child is paramount. The state and federal governments are responsible for setting standards, giving financial assistance, and monitoring daycare programs to assure the availability of safe, developmental childcare services that are a strength and support to families regardless of socio-economic status.

Specifically, the League supports:

- higher standards for licensing requirements; abolishing 20% tolerance above the number of children in the licensing specifications
- better staff training
- judging compliance at group level; equalization of licensing and certification standards
- strengthening existing monitoring programs and policies; greater emphasis on regulations and monitoring in the areas of health and safety; specific standards and required registration of family daycare homes
- requiring an educational developmental program for all center-based daycare
- a single state daycare unit for licensing, certification, and monitoring
- a citizen majority on the Daycare Licensing Commission
- federal assistance to reimburse cost of care at a ceiling, to assist licensed centers meet certification standards, to help families needing daycare but exceeding Title guidelines
- abolishing socioeconomic segregation within the daycare system
- encouraging state to purchase care from private centers
- encouraging families to purchase care from certified centers
- diversity of childcare options
- more services to families with special needs, including: transportation; after-school care; migrant workers; families with handicapped or emotionally disturbed parents/children
- industry supported daycare through tax incentives to businesses, scholarships for purchasing care, on-site care.
- a program of community and parental awareness.

An earlier consensus, published in January 1969 after a study of public education in North Carolina supported a statewide public pre-school program with appropriately accredited teachers with immediate implementation on a temporary basis during the development of a permanent program; top priority should be given to kindergartens and vocational education programs in considerations; improved teacher training; higher teacher salaries; special education programs; guidance; remedial reading; and provision of teacher aides.

### **Legislative Background**

Nationally, the Act for Better Childcare Services (HB3660; SB1885) was introduced in November 1987. It brought the federal government into the childcare partnership with local and state governments, private charities, employers and families, to increase the supply of quality childcare at prices parents can pay. This "ABC" bill authorized \$2.5 billion for 1989, of which North Carolina's allocation was \$71.5 million (a 20% State match is required).

The 1987 legislature funded fifteen new staff positions, at a cost of \$663,000 for the biennium, to the Child Daycare section. Legislation was also passed that made minor technical changes in the 1985 omnibus daycare bill. It increased the number of children in a

home from two to three before required licensing, removed the exemption from licensing for summer day camps run by non-profit organizations, and reduced the minimum age for daycare home workers from eighteen to sixteen provided they are supervised by a literate adult over the age of twenty-one. The bill established new size categories and enabled the Child Daycare Commission to set new, stricter standards for them. Fines for violations were increased from \$50 to \$300.

League legislative priorities in 1985 were: to improve and speed enforcement of daycare licensing; to reduce the child-staff ratio and limit the number of children in one room; to promote a procedure to encourage daycare operators to determine whether their employees have criminal records.

Daycare bills passed with some weakening amendments but substantially in the form the League recommended in 1980. These included facilities standards and enforcement funds.

In 1983, the League lobbied for a variety of daycare legislation, stronger licensing enforcement, and opposition to exemption of church daycare facilities from regulations. A Legislative Study Commission on Daycare, which the League supported, was passed in the final days of the legislative session.

By 1987, 65% of mothers with children under six were working in North Carolina – compared to a national average of 55%. Even when childcare can be found, many families cannot afford the cost of childcare, which averages nearly \$2300 per year per child. The General Assembly took no action to improve childcare supply affordability or quality in the 1989 session. By the 1990 census, 66.8% of mothers of children under six were working compared to 59.7% nationally.

Low pay (average \$5.25 per hour in 1993), inadequate or non-existent benefits, and poor working conditions due to inadequate staff/child ratios result in high annual turnover rate among North Carolina childcare workers. The need to implement LWVNC positions to increase the supply of childcare, to raise the standards for childcare, and to make childcare affordable remains critical.

The federal Family Support Act provided more childcare for AFDC families seeking job training and education as it has been phased-in during the last few years. In 1990, the House version provided money for Head Start to operate full day, year-round programs, for before and after school programs and provided millions of new federal dollars to North Carolina for childcare allocations.

