

# REPAIRING THE CRACKS



HOW NEW JERSEY CAN RESTORE BLACK  
& BROWN COMMUNITIES RAVAGED  
BY **COVID-19** AND **SYSTEMIC RACISM**

A REPORT BY THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE



## THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE

Established in 1999 by Alan V. and Amy Lowenstein, the Institute's cutting-edge racial and social justice advocacy seeks to empower people of color by building reparative systems that create wealth, transform justice and harness democratic power – from the ground up – in New Jersey. Known for our dynamic and independent advocacy aimed at toppling load-bearing walls of structural inequality to create just, vibrant and healthy communities, we are committed to exposing and repairing the cracks of structural racism in our foundation that erupt into earthquakes in communities of color. The Institute advocates for systemic reform that is at once transformative, achievable in the state and replicable in communities across the nation.

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### ACKNOWLEDGEMENTS

The Institute gratefully acknowledges the generous support of the Prudential Foundation, the Paul & Phyllis Fireman Charitable Foundation and Horizon Foundation for New Jersey. We are grateful to our colleagues Laurie Beacham and Nichole Nelson for their invaluable substantive and editorial feedback as well as Jake Girard for cover design and layout. We also express gratitude to Brooke Lewis and Esmé Devenney for Bluebooking and cite checking assistance. We are grateful to Geoffrey Fouad, Ph.D. for the production of maps and data visualizations. The Institute would also like to thank the external reviewers of earlier drafts of this report for their thoughtful input and insights: Darrell K. Terry, Sr., Staci Berger, Dr. Laura Budinick, Dr. Matthew J. Schreiber, Dr. Mona Shah, and Brittany Holom-Trundy.

We gratefully acknowledge the Institute's Board of Trustees for their leadership, vision and stewardship: Douglas S. Eakeley, Chair; Paulette Brown, Vice Chair; Kenneth Y. Tanji, Treasurer; B. John Pendleton, Jr., Secretary; Elise C. Boddie; John J. Farmer, Jr.; Paul J. Fishman; Michael D. Francis; Jerome C. Harris, Jr.; Rev. Timothy Adkins-Jones; Sandra King; Robin A. Lenhardt; John H. Lowenstein; Diana DeJesus-Medina; James McQueeney; Patricia Nachtigal; Darrell K. Terry, Sr.; Martin Vergara, II; Nina Mitchell Wells; Antoinette Ellis-Williams; Gary M. Wingens; Zulima Farber (Emerita); Roger A. Lowenstein (Emeritus); and Theodore V. Wells, Jr. (Emeritus).

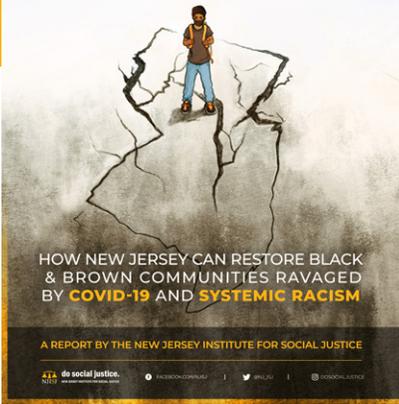
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# REPAIRING THE CRACKS



## EXECUTIVE SUMMARY

**COVID-19 has exposed the deeply embedded cracks of structural racism in New Jersey's foundation.**

The virus has disproportionately impacted New Jersey's communities of color, with Black people the most likely to have died from COVID-19 as well as to have been hospitalized for the disease.

COVID-19 has also exacerbated preexisting racial inequities in a number of other areas impacting the Garden State's Black and Brown communities – including financial stability, housing security, mass incarceration and access to democracy. COVID-19 applied stress to these preformed cracks of structural racism — created by decades of intentionally designed policies – causing them to erupt into earthquakes in New Jersey's communities of color in a time of crisis.

*Repairing the Cracks: How New Jersey Can Restore Black & Brown Communities Ravaged by COVID-19 and Systemic Racism*, a report by the New Jersey Institute for Social Justice, explores the stark racial inequities in the Garden State before the COVID-19 pandemic and how the ensuing public health crisis has compounded them.

Rather than arguing for a return to normal, this report posits that New Jersey must aim to create a “new normal” through policies that repair the cracks of structural racism.

To ensure New Jersey's recovery is both equitable and reparative, New Jersey should do the following:

1. Address the immediate short-term needs of vulnerable residents:
  - Prioritize equitable vaccine administration and distribution
  - Protect New Jerseyans from eviction and foreclosure
  - Support young people returning home from youth facilities due to the pandemic
2. Establish the New Jersey Reparations Task Force
3. Create a statewide guaranteed income program
4. Expand access to wealth through homeownership in divested communities of color
5. Close youth prisons and meaningfully fund a youth community-based system of care
6. Eliminate barriers to voting by passing same-day voter registration

# Introduction

## ***COVID-19 Has Exposed the Cracks in New Jersey's Foundation***

A year and a half ago, New Jersey, along with the rest of the country and the world, was faced with a devastating public health crisis – a crisis that has since killed over 680,000 people in the United States alone.<sup>1</sup>

At this point, it is hard to imagine a person who has not personally suffered, or who doesn't know someone who has suffered, from COVID-19.

This is true here in New Jersey, where more than 27,000 people have died from the virus, making the Garden State the state with the second highest death rate since the start of the pandemic at a little over three per 1,000 residents.<sup>2</sup>

It is also particularly true for Black and Brown communities, who have been getting sick and dying at disproportionate rates due to the manifestation of generations of structural racism.

COVID-19 was the leading cause of death for Black New Jerseyans in 2020.<sup>3</sup> In Newark, which is about half Black,<sup>4</sup> over 850 people died from COVID-19 between March 2020 and March 2021, exceeding the death tolls of five states during the same period.<sup>5</sup>

This disproportionate impact should not come as a surprise. Black people and other people of color have higher rates of underlying preexisting conditions on which the virus preys, are more likely to have the front line “essential” jobs that expose them to the virus, are less likely to get the critical healthcare they need and face higher rates of unemployment,<sup>6</sup> food insecurity<sup>7</sup> and mortgage delinquency<sup>8</sup> than their white peers.

