



VPLC

Virginia Poverty
Law Center

2019
**LEGISLATIVE
REVIEW**



Advocating for low-income Virginians since 1978

Virginia Poverty Law Center

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OUR MISSION

Virginia Poverty Law Center (VPLC) is committed to leading and coordinating efforts to seek justice in civil legal matters for low-income Virginians.

OUR FOCUS AREAS



CENTER FOR
FAMILY ADVOCACY



CENTER FOR
HEALTHY COMMUNITIES



CENTER FOR
ECONOMIC JUSTICE



CENTER FOR
FAMILY ADVOCACY

Family & Child Welfare Law

Protecting Pregnant Women with Substance Use Disorders

VPLC successfully partnered with child welfare advocates to develop legislation protecting women from criminal charges of child abuse based on substance use while pregnant, specifying that hospitals must refer women for treatment even as they report women to child protective services. Supporters included ACOG, March of Dimes, National Children’s Hospital, ACLU-VA, Voices for Virginia’s Children, Virginia Association of Community Services Boards, Families Forward, and Virginia Family Foundation.

Advancing Foster Care Reform

Recent reports on the state of foster care in Virginia galvanized members of the General Assembly on both sides of the aisle to act on foster care reform this year. New laws include:

- Requiring court oversight and providing due process for parents whose children are diverted from foster care
- Limiting use of group homes or treatment centers for foster children
- A foster care “omnibus” bill adding state oversight with additional staffers to carry out oversight and support
- Helping children in foster care retain connections to birth parents even after adoption by requiring foster children to receive information about the law
- Protecting the credit of foster children who are especially vulnerable to identity theft
- Adding four-year public colleges to those offering free tuition to foster youth. Previously, only community colleges were required to offer this.



Elder Law

Protecting Elderly and Vulnerable Adults from Financial Exploitation, Abuse, and Neglect

VPLC successfully worked on legislation that allows financial institutions to refuse a transaction or disbursement of funds when there is suspicion of financial exploitation. The law came in response to concern from law enforcement and prosecutors who found that in financial exploitation cases, the money was often unrecoverable. This legislation will allow victims of exploitation to keep their money out of defendants’ hands while the alleged financial exploitation is investigated.

Legislation also passed stating that any financial institution who suspects an adult has been financially exploited may report and provide supporting information to local departments of social services or the adult protective services hotline. VPLC also worked on legislation authorizing local social services departments to create, maintain, and coordinate hospital and community-based multidisciplinary teams focused on the abuse, neglect, and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated.

10% of foster children
have damaged credit because of identity theft.



CENTER FOR
HEALTHY COMMUNITIES

Health Law

Opposing "Skinny" Health Plans

VPLC successfully opposed several bills that would have extended short term limited duration plans, catastrophic health insurance plans, and association health plans. These options often include skimpy coverage, have higher out of pocket costs, exclude coverage of pre-existing conditions, and fragment the individual health insurance risk pool, raising premiums for others. While the legislature adopted several of these bills, they were all ultimately vetoed by the Governor.

Working to End Balance Billing

Several bills were filed that would have protected patients from "balance billing" when they receive emergency services at in-network hospitals. These "surprise" bills have shocked consumers who seek emergency care and don't realize that some of the doctors at the hospital don't take their insurance. Unfortunately, none of the bills passed because the health plans and doctors could not agree on how much the out-of-network provider would be paid, and there were concerns about the potential impact of the bills on state employee health insurance costs. The Governor and legislature have agreed to create a stakeholder workgroup to find a solution to the impasse.

Stopping "Pill Mill" Doctors Dispensing Opioids from Charging Medicaid Enrollees without Notice of Available Sources of Care

VPLC worked on legislation that stops doctors from providing opioids for cash to Medicaid enrollees. They are required to re-direct those patients to enrolled Medicaid providers for appropriate and comprehensive care.



Public Benefits

Working to Advance Access to SNAP and TANF

Public benefit programs assist qualified individuals with some of their basic needs. They include the Supplemental Nutrition Assistance Program (SNAP), which provides a monthly supplement for purchasing nutritious food to low-income individuals, and the Temporary Assistance for Needy Families (TANF) program, which assists families with children when the parents or other responsible relatives cannot provide for the family's basic needs. VPLC continually strives to help lawmakers

understand the public benefits that exist and why keeping—and in some cases, making strategic changes to—the programs allow us to serve those in need in the best and most efficient way possible.

This year, we worked with lawmakers to increase eligibility to students who are between 18 and 19 years of age while they are still in school rather than losing benefits when they turn 19. We also collaborated with legislators to extend childcare assistance for those who move from the Virginia Initiative for Employment not Welfare (VIEW) program if the participant is enrolled in a post-secondary school or higher education. Our hope was to eliminate the drug felony ban on access to SNAP and TANF benefits, but all those bills failed this session. We also worked with lawmakers to require that free and reduced meal applications be available online. VPLC was also able to obtain budget language that includes \$3.2 million for TANF and \$300,000 in state funds for a five percent increase in TANF monthly benefits. The increase, while small, will directly benefit those in need.

