



VIRGINIA
LGBTQ+
ADVISORY
BOARD

2023 Annual Report

Prepared by Members of the Virginia LGBTQ+ Advisory Board


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Executive Summary

The Board has prepared 11 recommendations to address emerging concerns faced by the Commonwealth's LGBTQ+ Community.

Recommendations

1. Establish Educational Environments Where Students are Empowered.
2. Empower a Diverse Workplace
3. Bring Care to the People
4. Expand Healthcare Access
5. Implement Governor Youngkin's "Make Virginia Home" Plan to Increase Homeownership and Improve Access to Affordable Housing Throughout Virginia
6. Invest in Homelessness Assistance and Prevention Programs, Particularly Those Serving Virginia's LGBTQ+ Youth Population
7. Increase Access to Broadband Internet in all Parts of the Commonwealth, Upgrade the Power Grid, and Make Improvements to Virginia's Electrical Transmission Infrastructure
8. Express Public Support for LGBTQ Virginians through Executive Action
9. Bolster Law Enforcement Capabilities with Support for LGBTQ Liaison Programs
10. Support Removal of Obsolete Discriminatory Virginia Laws
11. Eliminate Unnecessarily Gendered Language in the Systematic, Service, and Operational Documents of Virginia

Introduction

The Virginia LGBTQ+ Advisory Board was created by the General Assembly in 2021, with the first 21 members beginning their service on July 1, 2021. The Board's mission is to advise the Governor and Executive Branch regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth and the LGBTQ+ community.

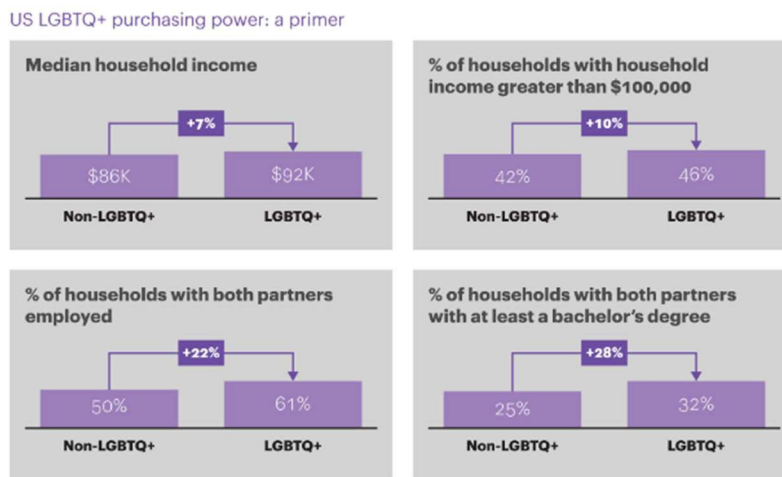
This year the Board held five meetings at various locations including, Appomattox Regional Governors School, Patrick Henry Building, Virginia Housing Center, and one meeting was held virtually. Through these meetings, the Board was able to hear from many witnesses, members of the public, and members of the Executive Branch. In addition, individual members also engaged in outreach to let people know of the Board's existence and to gather information about the issues facing the Commonwealth's LGBTQ+ residents.

This is the second Annual Report submitted by this Board. The Board's four standing committees: Education & Workforce, Health, Housing & Infrastructure, and Safety held multiple meetings to gather facts and prepare the recommendations outlined in this report.

Recommendations

Education & Workforce

The Education and Workforce Committee will examine issues affecting Virginia's educational and workplace environments and formulate recommendations advancing the principles of inclusion and identity affirmation. The Committee recognizes students across the Commonwealth's educational spectrum are more deeply engaged in their intellectual and personal development, and faculty and staff are more committed to student success, when all are able to fully engage in their communities in ways affirming to their identities. Similarly, workplaces promoting diversity, equity, and inclusion invite higher levels of engagement, job satisfaction, and dedication among employees. Therefore, inclusive and affirming educational and workplace environments are critical to maintaining Virginia as a powerhouse of economic development, as the best state for business, and as a leader in education. The Education and Workforce Committee is committed to ensuring Virginia's educational and workplace environments are affirming of LGBTQ+ identities.



