

2022 General Assembly Session

VPLC LEGISLATIVE REVIEW





The Center for Economic Justice

AFFORDABLE ENERGY | CONSUMER RIGHTS | HOUSING

CONSUMER RIGHTS

Our efforts to **stop universities from denying students with debt access to their transcripts** failed. We're hoping for a study of this issue to be mandated in the state budget.

CONSUMER RIGHTS

We successfully ensured that advertisers must first get permission before accessing Virginians' sensitive demographic data.

CONSUMER RIGHTS

We successfully strengthened the law that prevents medical providers from harassing people who have asked for assistance from the Virginia crime victims fund.

HOUSING

Three bills we support passed the House and Senate:

- **Allow tenants to appeal their eviction cases from General District Court to Circuit Court.** Under current law, most litigants can have their appeal bond waived, except for tenants appealing an eviction case based on nonpayment of rent. These companion bills extend the appeal bond waiver to all indigent litigants. (HB 614/SB 474)

HOUSING

Three bills we support passed the House and Senate:

- Give localities another tool to address unsafe and unhealthy living conditions by authorizing local governments to file cases under the Virginia Landlord Tenant Act against landlords. Localities can seek an injunction requiring the landlord to fix the unhealthy or unsafe conditions, damages, or both. (HB 802)



HOUSING

Three bills we support passed the House and Senate:

- **Direct DHCD to convene a stakeholder group to develop a model mobile home lot lease and notice of park sale**, which DHCD will make available on their website in English and Spanish. Many mobile home park owners borrow lease language from other states. These often do not comport with Virginia law. By offering a model lot lease, VPLC hopes to see an increase in leases that accurately reflect the rights of mobile home park residents. (HB 1065)





The Center for Family Advocacy

DOMESTIC AND SEXUAL VIOLENCE | FAMILY AND CHILD WELFARE

DOMESTIC AND SEXUAL VIOLENCE

We successfully fought two bills that would have infringed on victims' rights:

- **Creating an affirmative defense for abusers who violate protective orders when the victim “invites or solicits” contact.** If this bill had passed, abusers would be able to violate protective orders with impunity, diminishing the value of a protective order and creating a chilling effect for victims to obtain them in the first place. (SB 174)



DOMESTIC AND SEXUAL VIOLENCE

We successfully fought two bills that would have infringed on victims' rights:

- Diminishing longstanding “Best Interests of the Child” factors judges must consider in making custody and visitation decisions, raising one parent’s wish for “shared time” above judges weighing all of the “best interests of the child” factors. (HB 69)



DOMESTIC AND SEXUAL VIOLENCE

Senator McClellan's bill to clarify employer size, statute of limitations language, and attorneys fees for worker discrimination and harassment suits in the Virginia Human Rights Act, failed. But we are part of a broad coalition that will come back next year to advocate for this important clean-up bill. (SB 494)



FAMILY AND CHILD WELFARE

A bill to ensure court oversight of foster care placements to ensure decisions made are in the best interests of the child passed. While the bill was amended and doesn't include all original protections, it will clarify and strengthen court oversight of placement decisions, which will improve system accountability.

The majority of children in foster care are from low-income families, and children of color are over-represented in the system. The bill also orders a study of the capacity of the court system to give the proper attention to these cases and creates a workgroup to look into creating a system to improve legal representation for parents. VPLC is included in this workgroup.



FAMILY AND CHILD WELFARE

Our efforts to **create pilot parent representation centers to increase access to justice for parents**, improving outcomes for children in foster care were not funded. But the workgroup created as part of the court oversight bill means that a broader program has an even better chance of passing next year.



FAMILY AND CHILD WELFARE

A bill to **give relatives of children in foster care an opportunity to appeal the denial of foster placement** passed both houses, creating more transparency when local departments deny relatives' applications to serve as the foster parent of their kin child. Relatives are often passed by, when in reality, they can be the best foster parents for a child. Relatives of children in foster care are also often low-income and cannot afford to take children into their homes without financial support.

When relatives are unreasonably denied, the appeal process will provide another opportunity for an unbiased look at their situation. If they were properly denied, the appeals process will simply ensure that this decision is in the child's best interests.