***The COVID-19 crisis has exposed the preexisting cracks of structural racism in New Jersey's foundation – cracks that have erupted into earthquakes in its Black and Brown communities during a time of crisis.***

As this report argues, these cracks are the result of generations of intentionally designed policies designed to perpetuate structural racism. Indeed, structural racism is the preexisting condition for today's disproportionate devastation.<sup>9</sup>

## ***New Jersey's Already-Cracked Foundation***

From its founding as a colony, the Garden State – which has been called the “slave state of the north”<sup>10</sup> – created a racially exclusive system for distributing land. It provided each English white settling family with 150 acres of land, with an additional 150 acres given for each enslaved Black person brought into the colony.<sup>11</sup>

By 1830, more than two-thirds of all enslaved Black people held captive in the North were in New Jersey.<sup>12</sup> After formal slavery ended, New Jersey also developed its own form of sharecropping called “cottaging.”<sup>13</sup>

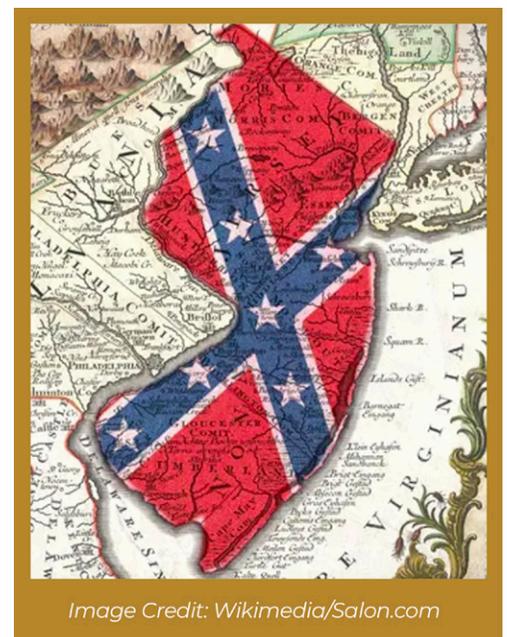


Image Credit: Wikimedia/Salon.com

Then, in the 20th century, New Jersey, by law and in practice, created a system of economic advancement through homeownership – the primary driver of wealth – for white people at the expense of Black people. Indeed, there is a direct line from the enslavement of Black people in New Jersey to sharecropping, the restrictive covenants that followed, redlining, the denial of homeownership opportunities through the GI Bill for Black World War II veterans, exclusionary zoning policies, predatory lending practices and today’s stark economic divides.<sup>14</sup>

Nowhere is this line more evident than in our staggering racial wealth gap, where the individual net worth for white people in New Jersey is \$106,210 – contrasted to just \$179 for Black and Latina/Latino residents.<sup>15</sup>

Beyond the example of New Jersey’s racial wealth gap, which is one of the highest in the country, slavery and its lasting legacy have had numerous other harmful impacts on the Garden State’s Black residents. Today, New Jersey is also home to some of the nation’s highest racial disparities in the areas of mass incarceration, health and education – just to name a few.<sup>16</sup>

### **Building a New Foundation**

New Jersey must now design a new system of equity that both repairs harm and protects against it in the future.

But how do we begin? How can we repair the existing cracks in our foundation?

We cannot change the past, but we can – together – work to build a new foundation.

While some have urged a “return to normal,” this report argues that New Jersey must create a new normal for Black people and other people of color.

First, we must make sure that those closest to the harm from COVID-19 benefit the most from the solution in short order. New Jersey must design a new normal that addresses emergency needs, including ensuring that the COVID-19 vaccine is equitably distributed, renters and homeowners can stay in their homes without threat of eviction and foreclosure, and families have the resources necessary to thrive.

But we must go deeper and address long-standing inequities. We must build a new normal in which structural, reparative investments are made that build equitable access to wealth, transform justice and expand democracy in Black and Brown communities.

A new normal in which the incredible prosperity of the Garden State is shared by all its residents.

This report is the beginning of building that new normal:

- *First*, it examines the dramatic disparities in COVID-19 health outcomes in New Jersey’s Black communities and other communities of color, with a particular focus on Newark, New Jersey’s largest city.
- *Second*, it chronicles the ways in which COVID-19 has exacerbated preexisting social and economic inequities in the Black community and other communities of color in Newark and across our state, in areas including financial stability, housing security, mass incarceration and access to democracy.
- *Last*, the report sets forth reparative policy proposals designed to empower Black and other communities of color in New Jersey so that our foundation is no longer cracked, but solid and secure.



# COVID-19 Has Exposed the Cracks: The Disproportionate Health Impacts of COVID-19 on Black and Brown New Jerseyans

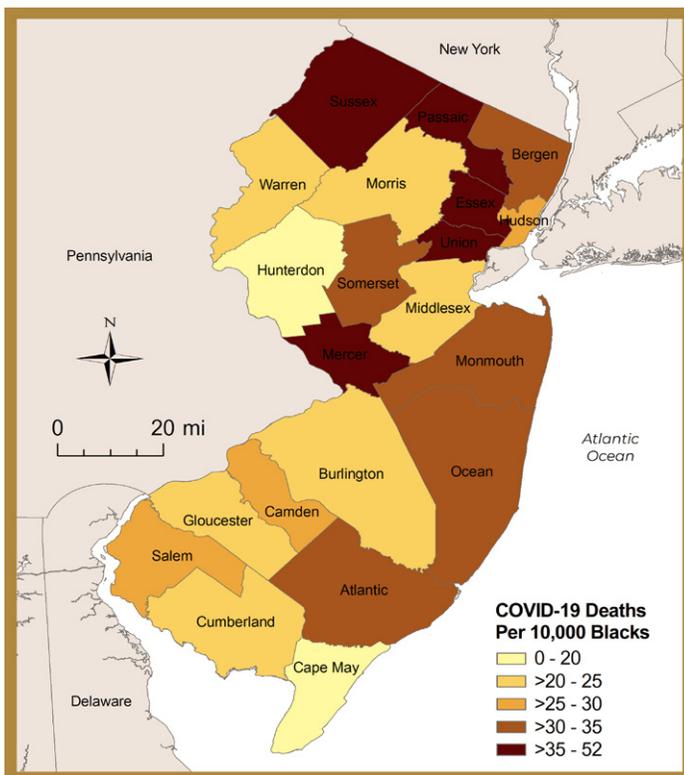
*“[My biggest health concern] is contracting the virus in general. We have family members who have died after contracting the virus....Some family members are essential workers, my two brothers have still been working in person, and one has contracted the virus and recovered.”- Newark Resident<sup>17</sup>*