HB597 of 1993 required county social services directors to notify the SBI within two hours if an initial investigation of reported abuse in a daycare facility reveals that sexual abuse may have occurred.

HB1091 prohibits the use of corporal punishment as a form of discipline in daycare facilities except in the case of a church-run daycare facility when that facility makes a report that corporal punishment is part of religious training and same is clearly in its written policy.

In 1991, the Daycare Study Commission was charged with studying issues relating to affordability, availability, and quality of child daycare in North Carolina and reporting their findings to the 1992/93 sessions.

In 1993, the Early Childhood Education and Development Initiatives (now known as "Smart Start") were passed and funding was provided for twelve pilot programs in counties

throughout the state. Funds could be used for: start-up funding for new daycare centers; assistance to enable child daycare providers to conform to licensing and building code requirements; needs and resources assessments for child daycare services; child daycare resources and referral services, etc. Since that time Smart Start has been slowly expanding. Fifty-five counties are now included.

Smart Start has provided seed money to allow local communities, using public and private resources, to develop programs needed for young children. LWWNC continues to urge local Leagues to monitor and work with local Smart Start programs to foster our League positions and priorities. The League continues to push for Smart Start expansion money from the state.

The legislature also reduced the child-staff ratios permitted in North Carolina to 2/1 for children under the age of three. It created the Joint Legislative Oversight Committee on Early Childhood Education and Development Initiatives.

For the first time, in 1996, the legislature funded, in the continuation budget, an Early Childhood Project called T.E.A.C.H. – a part of Smart Start – to enable local community colleges to prepare daycare personnel to use developmentally appropriate early childhood training.

The 1996 legislative session made \$1 million dollars available to increase eligibility limits and other initiatives to help more low-income parents. However, by putting a cap on funds, taking in more children who will stay there will limit the new numbers to be served.

### **ELDER CARE**

*Adopted by the LWWNC State Board in January 93, amended in March 1993, amended again at Convention, May 1993*

The League of Women Voters of North Carolina believes that the state should take an aggressive role in the provision of services to dependent older adults by:

#### Creating standards and enforcement

- establishing, monitoring and enforcing of standards defining state and county responsibilities for institutions ranging from in-home residential care to nursing homes
- expansion and improvement of Ombudsman program services.
- improved opportunities for citizen participation in establishing and monitoring county and state policies and programs

#### Ensuring access to services

- Establishment, in each county, of a single point of entry for information, referral, and intake for dependent older adults and families in need of assistance with their care
- guarantees of equitable access to all services
- equalization formulas for county funding from the state based on age, race, poverty and other demographic status of the county
- establishment of eligibility for public subsidies for services based on age, income, functional impairment, and type of residence and family support
- expansion and improvement of Medicaid eligibility

#### Requiring minimum services

Create, in every county, access to the following core services, not necessarily provided by the county, but accessible through county referral, for example: transportation, adult daycare, in-home aides, congregate meals, home-delivered meals, protective services, medical equipment, and therapies.

### Legislative Background

The Long-Term Care Ombudsman program was re-funded in 1989. Tax credits for caregivers were funded, as was the respite program. The domiciliary care rate increase slightly eased the problem of finding long term care beds (from \$654 monthly in 1987 to \$724 in 1989).

In-Home Funds (SB1505, Chapter 769) appropriated an additional \$500,000 to the Division of Aging for in-home services. This is part of an additional \$10.8M continuing funding for 94/95FY. Provision became effective July 1, 1994.

Alzheimer' s Funds (SB1505, Chapter 769) appropriated \$100,000 to the Division of Aging to be used to support services delivered to Alzheimer's patients and their families.

Nursing Home Penalty Change (HB740, Chapter 698) requires the Secretary of the Department of Human Resources to establish a Penalty Review Committee. This committee has the responsibility to review administrative penalties assessed against nursing and rest homes that violate applicable State/Federal laws and regulations.

Domestic Abuse of Disabled or Elder Adults (SB127, Chapter 246) was recommended to the 1995 General Assembly by the NC Study Commission on Aging. New criminal offenses are created for abuse, neglect, or exploitation by a caretaker of a disabled or elder adult residing in any residential setting other than healthcare facility or residential care facility.