The Center for Healthy Communities

ELDER LAW | HEALTH INSURANCE | PUBLIC BENEFITS

ELDER LAW

We successfully fought to **protect vulnerable Virginians facing eviction from assisted living facilities**. Senator Spruill's bill, which creates discharge hearings for residents of assisted living facilities, passed both the House and Senate with overwhelming bipartisan support. (SB 40)

Under current law, individuals have no right to a hearing if an assisted living facility gives a discharge notice and no right to eviction court landlord tenant protections. This bill brings due process protections to all residents of assisted living facilities.



ELDER LAW

We successfully secured **guardianship reform**:

- Bills from Senator McPike and Delegate Hudson that include guardianship reform measures passed both the House and Senate. While some JLARC reforms requiring funding were removed, the creation of additional GAL requirements surrounding less restrictive alternatives to guardianship and the right to counsel passed both houses. (SB 514/HB 623)



ELDER LAW

We successfully advocated for **nursing home reform** with two key budget amendments:

- Create additional funding for the Long-Term Care Ombudsman, raising funding from 50% of resources necessary to meet state law requirements to 75%. Virginia's funding for this program has been essentially flat for many decades despite desperate need. The Ombudsman program provides advocacy and assistance to individuals in nursing homes, assisted living facilities, and home and community-based service programs. (Senate Budget Item 335 #1s)



ELDER LAW

We successfully advocated for **nursing home reform** with two key budget amendments:

- Implement the Joint Commission on Health Care-recommended staffing standards. Virginia has been failing to act on staffing standards for over 18 years, but this item would implement standards starting July 1, 2023. Over two decades of research has shown that staffing standards are the best way to ensure nursing home resident outcomes and prevent death. (Senate Budget Item 304 #4s)



HEALTH INSURANCE

Our efforts to **ensure medical debt protections** were successful. Delegate Tran and Senator Favola's bills to provide information about hospital charity care programs to patients in their preferred language both passed. Hospitals must also also screen all patients for Medicaid/FAMIS and charity care eligibility and offer a payment plan to all uninsured patients before taking debt collection actions. (HB 1071/SB 201)



HEALTH INSURANCE

We successfully advocated for **Medicaid program language access**. Delegate Tran's bill requires the Department of Medical Assistance to ensure that all Medicaid program information is accessible to those with limited English proficiency and individuals with disabilities. This requires information from DMAS as well as their contractors to meet these standards. (HB 987)

PUBLIC BENEFITS

An **increase in TANF cash assistance by 10%** was included in the Senate budget. TANF provides cash assistance to low-income families with children. The 2021 Appropriation Act included language that would provide annual increases for TANF until the benefit amount was at 50% of the federal poverty level. This budget amendment would include that increase in budget year 2023 and 2024.



PUBLIC BENEFITS

Subsidizing the reduced school meal plan was included in both the House and Senate budgets. This would provide funding to local school districts to reduce or eliminate costs associated with school breakfast and lunch programs for children eligible for reduced price meals.

PUBLIC BENEFITS

SNAP pre-enrollment of incarcerated persons being released passed both houses but was not included in the budget.

LANGUAGE ACCESS

Language access was included in both budgets. While both bills from Senator Hashmi and Delegate Tran failed, there is still \$6.1 million in the House budget and \$11.8 million in the Senate budget for state agencies to facilitate and improve language access. We'll let you know what funds have been allotted for these important services for our clients after budget negotiations are over. (SB 270/HB1049)

THANK YOU

VPLC ADVOCATE CONTACT INFORMATION:

CENTER FOR ECONOMIC JUSTICE

Carmen Bingham, Affordable Energy
804.980.5467 | carmen@vplc.org

Laura Dobbs, Esq., Housing Advocacy
804.955.0470 | laura@vplc.org

Christie Marra, Esq., Housing Advocacy
804.351.5275 | christie@vplc.org

Jay Speer, Esq., Consumer Law
804.351. 5268 | jay@vplc.org

Dana Wiggins, Aff. Energy & Consumer
804.351.5269 | dana@vplc.org

CENTER FOR FAMILY ADVOCACY

Valerie L'Herrou, Esq., Family & Child Welfare
804.351.5276 | valerie@vplc.org

Susheela Varky, Esq., Domestic Violence
804.351 .5274 | susheela@vplc.org

CENTER FOR HEALTHY COMMUNITIES

Salaam Bhatti, Esq., Public Benefits
804.351.5265 | salaam@vplc.org

Sara Cariano, Healthcare
804.332.1432 | sara@vplc.org

Emily Hardy, Esq., Elder Law
804.351. 5273 | emily@vplc.org

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