From the very beginning of the pandemic, New Jersey has consistently been among the hardest hit states in the nation.<sup>18</sup> One year after Governor Murphy announced the statewide stay-at-home order, New Jersey had the highest state rate of COVID-19 deaths in the nation.<sup>19</sup>

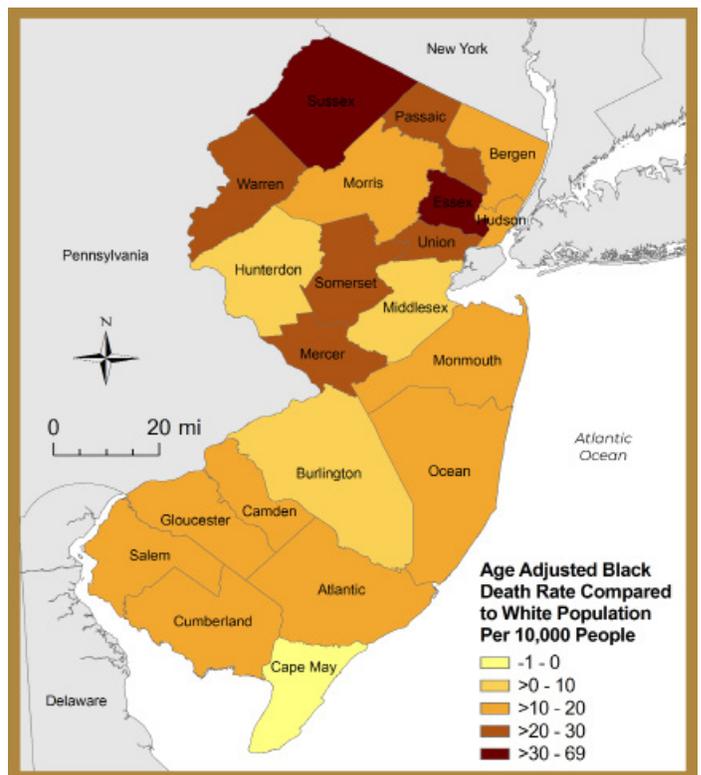
While vaccinations are slowing the pace of deaths, the Delta variant is also posing a renewed threat. As of September 2021, New Jersey has the second highest state mortality rate in the nation, only surpassed by Mississippi, with 306 deaths per 100,000 people – a devastating loss of life that will be felt in the Garden State for years to come.<sup>20</sup>

The tragedy of these alarming numbers is compounded by the vast racial disparities in mortality between white residents and New Jersey’s Black and Latina/Latino communities. Despite being approximately 13% of the state population,<sup>21</sup> Black New Jerseyans make up over 25% of COVID-19 deaths.<sup>22</sup> Similarly, Latina/Latino New Jerseyans are approximately 22% of the population<sup>23</sup> but represent 41% of COVID-19 deaths.<sup>24</sup>

**Figure 1. COVID-19 Has Killed Black People Across New Jersey at High Rates**



**Figure 2. COVID-19 Has Killed Black People at a Higher Rate Than Their White Counterparts in Nearly Every New Jersey County**



*Analysis of New Jersey Department of Health COVID-19 Case and Mortality Summaries as of June 3, 2021.<sup>25</sup>*

# VACCINES

New Jersey has experienced racial inequities in vaccine administration and distribution. While New Jersey has made attempts to prioritize vaccine equity and education in the Black community,<sup>26</sup> by June 2021, six months after vaccine administration began,<sup>27</sup> just 7% of the more than 9.2 million vaccines administered had gone to Black New Jerseyans.<sup>28</sup>

While Black and other New Jersey residents of color appear to be as eager to be vaccinated as their white counterparts,<sup>29</sup> a number of factors, including vaccine access and supply, have exacerbated racial disparities in vaccine administration.<sup>30</sup>

One explanation for this immense racial disparity? The digital divide. In New Jersey, over 7% of Black households do not have an internet subscription compared to just 4% of white households.<sup>31</sup> In Newark, a particularly stark disparity has emerged as Black households in the city are more than twice as likely to be without a computer as white ones.<sup>32</sup> While vaccine seekers have had an option to use a telephone for appointments, long hotline wait times in the spring presented another barrier for New Jersey's communities of color who are disproportionately front-line, essential workers.<sup>33</sup>

In addition, questions remain about county vaccine allocation inequities. For example, Hudson County, which is home to some of the most densely populated cities in the United States,<sup>34</sup> received fewer vaccine doses from the state than less populous counties administered in the first quarter of 2021.<sup>35</sup>

While the second quarter of 2021 saw a decrease in demand and increased supply, getting allocated doses administered in the communities that need them most remains challenging.<sup>36</sup> State officials have sought to get vaccine doses into high-need communities with less access to reliable transportation and those with a large number of homebound residents.<sup>37</sup> In addition to these efforts, the state is looking to address vaccine hesitancy and public distrust by utilizing trusted messengers and ambassadors in areas with low vaccination.<sup>38</sup> Equitable vaccine administration and distribution is intrinsically linked to equitable recovery. More must be done to ensure vaccine access for New Jersey's communities of color.