Changes in Long-Term Care Ombudsman Program (SB334, Chapter 254) made changes in long-term care ombudsman so that it conforms with the 1992 amendments to the Older Americans Act of 1965. (1)It amends provisions pertaining to the disclosure of the identity of a resident or complainant to make such disclosures possible – as permitted under the Older Americans Act (2) amends provisions pertaining; and (3)amends provisions pertaining to access to patient records by deleting references specifying ombudsman access to a resident's record and substituting requirement. *(Nonsense? No original copy. LRR)*

Rest Home Regulation (HB756, Chapter 280) adds a definition of rest home administrator to the list of definitions for rest homes; a license shall not be issued for any rest home whose administrator has a revoked license. Adult Care Home Reimbursement Rate (HB230, Chapter 507) allows the Department of Human Resources to implement results of a study that does the following: (1)draw down Federal Medicaid funds to pay for existing service/personal care services; (2)allows a 10% rate increase for adult care homes, funded by State/County funds freed up; (3)hire 29 staff positions for DHR to set up monitoring rate setting and technical assistance services to adult care homes; (4)provide mental healthcare services to certain adult care homes; and (5)establish State/County matching ratios for the non-federal share of Medicaid.

In-Home Aide Funds (HB230, Chapter 207) appropriates \$500,000 for each year of the biennium to the Division of Aging to expand in-home and caregiver support services. Assisted Living Terminology (SB502, Chapter 535) establishes the licensing and registration of assisted living facilities. An umbrella term for assisted living includes domiciliary homes (name changed to adult care homes) and a new type of housing and services called multi-unit assisted housing and services. Multi-unit assisted housing is not required to provide 24 hour supervision and accommodates scheduled and unscheduled personal care needs. Disclosure statements and registration is required by multi-units while licenses are required in adult homes, effective October, 1995.

## EDUCATION

*Adopted 1993-95*

Promote quality education for all students through the secondary level, with a continuing emphasis on the equalization of financing of public schools, and consolidation of school districts, when feasible, to provide for improved administration, better use of facilities, and broadened school instructional offerings.

Support developmentally appropriate early childhood education.

Improve quality of teaching through such means as in-service training, more comprehensive teacher training programs, and higher salaries.

Support appointment of Superintendent of Public Instruction.

Support increased citizen participation through formation of school site and district public school advisory committees.

Continue efforts to improve administrative efficiency and judicious use of funds. State funding should be sufficient to support state curriculum requirements in all counties.

### Legislative Background

The Federal Government funded preschool programs under Head Start and Title XX of the Social Services Block Grant that allowed states to use federal monies for childcare for poor families. In addition, 23 states contributed to early childhood education programs, varying in quality of programs and eligible children served.

Policy options in North Carolina in the use public schools, the use of Head Start and other community agencies, the use of a combination of public schools and other public and private agencies, the use of part-day or full-day programs, and the limitation of clientele to include only disadvantaged children. (The N.C. Daycare Association favors access to quality pre-school programs for all four-year old children, with professional staff and a strong educational component to nurture the development of children.)

The following are generally accepted standards of quality in early childhood programs: staff/child ratio of 1 to 10 or less; curriculum derived from principles of child development; support systems – administrative and training; parent involvement; attention to child's health and nutrition needs and family services; evaluation by all concerned and by objective sources.

Statement on Early Childhood Education in the *Early Childhood Education Update* of June 1987 provided the rationale for early childhood education programs, League background, and the relationship of early childhood education programs to daycare programs. The 1987 General Assembly created an early Educational Program Study Commission to study preschool services for 3 and 4-year old children in North Carolina and other states.

The action position adopted by the League in 1968 reads as follows, "Support measures to provide sufficient financing for broadened instructional programs with adequately trained and paid personnel, improved administrative procedures and fuller use of school facilities and equipment in the North Carolina education system through the secondary level."

In the 1987 NC legislature, the League's priorities were funding for the Basic Education Program (achieved) and the appointment of the Superintendent of Public Instruction (not

passed). More specific priorities and General Assembly action follow.

