Barring legislative changes, local governments in North Carolina are not likely to be able to use ARPA’s Local Fiscal Recovery Funds (LFRF) to construct broadband infrastructure for public use.

Why?

It is not just Treasury’s Interim Final Rule that determines eligible uses of funds for LFRF recipients. Existing federal and state laws also apply, and in some instances a state law may restrict what is an eligible use according to federal guidance. Such is the case for relevant state laws in North Carolina restricting broadband infrastructure projects.

Special credit to Kara Millonzi at the UNC School of Government, who researched these topics and writes in detail about them for Coates’ Canons: NC Local Government Law blog. Millonzi’s blog posts here and here provided much of the information for this infographic.