The disproportionate impact of the pandemic on Black people and other people of color is the result of generations of inequities in the health care system and beyond. Indeed, racial discrimination in healthcare predated the pandemic<sup>39</sup> and has been a defining characteristic of our medical system in the United States.<sup>40</sup> Studies show that Black patients receive inferior care and providers are less likely to offer effective treatments to people of color.<sup>41</sup> In addition to deep-rooted racial discrimination,<sup>42</sup> cost-related barriers affect quality of care and health outcomes for people of color.<sup>43</sup>



Nationally, the average family spends \$8,200 each year on health care premiums; this amounts to roughly 20% of the average household income for a Black family.<sup>44</sup> Thus, cost is a substantial hurdle to quality care and adequate insurance coverage, particularly for Black families.<sup>45</sup> Despite the availability of free COVID-19 testing, treatment and vaccines, in a 2020 Institute survey of Newark residents regarding their experiences during the COVID-19 pandemic, 27% of survey respondents indicated they were very concerned about costs related to seeking out health care for COVID-19.<sup>46</sup>

In addition, from health care to environmental exposures, access to healthy foods and stress, inequities in our society for Black people and other people of color contribute to substantial increased health vulnerabilities to the virus.<sup>47</sup> Experts have recognized “[i]nequity [is] society’s most important preexisting condition.”<sup>48</sup> As just one example, Newark residents have high rates of several underlying medical conditions which put them at increased risk for severe illness from the virus that causes COVID-19.<sup>49</sup>

People with preexisting medical conditions are also at increased risk for adverse mental health outcomes related to the pandemic.<sup>50</sup> Black people, who are more likely to have underlying health conditions that negatively impact COVID-19 survival, have also faced greater social and financial stress in the wake of the public health crisis.<sup>51</sup> This stress is compounded by high mortality rates in the Black community eliciting feelings of grief and loss in addition to practical concerns related to interrupted or lost income and financial uncertainty.<sup>52</sup> The Institute’s COVID-19 Experiences Survey of Newarkers revealed 85% of respondents agreed that the pandemic increased their stress, with 69% reporting it also negatively impacted their day-to-day happiness.<sup>53</sup>

It is clear that racial health disparities that existed long before the pandemic and arose from our inequitable foundation have made New Jersey’s communities of color face the most devastating health outcomes, including hospitalizations and deaths during this crisis.<sup>54</sup>

# Earthquakes in Black and Brown Communities: The Widespread Disparate Impacts of the Pandemic on New Jersey's Preexisting Cracks

In addition to health consequences, COVID-19 has also disproportionately impacted New Jersey's Black and Brown communities in the areas of financial stability, housing security, mass incarceration and access to democracy.

## Financial Stability

Black workers, who are more likely to be unemployed at every educational level relative to their white peers,<sup>55</sup> have been laid off more and hired back more slowly since the peak of the pandemic shut-downs.<sup>56</sup> Women of color were also left particularly vulnerable to disruptions in work because of their overrepresentation in occupations such as housekeeping, retail and personal care which were halted during early stay-at-home orders.<sup>57</sup> In addition to Black workers, Black small business owners reported challenges in accessing crucial federal aid to keep their businesses afloat.<sup>58</sup>

In New Jersey, Black and Brown communities have been hit the hardest. In the second quarter of 2020, almost one-fifth (18.3%) of New Jersey's Black workforce was unemployed.<sup>59</sup> By the end of 2020, Black workers were the only group that still had double-digit unemployment and they faced unemployment rates twice that of their white counterparts.<sup>60</sup> Latina/Latino unemployment in New Jersey also skyrocketed to almost one-in-four (23.3 percent) in the second quarter of 2020.<sup>61</sup>

### What Newark Residents Said

*"My business has been closed on and off since COVID began. I have not been able to make payroll for myself or other employees."*

*"I was unexpectedly furloughed and now I'm applying for a new job in the middle of a pandemic and recession."*

*"I am a gig worker and tried to do food delivery work but felt COVID-19 symptoms and stopped working due to safety concerns."*

## Black and Brown Workers Faced High Unemployment in 2020

New Jersey Unemployment January - December 2020				
Race/Ethnicity	January-March 2020	April-June 2020	July-September 2020	October-December 2020
Black	6.9%	18.3%	13.6%	15.4%
Latina/Latino	4.6%	23.3%	12.8%	8.3%
White	2.6%	13.0%	9.5%	7.6%
All	3.8%	16.1%	10.7%	8.6%

Source: Economic Policy Institute <sup>62</sup>

New Jersey's metropolitan cities saw particularly high rates of unemployment throughout the crisis. For example, Newark's unemployment rate peaked at 21.8% in June 2020 and has remained in the double digits.<sup>63</sup> And, even as statewide unemployment has stayed below 8% throughout 2021 and was 7.2 % in June 2021,<sup>64</sup> Newark's rate was over five percentage points higher at 12.9%.<sup>65</sup>

In addition to higher levels of unemployment among communities of color, many essential employees<sup>66</sup> on the frontlines, who are disproportionately Black and Latina/Latino,<sup>67</sup> have faced perilous conditions during the pandemic, while earning substandard wages.<sup>68</sup> This is so because structural racism continues to play a key role in restricting occupational pathways and opportunities for people of color, which in turn has led to their overrepresentation among blue collar and lower-paid positions.<sup>69</sup>

Across the nation, Black people are overrepresented in industries such as childcare and social services,<sup>70</sup> positions which require them to attend work in-person in order to meet critical demands. Nationally, Black people are overrepresented among the top nine occupations that place workers at high risk of contracting COVID-19.<sup>71</sup>

In New Jersey, Black employees are 12.4% of the total workforce, but make up nearly 20% of frontline workers.<sup>72</sup> Black women in particular, who take on a large share of essential health care support occupations,<sup>73</sup> earn just 55 cents for every dollar white men make in New Jersey – one of the worst ratios in the nation.<sup>74</sup> Accordingly, because of their disproportionate representation on the front lines of the pandemic, among other reasons, the Black community has been consistently at heightened risk of exposure to the virus.<sup>75</sup> Workers reliant on public transportation to commute to work – as over 25% of employed Newarkers are<sup>76</sup> – also face increased risk.<sup>77</sup>

Even before the COVID-19 pandemic and related recession, almost half of New Jersey's Black and Latina/Latino residents (46%) held no savings at all to turn to in times of need.<sup>78</sup> As of 2018, Black New Jerseyans were also more than three times as likely to face poverty compared to white New Jerseyans (5.8% compared to 17.5%).<sup>79</sup>

This racial disparity in financial security in the Garden State is illustrated most vividly by the tremendous difference in median net worth for white New Jerseyans and that of their Black and Latina/Latino peers, who report \$106,210 and \$179 in median wealth, respectively.<sup>80</sup>