Virginia's eviction rates are more than twice the national average.
In some Virginia cities, the eviction rate is four times the national average.

Housing Law

Ensuring Fairer Laws for Tenants

In response to Virginia's high eviction rates, the General Assembly passed seven laws that are fairer to tenants:

1. *Written Leases Required*

All residential landlords must offer renters written leases. If they don't, the tenancy will automatically last for twelve months, require that rent be paid on the first of each month, provide a five-day grace period for rent, allow landlords to charge reasonable late fees, and limit security deposits to no more than two months' rent.

2. *One Case at a Time and Required Evidence*

Landlords suing tenants for nonpayment of rent can only file one case at a time. This allows tenants to "pay and stay"—pay all they owe and remain in their home—and keeps court costs relatively low. The law requires a judge to enter a valid termination notice into evidence before entering an eviction order. Our hope is that this will empower judges to dismiss cases without valid termination notices.

3. *Tenant Attorney's Fees in Poor Housing Condition Cases*

Most residential leases have a clause that gives landlords the right to reimbursement for their attorney's fees by



their renters when they successfully sue to enforce lease terms. The new law gives renters a similar right. Any renter who must sue his or her landlord to have repairs made can include a claim for reimbursement of attorney's fees in the lawsuit.

4. *Extended Right of Redemption ("Pay and Stay")*

Renters will have four chances to "pay and stay," which they can redeem once every twelve months: within any grace period provided by their lease (usually five days), after the grace

period provided by their lease (usually five days), after the grace period has ended and before the landlord files the eviction lawsuit, when a tenant "redeems" by paying everything owed on or before the court date, and if the tenant pays everything owed at least two business days before the scheduled eviction date.

5. *Use Writ or Lose Writ*

The new law cuts the amount of time a landlord can use a court judgement to evict a tenant from 12 to six months. Lessening this period more realistically reflects the amount of time tenants usually take to pay off judgments for unpaid rent. Since these are usually paid within six months, the new law provides recourse for the landlord if a payment plan isn't followed without displacing a tenant for months after they've paid in full.

6. *Pilot Eviction Diversion Programs*

By July 2020, Richmond, Hampton, Petersburg, and Danville will have eviction diversion programs. Under these two-year pilots, tenants facing eviction for nonpayment of rent can get their case dismissed if they bring 25% of what they owe to the first court date, pay the balance off in equal installments over the following three months, and pay their current rent on time.

Housing Law

Ensuring Fairer Laws for Tenants, continued

7. Access to Appeal

Tenants who want to appeal eviction orders based on non-payment of rent will have to post only the amount of the judgment to appeal. This is far less than the amount they must pay now, which is usually equal to three or four months' rent but can be as high as twelve months' rent.

Consumer Law

Protecting Borrowers with Student Loans

VPLC worked with legislators and the Student Borrower Protection Center to provide help and much-needed change to the student loan sector. One bill would have addressed the issues around arbitration in student loans in cases where students with legal issues arising from their student loans do not have access to justice through the courts system. The other bills would have regulated and created a licensure requirement for student loan servicing companies. Unfortunately, these bills did not pass.

Working to End Predatory Lending

There were three attempts to stem predatory lending in Virginia this session: two continued and one new effort. The first was an effort to extend the current rules around consumer finance loans (short to medium term installment loans) from loans in amounts of \$2,500 or less to all loans of this type. This regulation was asked for by the consumer finance industry to level the playing field between lenders that do underwriting and those that do not underwrite loans. We assisted the industry in their advocacy, but the measure, which passed the Senate handily in the 2018 session, hit a snag in the Commerce and Labor Committee where it was defeated. We worked with lawmakers to try to license open-end credit lenders (mostly former payday lenders) and implement the same restrictions as both payday and car title lenders regarding best practices in lending as requirements. Those measures also failed. Lastly, we tried a new approach to dealing with open-end credit, which would have made it clear that the laws of the Commonwealth of Virginia pertain to such loans whether the lender is located in Virginia or not. While no legislation passed this year, we were glad to maintain relationships with legislators who supported our attempts to stem predatory lending.

Working to Advance Fair Debt Collection

We assisted the Legal Aid Justice Center in their efforts to stop the suspension of driver's licenses for those with court fines unrelated to driving. While the issue was lost in the legislative process in the House of Delegates Courts Committee, the Governor made the changes needed through a budget amendment. We thank the Legal Aid Justice Center for letting us assist in this years-long effort that will result in over 600,000 Virginians getting their license suspensions lifted—a true win for Virginia.



600,000 Virginians will have their driver's licenses restored
after having them suspended for inability to pay court fines unrelated to driving.