1. Support and fully fund the Basic Education Program (BEP to be funded year by year until General Assembly funded the BEP on schedule: \$386 million new monies over two years, including an additional \$30 million for exceptional (handicapped and gifted) children, ages 5-20. The NC Legislature of 1994-96 continued some funding of BEP, mainly at the elementary level. Many goals of BEP were rolled into a new ABC plan (ABC stands for Accountability, curriculum Basics, and local Control.)

2. Continue efforts toward financial equalization, with emphasis on facilities, by taking into account local effort and wealth in helping needy districts meet their local obligations. The General Assembly passed a 10-year program that will ensure \$3.2 billion for needed facilities. All 100 counties are eligible (by matching \$3 state monies with \$1 locally) to receive funds from the Public School Building Fund. A new Critical School Facilities fund will enable the State Board of Education to award grants to poor districts with critical needs (now estimated to be 10 to 12 districts) after a report from a Commission on School Facilities in 1988. This action constitutes an important effort toward equalization. In 1996, the Legislature provided \$5 million in additional funds to low-revenue school systems – completed a school facilities study and put a \$1.8 million capital bond issue on the November ballot with 35 % of the money designated for low-wealth districts – another step toward reaching LWVNC goals. The Bond issue passed.

3. Support a constitutional change to require the State Board of Education to appoint the Superintendent of Public Instruction, to ensure that authority accompanies responsibility. Require limited terms for members of the State Board of Education and no conflict of interest (i.e., members who do not receive livelihood from public education that they govern). No action was taken in General Assembly. During that year, political infighting resulted in maintenance of status quo. Although the bill has been reintroduced in subsequent years, no action has been taken as of 1994. A similar bill introduced in 1996 came within a few votes of passing.

4. Advocate lay/professional dialogue and partnership through advisory councils, training of teachers and administrators in skills of working with peers and community, and strengthening Community Schools Act through broadened and elected membership and more substantive agendas. The General Assembly did not address the issue, but a majority of districts replying to the LWVNC survey had advisory councils of some kind and stated they needed to strengthen public participation in their local schools – especially if public education was to receive continued financial support from a citizenry over 70% of whom have no children in school. The ABC plan mandates school improvement teams to fully include parents in each school. Most of SB2 is now in the ABC plan, with more emphasis on parent and community participation. The 1996 session gave an average 4.5% salary increase to teachers.

Full funding of the Basic Education Program (BEP) was delayed by the legislature in 1989. Scheduled BEP funding for 1989-90 was \$112 million; \$69.2 million was granted. Scheduled funding for 1990-91 was \$210 million while \$180 million was actually granted. Teachers received an average of a 6% pay increase and salary schedules for teachers were equalized.

The most significant bill to pass the legislature in 1989 was SB2, The School Improvement and Accountability Act of 1989. The purpose of this law was to return more power to local school systems while requiring that the school systems show improvement in such areas as student attendance, dropout rates, and student performance indicators. The bill also included a flexible, differentiated pay plan for certified instructional, support, and

administrative staff. Participation in all or parts of this program was voluntary. No funding was provided for 1989-90 as it was to be considered a planning year.

Legislation enacted in 1991 included SB324 that allowed homeless children to enroll in a local school where the child is actually living and provides that homeless children may not be charged tuition, HB495 that required the Department of Public Instruction to provide technical assistance to local school systems to develop dual evaluation systems for both professional growth and criteria for personal decisions, and HB148 that required the State Board of Education and the State Board of Community Colleges to adopt rules and procedures for improving dropout programming, data collection, and accountability. HB284 established the NC Standards Board for School Administration for the certification of school principals and superintendents effective January 1, 1997.

Since most of the state programs are rolled into the ABC plan, it behooves the LWVNC and local Leagues to become familiar with the comprehensive plan and how it is being implemented locally and to measure it against our LWV positions on education.

### **EARLY INTERVENTION FOR CHILDREN AT RISK**

*from LWVUS Convention Concurrence 1994*

The LWVUS believes that early intervention and prevention measures are effective in helping children reach their full potential. The League supports policies and programs at all levels of the community and government that promote the well being and encourage the full development and ensure the safety of all children. These include: 1) child abuse/ neglect prevention; 2) teen pregnancy prevention; 3) quality healthcare, including nutrition and prenatal care; 4) early childhood education; 5) developmental services, emphasizing children ages 0-3; 6) family support services; and 7) violence prevention.