### **Housing Security & Homeownership**

***“I am months behind on rent and have not been able to get any grants for rental assistance even though I have applied. I am concerned about evictions once the moratorium ends.” – Newark Resident<sup>81</sup>***

COVID-19 has also impacted one of the greatest signifiers of the American Dream: the home. During the current crisis, Black and Brown families have been more likely to have struggled to make rent<sup>82</sup> or mortgage payments.<sup>83</sup> In summer 2021, 24% of Black renters nationally reported they had not caught up on rent during the pandemic – the highest percentage for any group<sup>84</sup> – putting them at increased risk for housing insecurity. During the same period, almost one in five (18%) of Garden State renters were not caught up on rent.<sup>85</sup>

Among homeowners, approximately 15% of Newark households had a mortgage at least 90 days behind in payments in August 2020.<sup>86</sup> The Institute's survey of Newarkers during the pandemic revealed that while 20% of respondents missed one or more rent or mortgage payments between March and October 2020, 44% were concerned about making payments or falling behind in the coming months.<sup>87</sup>

At the height of the pandemic, New Jersey's Governor and Legislature acted to prevent housing insecurity by enacting a moratorium prohibiting families from being physically removed from their homes due to evictions or foreclosures.<sup>88</sup> Federal resources have also helped the state to support families struggling to make housing payments,<sup>89</sup> individual municipalities like Newark implemented local programs to help residents during the height of the crisis<sup>90</sup> and the state has committed an additional \$500 million in federal monies to rental assistance.<sup>91</sup> While tenants cannot be legally removed during the moratorium (which remains in effect for lower-income households), the ban has not prevented landlords from filing eviction notices, and eviction filings and illegal and informal evictions have continued throughout the pandemic.<sup>92</sup> In the first year of the pandemic, landlords filed almost 59,000 eviction cases.<sup>93</sup>

Now, as we move forward, it is uncertain what will happen in New Jersey's renter-driven urban centers like Newark; even with the resources that have been committed to rental assistance, many families remain vulnerable. Evictions can push tenants into homelessness or inadequate housing while increasing their risk of joblessness.<sup>94</sup> These risks fall disproportionately on people of color, who are less likely to be homeowners,<sup>95</sup> and research indicates that low-income people, women and people of color are more likely to be evicted than other groups.<sup>96</sup>

New Jersey's preexisting foundation of inequity has led to disparate impacts in housing for Black and other families of color in our state during the pandemic. New Jersey suffers from rampant racial and ethnic segregation<sup>97</sup> that is a direct result of public policy decisions in the state that have limited housing options for families of color, particularly Black families.<sup>98</sup>

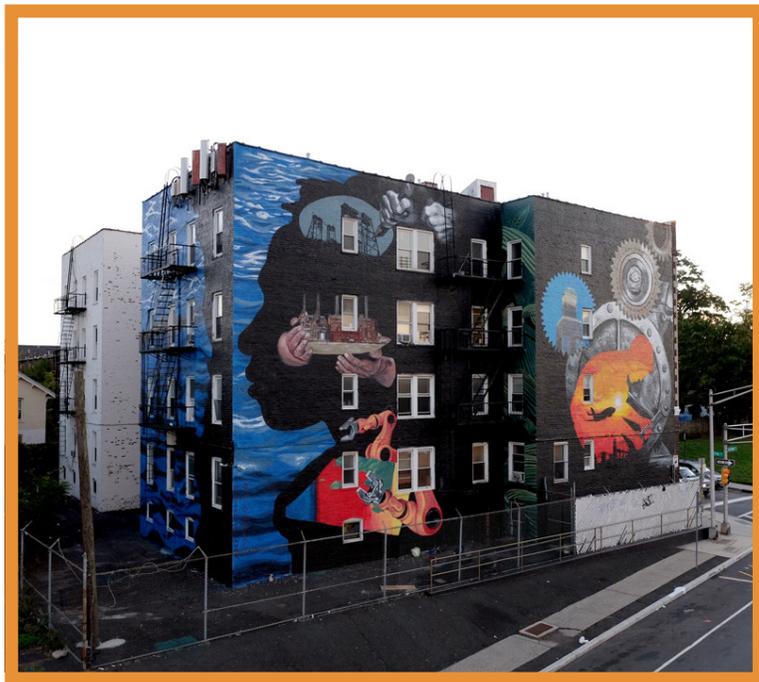


Image Credit: Layqa Nuna Yawar

As outlined in the Institute's report *Erasing New Jersey's Red Lines: Reducing the Racial Wealth Gap through Homeownership and Investment in Communities of Color*, a pattern of disinvestment in Black neighborhoods rooted in discriminatory policy has shaped and continues to directly affect New Jersey's homeownership landscape.

From the beginning of our state's history to the present, inequitable policies – including slavery, redlining, racially restrictive covenants, the GI Bill and discriminatory predatory lending during the Great Recession – have opened doors to housing and land ownership for white residents, while erecting barriers for Black families.<sup>99</sup>

These policies have led to enormous racial disparities in homeownership in the state, with just 41% of Black New Jerseyans owning their own homes compared to 77% of white residents.<sup>100</sup> And as of 2019, Newark had the second highest rate of people renting in the nation, with 78% of residents living in rental properties.<sup>101</sup>

These long-lasting ramifications of inequities in housing policies and homeownership continue into our current moment and severely affect how Black families experience the pandemic. From a lack of access to the financial and housing stability fostered by homeownership to the greater likelihood of living in crowded housing conditions, housing inequities that have grown out of generations of policy decisions have made Black families more vulnerable during the public health crisis.<sup>102</sup>

Even before the coronavirus pandemic, New Jersey's Black communities and other communities of color needed resources and systemic solutions to address long-standing racial disparities in housing. Now that need is greater than ever. New Jersey must act to address immediate housing needs, while developing long-term solutions to housing and homeownership inequities for Black families and other families of color who have been hardest hit by the crisis.



