



2012 Legislative Priorities

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

Consumer Law

With an emphasis on representing consumers in the legislature and in the courts, VPLC is focused on those consumer issues that most impact lower income Virginians. These issues include predatory lending, foreclosures, fair debt collection practices and financial literacy. During the 2012 General Assembly session, VPLC will work on the following issues in the area of consumer law:

- **Predatory Lending**

VPLC, along with other consumer advocates, will work to close loopholes in Virginia's usury laws and combat efforts to weaken the law.

- **Foreclosures**

VPLC will work with other advocacy groups to enact meaningful reform of Virginia's foreclosure laws to ensure fairness for homeowners.

Domestic and Sexual Violence Law

Victims of domestic and sexual violence are some of VPLC's most vulnerable clients. By advocating for legislative proposals that protect victims of domestic and sexual violence and opposing those that endanger them further, VPLC has been at the forefront of improving Virginia's domestic and sexual violence laws. VPLC will focus on the following domestic and sexual violence issues during the 2012 General Assembly session:

- **Domestic and Sexual Violence Protective Orders**

VPLC will work to support low-income domestic and sexual violence victims. In particular, we will, along with other statewide stakeholders, including the Governor's Office, strive to improve some of the recent changes to domestic and sexual violence protective order laws.

Elder Law

The elder law practice area at VPLC addresses the legal needs specific to those over age 60 such as long term care issues, guardianship, access to health care and adult protective services. Elderly residents of nursing homes and assisted living facilities are a particularly vulnerable population, so particular emphasis is given to promoting the rights of long term care residents. VPLC will focus on the following areas in elder law during the 2012 General Assembly session:

- **Nursing Home Discharge Notices**

When a nursing home plans to discharge a resident, it must send the resident and the resident's family a notice. VPLC, in conjunction with the Virginia Elder Rights Coalition (VERC), will work in support of a bill which requires a copy of the notice to be sent concurrently to the State Long-Term Care Ombudsman so that more residents get assistance and so that the scope of the problem can be better monitored.

- **Financial Abuse**

VPLC will work in support of a bill which protects seniors and disabled people from financial exploitation from caregivers and others in positions of trust. This is a challenging effort, due to the cost implications of jail time for offenders and due to the difficulty of finding an effective way to criminalize undue influence.

VPLC will also oppose bills regarding the possible merger of the Public Guardianship Board with other boards and will do defensive work on budget cuts to community-based care waivers and long-term care services.

Family Law

The family law practice area at VPLC encompasses divorce, custody and visitation as well as child and spousal support. VPLC also collaborates with leaders across the state to help develop and implement changes to Virginia's child welfare system that will help children remain safely out of foster care or move out of care into permanent families. In the area of family law, VPLC will work on the following issues during the 2012 General Assembly session:

- **No-Fault Divorce**

VPLC, along with the Family Law Legislative Coalition of the Virginia Bar Association, supports a simple rule change to enable parties to obtain an uncontested divorce even if they cannot afford to pay high attorney or court reporter fees.

- Allowing Restoration of Parental Rights

Despite the significant recent improvements to Virginia’s foster care system, some youth are still “aging out” of the system when they reach 18, becoming adults without any legal parents. Often these youth return to their birth parents when they age out of care, a move that can be difficult without supportive services and without any legal ties.

VPLC supports enactment of a restoration of parental rights statute that would allow a court to legally reunite older youth in foster care with their birth parent, as long as a court finds both that it is in the best interest of the child and that the parent has rehabilitated himself or herself.

- Establishing Variances for Kinship Foster Families with Barrier Crime Convictions

VPLC supports legislation that would allow child placing agencies to license a relative as a foster parent even though someone in the household was convicted of a barrier crime if: the conviction was for felony drug possession or misdemeanor arson; 10 years have passed since the conviction; and the agency makes a specific finding that the conviction does not create a safety issue or make the home unsuitable for a child.

Health Law

Access to health care is critically important to low-income Virginians. Many rely on public health insurance programs such as Medicaid, Medicare and FAMIS (Virginia’s State Children’s Health Insurance Program), which involve complex laws and policies. Much of VPLC’s work on health law is public policy advocacy with the Virginia General Assembly and administrative agencies. On health issues, VPLC will be engaged in proactive efforts to:

- Expand Medicaid/FAMIS eligibility

VPLC will work to expand Medicaid/FAMIS eligibility to cover pregnant, legal immigrants during the first five years they are in the US. Past efforts have failed despite documented cost-effectiveness of prenatal care.

- Establish Health Benefits Exchange

Along with partner organizations, VPLC will promote a Health Benefits Exchange in Virginia that includes consumer protections. This is the new marketplace required by the Affordable Care Act. VPLC has worked with the Governor’s Health Reform Initiative advisory committee over the past 1 ½ years and has identified priorities for Virginia’s Exchange that would:

- Establish a quasi-governmental Exchange as a new Virginia agency;

- provide for governance by a board that includes consumer representatives, health experts and others without financial conflicts of interests;
- ensure transparent/streamlined operations and online applications that are readable, comply with language access and ADA requirements;
- modify insurance laws so that adverse selection is minimized; and
- include community based organizations as Exchange navigators.

The Governor’s proposed budget for the biennium includes significant cuts to Medicaid, health safety net programs and other social services. VPLC will oppose the cuts that threaten patients’ access to care and undermine efforts to expand the availability of community based care and other social services.

Housing Law

In these hard economic times, with the percentage of Virginians living in rental housing rising, it more important than ever to protect the rights of renters. VPLC advocates in the Virginia General Assembly for changes to landlord tenant law that will help low-income tenants avoid homelessness and collaborates with various other stakeholders to identify systemic improvements to increase access to affordable housing across Virginia. During the 2012 General Assembly session, VPLC will work on the following issues in the area of housing law:

- **Improving Residential Tenant Payment Records**

VPLC supports legislation to require landlords to promptly provide residential tenants written receipts of their rent payments and an accounting of their payment histories whenever tenants request them. This legislation will help tenants track their rent balance and keep their payments current.

- **Prohibiting Self-Help Eviction**

Current law forbids landlords to evict tenants by using “self-help”, such as changing the locks to the tenant’s dwelling or cutting off the tenant’s water or electricity, without first obtaining a court order. VPLC supports legislation to make it clear that any lease provision that attempts to allow a landlord to evict a tenant through self-help is invalid and won’t be enforced.

Public Benefits Law

Public benefits are programs that are administered by the state and federal government that assist individuals with many of their basic needs. A few of the main public benefits programs are: Food Assistance, Social Security, Temporary Assistance to Needy Families (TANF), Medicaid and Unemployment Compensation. VPLC will work on the following initiatives during the 2012 General Assembly session:

- **TANF**

VPLC will work to secure access to Temporary Assistance for Needy Families.

- **Unemployment Insurance**

VPLC, in partnership with other advocates for jobless workers, will strive to preserve the fundamental structure of the unemployment insurance compensation program.

About the Virginia Poverty Law Center

The Virginia Poverty Law Center (VPLC) is a non-profit organization that serves Virginia's legal aid system by providing advocacy, training, and litigation support on civil justice issues that affect lower income Virginians.

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