Direction to the Board at the LWVNC Convention of 1993 urged the League of Women Voters of North Carolina to focus its attention on the coordination and delivery of early intervention services for children at risk so that children at risk become: 1) educated to their full potential as human beings; 2) lifelong learners; and 3) productive members of society. This complex issue involves such items as poverty, healthcare, children having children, family planning, crime, violence, and drugs. League members also selected this issue as one of five legislative priorities for the 1995 legislative session. Local Leagues (notably LWV Charlotte-Mecklenburg) and Leagues across the United States had developed strong Early Intervention positions and actions by 1991 and urged the 1994 LWVUS concurrence statement.

Delegates to National Convention of 1994 – invoking the rarely used convention concurrence process – agreed to new social policy positions on Violence Prevention and Early Intervention for Children at Risk. Early Intervention for Children at Risk was also one of four issues designated as a national Issue for Emphasis at the National Convention of 1994.

LWVNC has put strong emphasis on this position especially by forming local and statewide working coalitions with other early childhood organizations and by lobbying our legislative delegations especially for support of Smart Start, including T.E.A.C.H. From 1994 to 1996 and continuing into 1997, a major effort of the LWV has been to educate the public, especially the Legislature, as well as its members about why the League maintains a strong, long-standing opposition to the use of vouchers or tax credits that transfer funds from public to private schools (see LWVUS position). The League continues to watch for and block future voucher bills in the North Carolina legislature. The League also continues to support integration as an essential part of equal access to quality education for all students.

## HOUSING

Promote equal access to housing for all citizens of North Carolina. Support the adoption of statewide housing policy and a minimum statewide housing code. Support state initiative to increase the supply of housing for low-income persons in the wake of decreased federal funding.

### Legislative Background

In 1983, the LWVNC supported the Fair Housing Amendment legislation, a Minimum State Housing Code, and adoption of the North Carolina Housing Commission. In addition, the League in supported a resolution for the funding of housing for low-income families. The resolution urged that Congress make funds available to states if, in fact, they pass the responsibility for providing low-income housing to the states. In 1985, SB683 was introduced to create the North Carolina Housing Trust Fund to provide resources at the state level to compensate for the loss of federal support for low-income housing programs. The trust fund was created by pooling accumulated interest on real estate-related deposits such as sale escrow accounts, mortgage escrow accounts, and landlord-tenant security deposits. These accounts currently do not pay interest to the owner of the funds.

Housing groups supporting the trust fund include the North Carolina Coalition for Low Income Housing, a statewide coalition that includes the North Carolina Council of Churches, North Carolina Council of Social Legislation, LWVNC, and the Raleigh Housing Task Force. Because the proposal was controversial, the Senate created a study commission to make recommendations to the 1987 session regarding the creation of such a fund. A wide spectrum of interest groups was represented on the commission. (See SB738 of 1987, below.) The Raleigh Housing Task Force also recommended exploring the possibility of a real estate transfer tax. This concept stemmed from a consultant's report to the Real Estate Research Corporation, based on the practice in some jurisdictions that are experiencing increased growth.

The State Fair Housing Act, passed in 1983, makes it unlawful to discriminate in real estate transactions on the basis of race, color, religion, sex, or national origin. Complaints under the act are to be taken to the North Carolina Human Relations Council, which has broad authority to investigate and rule on them. The League assisted the Council in lobbying for this legislation.

North Carolina State Fair Housing Amendments were passed to conform to federal legislation that makes it illegal to discriminate against households with children under the age of 18 and the physically or mentally handicapped. Multi-family dwellings of four or more units must be accessible if made available for first occupancy after March 3, 1991. Anti-discrimination clauses now apply to appraisals, sales, etc. Local Fair ordinances have also been passed in Charlotte, Fayetteville, and Gastonia among others.

Demolition of Condemned Housing allows localities with populations over 165,000 to require owners of condemned buildings to either repair or demolish them. The locality can demolish the dwelling without assuming the expenses connected with a condemnation. If the dwelling can be repaired for 50% or less of its current value, the locality can order its repair or demolition. If rehab would be more than 50% of the value, the locality can order demolition/removal within 90 days.