### **Mass Incarceration**

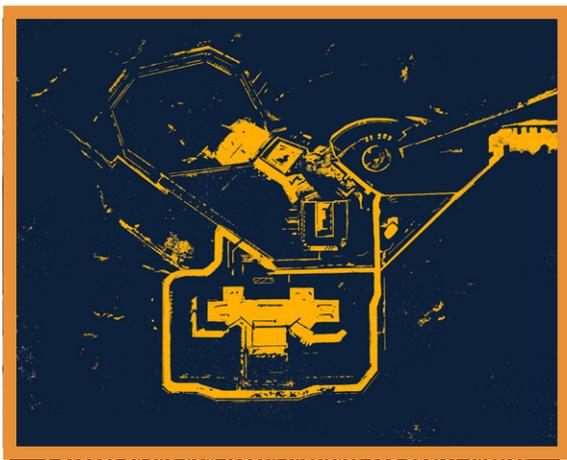
COVID-19 has also preyed on preexisting disparities in New Jersey's prison system. New Jersey had the highest COVID-19 death rate in its adult prisons nationwide from May through November 2020; it has the ninth highest rate as of June 2021.<sup>103</sup> And this death rate has largely impacted Black incarcerated people: as of 2016, New Jersey has the highest Black to white incarceration disparity rate in its adult prisons in the country – leaving Black people particularly vulnerable to the virus during the pandemic.<sup>104</sup>

The collective advocacy of the Institute and its partners led elected officials to respond to the spread of COVID-19 in New Jersey's prisons. In August 2020, New Jersey lawmakers passed legislation to release over 3,000 incarcerated youth and adults starting in November 2020 who were within a year of completing their sentences and were not incarcerated for certain violent offenses.<sup>105</sup> While an important and hard-fought victory in reducing the state's prison population, this victory did not address the larger issue of mass incarceration of the state's Black population.

Like in the adult criminal justice system, New Jersey's youth facilities disproportionately imprison Black youth and the pandemic has put this especially vulnerable population at even greater risk. Black youth are almost 18 times more likely to be detained or committed to a youth facility than white youth<sup>106</sup> – the highest racial disparity rate in the United States — even though Black and white youth commit most offenses at similar rates.<sup>107</sup>

During the early days of the pandemic crisis in spring 2020, incarcerated youth saw heightened restrictions imposed throughout Juvenile Justice Commission (JJC) facilities, including cohort quarantining, which increased young people's isolation and confinement.<sup>108</sup> Fears about virus spread in JJC facilities were compounded by the fact that universal testing of all youth did not begin until late April,<sup>109</sup> a month after the state's stay-at-home order was enacted.

As a result of advocacy by the Institute and partners,<sup>110</sup> New Jersey became the first state in the nation to test all confined youth.<sup>111</sup> While this was a positive step, as of September 1, 2021, 113 residents of JJC facilities have tested positive for COVID-19,<sup>112</sup> with the New Jersey Training School youth prison (known as Jamesburg) reporting the highest number of positive cases at 62.<sup>113</sup> Despite both being flagged for closure in 2018,<sup>114</sup> Jamesburg and the Female Secure Care and Intake Facility (known as Hayes), New Jersey's girls' youth prison, along with JMSF (the state's most secure youth prison for boys), continue to operate and put young people's health at risk.



As highlighted in the Institute's report *Beyond the Hashtag: Making Black Lives Matter in New Jersey by Closing JMSF and Building a Community-Based System of Care*,<sup>115</sup> rather than making investments in New Jersey's youth to uplift and support them, New Jersey invests deeply in youth prisons to incarcerate them. This year, New Jersey will spend \$445,504 to incarcerate each young person in a state youth prison.<sup>116</sup> Despite the state's willingness to allocate funding for youth incarceration, fewer than 100 youth were incarcerated in Juvenile Justice Commission facilities in May 2021.<sup>117</sup> Further, the Juvenile Female Secure Care and Intake Facility has capacity for 48 but incarcerated just two girls in May

2021,<sup>118</sup> making keeping the facility open an extreme waste of resources. New Jersey's state spending on youth should instead be focused on equitable education and development opportunities; yet, New Jersey's schools remain highly unequal and segregated across the state.<sup>119</sup>

New Jersey is the sixth most segregated state for Black students nationwide, with most segregated schools for Black and Brown students clustered in urban areas.<sup>120</sup> Over a quarter of Black students statewide attend schools where less than one percent of their classmates are white and nearly half attend schools where less than one in ten students are white.<sup>121</sup> Schools with a large population of students of color are more likely to use metal detectors, security officers, school resource officers and other law enforcement measures.<sup>122</sup> Increased security undoubtedly leads to more suspensions and arrests,<sup>123</sup> perpetuating a cycle of justice-system involvement.<sup>124</sup> More can and should be done to support youth and prepare them for adulthood. Community-based resources like restorative justice programs help to reinforce community accountability and tackle key resource gaps through targeted programming.<sup>125</sup> Further, passage of the New Jersey Youth Justice Transformation Act,<sup>126</sup> legislation that would close all of New Jersey's youth prisons and invest \$100 million into communities devastated by youth incarceration, would radically transform our state's broken youth justice system.



## Access to Democracy

The heart of our social fabric – democracy – was also greatly impacted by COVID-19. The coronavirus pandemic changed the landscape for election dates, procedures and administration in New Jersey and across the nation. With changes to how, where and when we vote, the pandemic, the state's stay-at-home order and rules governing social distancing also changed the way people seeking office campaigned and the way voters gained information about elections. Yet, even before the crisis, systemic barriers to voting created an undue burden on those seeking to cast their ballot.

*Image Credit: Seth Wenig/AP Photo*

Unnecessary hurdles, such as voter registration barriers, have resulted in particularly low voter turnout in the United States.<sup>127</sup> Unfortunately, the Garden State is no exception and has often seen particularly low voter turnout at the local level; for example, the 2018 municipal elections saw a less than 20% turnout.<sup>128</sup> As noted above, the pandemic has also made Black and Brown communities increasingly vulnerable to housing and job insecurity, making them increasingly mobile and in need of easier voter registration opportunities. Expanding democracy requires the state to be proactive in addressing and removing barriers to access in our democratic system.

During the early stages of the COVID-19 pandemic and the related stay-at-home order, voter registration rates declined tremendously.<sup>129</sup> In the spring and early summer of 2020 before the July primary election, one of the few ways to access voter registration applications was online and, for several months, a printer was required to print registration forms.<sup>130</sup>

People without access to a computer, broadband internet or means to print forms had limited options to acquire and complete voter registration forms during the first months of the pandemic. While the implementation of online voter registration in September 2020 was a positive step,<sup>131</sup> New Jerseyans without computer access or internet connectivity in their homes cannot easily take advantage of this innovation. As with vaccine access, racial disparities in technology disproportionately affect the state's Black communities. The inequities built into our foundation were reinforced through our public systems during the pandemic, exposing the cracks that need repair – including in our most sacred institution of voting.

# IV

## The Way Forward: Repairing the Cracks



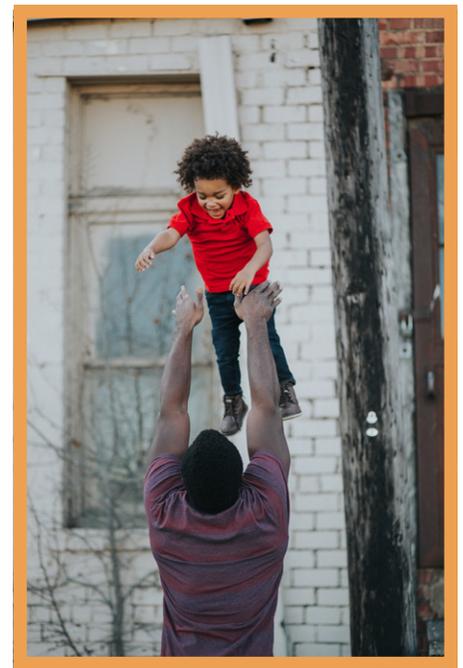
New Jersey cannot simply patch the cracks which have grown deeper during the coronavirus pandemic; instead, we must build a new foundation based on reparative policy solutions that address systemic harms.

New Jersey must act now to repair the cracks of structural racism in our foundation by implementing the following policy proposals.

### ***1. New Jersey Should Address the Immediate Short-Term Needs of Vulnerable Residents***

Following a year of loss and economic devastation, the state must address the immediate needs of its residents of color who were left disproportionately vulnerable to the ill effects of COVID-19 due in large part to social factors ranging from poverty and crowded housing to occupational hazards and higher rates of preexisting conditions among people of color.

- ***New Jersey should prioritize equitable vaccine administration and distribution.*** Vaccines have emerged as a safe and effective tool for combatting the spread of COVID-19. As we continue vaccine administration, we must prioritize vaccine and immunization equity among communities of color because of their higher vulnerability to the coronavirus.
- ***New Jersey must ensure that the most vulnerable families are able to access assistance to avert eviction.*** Just as they were especially vulnerable to COVID-19, communities of color face higher rates of housing insecurity stemming from the pandemic. New Jerseyans should not be forced to live under the constant threat of losing their home through eviction or foreclosure as the moratoriums come to an end. The state is committing substantial federal resources for rental assistance; we need to now ensure that the most vulnerable families facing eviction are able to access the assistance and that implementation of rental assistance is informed by community needs so that as many people as possible are able to avoid eviction.
- ***New Jersey should establish a community-based system of care for youth.*** New Jersey recently signed into law P.L. 2021, c. 196, which establishes a Restorative and Transformative Justice for Youth and Communities Pilot Program.<sup>132</sup> The program will be focused on reducing youth contact with the criminal justice system through the creation of restorative justice hubs and enhanced reentry services for youth released from incarceration in the wake of the COVID-19 pandemic. New Jersey must work quickly to implement the program in its four pilot cities – Camden, Trenton, Newark and Paterson. Doing so will provide needed services for young people returning home due to the virus's spread in New Jersey's youth prisons and prevent at-risk youth from entering the system in the first instance.



## 2. New Jersey Should Establish the New Jersey Reparations Task Force

The long legacy of racial discrimination that began with slavery created the cracks of inequity we see across New Jersey today that are reverberating during the pandemic. That same legacy – including racially restrictive covenants, redlining and other explicitly racist policies that persisted for generations – has resulted in Black communities today having less access to wealth, safe and stable housing and other economic and social resources that help families protect themselves from COVID-19. Though less overt than in the past, discrimination and barriers to full economic participation, such as predatory lending and unequal educational and labor market opportunities, continue, resulting in the enormous racial, financial and homeownership disparities that we see today.

New Jersey can only begin to reckon with its past, and develop innovative policies and strategies to effectively remedy the harm of racist policies, by first recognizing the existence of generations of state-sanctioned racial discrimination and its lasting impacts. To begin a process of repair and reconciliation, New Jersey should pass pending legislation, S-322/A-711, which establishes the New Jersey Reparations Task Force, to confront and repair the generational harms caused by New Jersey's legacy of slavery and systemic racial discrimination.<sup>133</sup> Following a robust period of research, public meetings and proposal development, the recommendations of the task force that support reparative solutions to imbedded inequities must be implemented by the state.



*The Institute and partners led a Say the Word: Reparations Juneteenth march to establish a Reparations Task Force in New Jersey.*

## 3. New Jersey Should Create a Statewide Guaranteed Income Program

Expanding sources of guaranteed income in the state will help ensure that New Jersey's economically vulnerable Black communities and other communities of color have the financial stability they need to weather the current storm and build a foundation for future economic security. A guaranteed income program would offer unconditional, regular cash payments to individuals to stabilize and support long-term incomes.<sup>134</sup> Research shows that income benefits from guaranteed income are largely used to cover basic living expenses, like food and utilities, and help to increase full-time employment.<sup>135</sup> With two New Jersey municipalities, Newark<sup>136</sup> and Paterson,<sup>137</sup> initiating guaranteed income pilots in 2021, polling data indicating New Jersey voters' support for monthly basic income,<sup>138</sup> broad support for stimulus payments during the pandemic<sup>139</sup> and the expansion of federal child care tax credits,<sup>140</sup> there is an increasing recognition of the need for guaranteed income programs to smooth income volatility in the modern economy, especially in times of need such as during the pandemic. Establishing a statewide guaranteed income program could therefore provide an important source of security for vulnerable families, who often have to make hard choices about which necessities to forgo when basic expenses exceed income flows. A targeted guaranteed income program can create conditions that allow us to reduce the wealth divide and combat racial wealth inequalities.<sup>141</sup> New Jersey can and should do more to explore ways to expand guaranteed income opportunities in the state through state-level legislation.