Although the League did not lobby for HB426, Sales Tax on Housing, enacted in 1983, the law had far-reaching significance for those seeking ways of providing housing in the cities.

According to Ch.908 (the ratified bill), cities with populations of at least 75,000 may expend up to twenty per cent of the increased sales tax revenue for housing. (Long title of the bill: "An act to authorize counties to levy one-half of the revenue from these taxes shall be used, and to allow certain cities to spend sales tax revenue on housing and to authorize various transient occupancy taxes).

In 1987, the League supported HB328 (Local Enabling Legislation) that clarified City and Housing Authorities' legal abilities to use property tax, general obligation bonds, and tax-exempt bonds for housing for low and moderate-income persons. SB461, enacted in 1985, clarified the cities' sale of property in redevelopment areas. Also passed in 1987, SB738 (State Housing Trust Fund), established the North Carolina Housing Partnership, that will set policy and allocate money from the Stripper Well Litigation funds for housing low-income persons. A broad range of uses of the Trust Fund were permitted including rehabilitation, new construction, weatherization, and assistance for the homeless. Requirements for targeting of the funds were: a) 30% of funds go to families with incomes at or below 50% of median family income; b) 40% of funds go to families with income at or below 80% of median family income.

The League priority for the 1989 session was to support increased funding for the Housing Trust Fund and other alternatives to provide housing for persons of low and moderate income.

For the first time, appropriations from the General Fund were made directly to assist with meeting low-income housing needs. Very few states do this. Other policy actions signaled a somewhat more favorable climate enabling improvements in housing programs and structures for the poor and near-poor who suffer from inadequate, unsafe or unavailable housing.

SB1042 of 1989 appropriated two million dollars for grants to public and private groups and a two million dollar appropriation to the Center for Community Self-Help Funds for a revolving loan program for low and moderate-income homebuyers. This pumped an additional \$50 million into the low-income housing market. Other appropriations in 1989 were: \$26.7 million from the small cities Community Development Block Grant for revitalization and \$1.1 for Development Planning/Housing; \$3.2 million for the Low Income Weatherization Program from petroleum overcharge funds; \$3.1 million for 14 new group homes and 5 apartments for the mentally retarded; \$1.6 million for 11 new group homes and 5 apartments for the mentally ill; and \$678,000 for independent living programs for severely disabled persons.

HB182 passed in 1991 to establish a demonstration program in one or more counties with funds available setting up a revolving security and utility loan fund to enable people living in shelters and transitional housing to borrow funds to enable them to move into permanent housing.

A Housing Coordination and Policy Council was created in the 1993 session to advise the Governor regarding the coordination of various public and private low and moderate-income housing programs. It gathers representatives from the various boards that handle housing issues and reports annually to the Legislature.

No funds were put in the Housing Trust Fund in 1995 or 1996.

## **WOMEN'S ISSUES**

Promote economic, social, legal, and constitutional equality for women.

### **Legislative Background**

The statutory rape bill was amended in 1995; if the victim is under 16 and the defendant is more than 4 years older, statutory rape penalties apply. If the defendant is more than 6 years older, more serious felony charges can apply.

A series of laws passed in the 1995 session made divorce and equitable distribution (EQ) of property somewhat less painful. Judges can sanction parties who purposely delay EQ proceedings; interim distribution before divorce of some funds is permissible and EQ claims can be settled before or after divorce.

The 1995 session passed legislation that: prohibits a party from purchasing a firearm for a time fixed in a protective order; allows defendants to remain in custody not more than 48 hours from the time of arrest until the case is heard by a judge, or if a judge is unavailable, a magistrate.

The 1996 session passed legislation to: increase those eligible for protection orders; make it clear that orders are good across county lines, and that North Carolina accepts orders from other states; make it possible to extend a protection order beyond the original expiration date; make filing as an indigent easier; require judges to take domestic violence into account when considering child custody; remove absence or relocation of an abused partner as a factor against a party in setting custody or visitation. In addition, funds were provided for new domestic violence programs, as well as an increase to all programs of about \$5,000.