#### 4. New Jersey Should Expand Access to Wealth through Homeownership in Divested Communities of Color

The history of racial discrimination imported into our housing system has resulted in unique harms for New Jersey's Black community. Redlining, in particular, prevented many Black New Jerseyans from owning their home,<sup>142</sup> which in turn contributed to their social and economic vulnerability for generations and has had long-lasting consequences that persist today. Just as the state has systematically kept Black residents from equal access to homeownership,<sup>143</sup> it must systematically adopt reforms to address inequities in housing. While also ensuring sufficient support reaches those with immediate housing needs emerging from the pandemic, New Jersey should establish a dedicated fund to reinvest in communities of color that have experienced decades of divestment to repair the cracks of past policies. This fund will direct much needed economic support into divested communities and should be designed to ensure that benefits accrue to Black people and other people of color to help close the homeownership gap between Black and white residents of the state. Investments in housing security and homeownership for families of color will generate a greater level of stability and wealth for Black families and other families of color, providing greater long-term security and protection from the health risks associated with crowded and unstable housing.

#### 5. New Jersey Should Close Youth Prisons and Meaningfully Fund a Youth Community-Based System of Care



New Jersey must close its harmful youth prisons now and meaningfully invest in the communities that have been devastated by youth incarceration. While deep investments have been made in incarcerating youth of color, similar funding has not been put toward alternatives to incarceration. Black communities and other communities of color that have been disproportionately targeted and impacted by youth incarceration deserve better. State investment in interventions that deter youth from ever becoming system-involved, as well as diversion programs, will play a key role in imagining a world without youth prisons and a more equitable future for our young people.<sup>144</sup> The numbers of youth incarcerated in the state have dwindled during the pandemic through positive reforms; yet, costs dedicated to an overfunded and failing youth justice system remain high because facilities remain open.

Overhauling our discriminatory youth justice system will require a multi-pronged approach. First, New Jersey must implement the Restorative and Transformative Justice for Youths and Communities Pilot Program in short order. Second, the state must pass the New Jersey Youth Justice Transformation Act to close New Jersey's three youth prisons, invest \$100 million into the communities most impacted by youth incarceration and build up youth through investment in community-based programming. Now is the time to close our youth prisons and create new supportive services for youth in a community-based system of care.

## 6. New Jersey Should Eliminate Barriers to Voting by Passing Same-Day Registration

Today, Black voters and other voters of color are facing significant housing and job insecurity, making them more likely to face unprecedented moves and making reducing barriers to voter registration more urgent than ever. To ensure the unequal impacts of the pandemic – which have overturned the lives of many and forced many to relocate – are not introduced into the franchise, we must remove obstacles to voting. Same-day registration allows voters to practice Democracy in a Day – to be able to register and cast their ballot on the same day,<sup>145</sup> eliminating concerns about lag time and turning what can be a multi-step process into a single and seamless event. Twenty states and the District of Columbia permit same-day registration, including on Election Day.<sup>146</sup> Same-day registration simplifies what can be an arduous process for those without computers or internet access as well as people facing housing, health and unemployment crises. In each case, those facing these barriers are more likely to be people of color and the pandemic has intensified existing obstacles. By eliminating arbitrary deadlines, same-day registration increases voter turnout, enhancing voter participation.<sup>147</sup> Building a resilient and inclusive democracy in New Jersey requires us to remove hurdles to full participation, including in our antiquated registration process. We thus urge the New Jersey Legislature to pass S-2824/A-4548, which reduces standard voter registration time and permits same-day registration up to and including on Election Day.<sup>148</sup>

All of these policy proposals will help to rebuild New Jersey's foundation so that communities of color will not only be less vulnerable to the next crisis, but will also be able to thrive and have access to equitable resources.

# CONCLUSION

This much is clear: the cracks of racial inequity in our foundation that existed before the pandemic have made Black New Jerseyans and other residents of color more vulnerable to the health, economic and other negative impacts of the pandemic. Across our state, existing racial disparities have led to devastating outcomes for people of color since the crisis began.

Because these preexisting cracks were created through policy design, so too must be their repair.

We must collectively lift our voices to advocate for the creation of a new and stronger foundation.

*Image Credit: RLS Media*

# ENDNOTES

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- <sup>33</sup>Stainton, *supra* note 30.
- <sup>34</sup>Adrienne Romero, *This N.J. County Is Home to The Nation’s 4 Most Densely Populated Cities*, NJ.COM (Jan. 30, 2019), [https://www.nj.com/hudson/2018/06/guttenberg\\_still\\_most\\_packed\\_city\\_in\\_us.html](https://www.nj.com/hudson/2018/06/guttenberg_still_most_packed_city_in_us.html).
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- <sup>62</sup>See Williams, *supra* note 59; Moore, *supra* note 60.
- <sup>63</sup>U.S. BUREAU OF LAB. STAT., *Local Area Unemployment Statistics*, <https://data.bls.gov/PDQWeb/la> (last visited Sept. 21, 2021) (select State "New Jersey," then "cities and towns above 25,000," then select "Newark city, NJ." Click "add to selection," then "Get Data").
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- <sup>65</sup>U.S. BUREAU OF LAB. STAT., *supra* note 63.
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<sup>74</sup>NAT'L. WOMEN'S L. CTR., LIFETIME WAGE GAP LOSSES FOR BLACK WOMEN STATE RANKINGS: 2021 (Mar. 2021), <https://nwlc.org/wp-content/uploads/2021/03/Black-Women-Overall-Lifetime-Losses-2021-v2.pdf>.

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- <sup>147</sup>Jacob R. Neiheisel & Barry C. Burden, *The Impact of Election Day Registration on Voter Turnout and Election Outcomes*, AM. POL. RSCH. (Feb. 8, 2012), <https://journals.sagepub.com/doi/10.1177/1532673X11432470>.
- <sup>148</sup>S. 2824, 219th Leg. (N.J. 2020), 2824\_I1.PDF (state.nj.us).