### **EQUAL RIGHTS AMENDMENT**

First introduced in the legislature in 1973, the ERA was defeated in the Senate. Major emphasis on the ERA continued in 1974 and 1975 including the League's publication, *Woman's Suffrage...* Under the National position, the League directed an intensive lobbying effort for ERA ratification in the General Assembly. The 1975 convention of LWVNC adopted a resolution pledging active ERA ratification efforts for the 1977 legislative session. The League joined with North Carolinians United for ERA (NCUERA).

Again at State Council in 1978, delegates adopted ERA as a top program and action priority. Although it was killed in committee in the 1979 legislature, the deadline for ratification was extended by Congress to June 30, 1982. The ERA drive culminated in a well-coordinated march and rally in Raleigh in June of 1982; however, the Senate voted to table the ERA bill. Despite efforts to include an ERA referendum on the statewide primary of June 29, this vote ended the legislative efforts in North Carolina.

In 1993, the State Board requested input from local Leagues interested in making ERA ratification a focus of the upcoming 75th anniversary of women's suffrage. There was little interest expressed, so no action was taken.

### **AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)**

In 1985, the Legislature mandated a 10% increase in AFDC during the year and annual increases to bring payments up to the poverty level. In 1983 and 1985, the League monitored programs for low-income families administered by state government that were affected by federal budget cuts and poor economic conditions. AFDC and the Food Stamp program were of prime concern, especially the effect on recipients of changes in eligibility requirements to qualify for these programs. The League supported adequate funds in the North Carolina Human Resources budget to computerize and to train staff to report.

The 1987 legislature amended AFDC regulations, making intact families eligible for assistance. The Community Work Experience Program (CWEP) recognized the need for providing childcare, transportation expenses, and medical support for families participating in the program. Teenage parents who are eligible for AFDC and enrolled in a school program are exempt from CWEP. In 1994, emergency assistance (AFDC for women in their third-trimester of pregnancy regardless of whether they have children, if they otherwise qualify) remained capped at \$300 per year. Eligibility remained unchanged, as were payments. The 1994 Legislature allocated \$300,000 to provide transportation for Medicaid children and pregnant women. Medical assistance was increased in 1994 to cover children ages 6-19 if family income does not exceed poverty level. Coverage was also increased to include nutritional counseling, psycho-social counseling, and predelivery and postpartum home visits by maternity care coordinators and public health nurses. In 1996, in accordance with federal regulations, 19, 20 and 21-year-olds were covered by Medicaid in accordance with federal rules and regulations. All recipients of Medicaid were urged to select a HMO or have one selected for them. Pregnant women with incomes equal to or less than 185% of the federal poverty guidelines will be covered, and children 6-18 with family incomes equal to or less than the federal poverty guidelines are now covered by Medicare. The Family Support Act provided continuing medical assistance and limited wage assistance to working recipients. Social Services was charged with adopting rules that would change the way AFDC is budgeted to allow more recipients to find work and continue working.

### **CHILD SUPPORT**

In 1987, the Legislative Research Commission was authorized to study child support enforcement. In 1989, automatic withholding from wages was automatically imposed. Child support guidelines were established in SB698 and child support payments were made retroactive to date of complaint. Pension withholding for child support was passed in SB464. Effective July 1, 1991, employers were required to note the date that each child support payment was withheld from the obligor's paycheck. Employers must give pertinent medical insurance information. Employers must share information about dental and hospital insurance. Additional funding was allocated in 1991 for a comprehensive, automated child-support system that must be in place by 1995. The federal government will pay 90% of the costs (estimated to be \$3.5 million dollars in first year). In 1995, license revocation was added to the penalties; this applies to both driving and professional licenses.

### **MARITAL RAPE**

A bill passed in 1987 eliminates the "spousal defense" in rape cases and implies that mutuality is the norm in intimate relations. 1993 legislation allows the charge of rape even though parties are living together as man and wife. (North Carolina was the last state in the country to enact this legislation.)

### **EMPLOYMENT**

In 1996, the minimum wage in North Carolina was increased to \$4.75 to conform to federal legislation. In 1997, it will rise to \$5.75 per hour.