Sources: 2017 American Community Survey, US Census Bureau, A.T. Kearney analysis

Figure 1. US LGBTQ+ Purchasing Power (Table by Chafin).

Americans' Self-Identification as LGBT, by Generation

	LGBT	Straight/Heterosexual	No opinion
	%	%	%
Generation Z (born 1997-2002)	15.9	78.9	5.2
Millennials (born 1981-1996)	9.1	82.7	8.1
Generation X (born 1965-1980)	3.8	88.6	7.6
Baby boomers (born 1946-1964)	2.0	91.1	6.9
Traditionalists (born before 1946)	1.3	89.9	8.9

GALLUP, 2020

Figure 2. Americans' Self-Identification as LGBT (Table by Jones).

“If the global LGBTQ+ community were a country, it would be the fourth-largest economy in the world—an economy insisting on doing business on its terms.”¹ Virginia risks losing talents, ideas, creativity, and significant buying power by not fostering safe educational and workforce environments for LGBTQ+ individuals.

In 2021, Forbes reported “the LGBTQ+ market is the fastest-growing consumer market in the U.S. and is on target to grow by millions in the U.S. in the next few years.”² A study conducted by the Williams Institute found LGBTQ+ adults represent 5.9% of private and public sector employees.³ And a Gallup News report indicated LGBTQ+ self-identification by generation is increasing. Moreover, Kantar Consulting found LGBTQ+ buying power totaled \$1 trillion.

Virginia benefits culturally, educationally, and financially from its citizens, who are a rich and diverse spectrum of ages, ethnicities, and sexual orientations. To help ensure public education in Virginia enables these citizens to become knowledgeable, open-minded, and compassionate, public schools must ensure we are all acknowledged, and respected while ensuring opportunities for the whole community.

Recommendation 1: Establish Educational Environments Where Students are Empowered

A. Establish empowering educational environments on and off campus

- Statewide abuse hotline and response team
- Comprehensive anti-bullying policies
- Whistleblower policy

Students come to school with various needs, whether gifted and talented, on the autism spectrum, non-English native speakers, or LGBTQ+; it is up to schools to meet the needs of all students with appropriate resources.

All children in Virginia have a right to learn, free from unlawful discrimination and harassment. School division policies shall therefore implement the requirements of the Act in a manner ensuring no student is discriminated against or harassed on the basis of his or her sex. To this end, local school division policies shall implement the requirements of the Act in a manner demonstrating respect for each student.

¹ Corey Chafin, “Purchasing with Pride What LGBTQ+ Consumers Demand from Retailers and Brands,” Kearney, June 5, 2023, <https://www.kearney.com/industry/consumer-retail/article/-/insights/purchasing-with-pride-what-lgbtq-consumers-demand-from-retailers-and-brands>.

² Gillian Oakenfull, “Representing Fifty Shades of Gay in the LGBTQ+ Marketplace,” Forbes, June 2, 2021, <https://www.forbes.com/sites/gillianoakenfull/2021/06/01/representing-fifty-shades-of-gay-in-the-lgbtq-marketplace/>.

³ “Public and Private Sector Employees’ Perceptions of Discrimination against LGBTQ People,” Williams Institute, April 12, 2021, <https://williamsinstitute.law.ucla.edu/publications/employee-perception-discrim/>.

B. Establish and maintain opportunities for parental engagement in their children's education

- Advise the Department of Education they are secondary, and parents are the primary decision makers according to current state law (State Code § 1-240.1) *A parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child*
- On-campus mental health/crisis response team
- Online education and resource repository

The National Assessment of Education Progress highlighted severe learning loss since the pandemic. "Virginia was hit particularly hard by the news."⁴ Student interest and retention improve when students are engaged with the material they are learning.

Students learn empathy when they read about people and experiences different from what they know. LGBTQ+ students do not often see themselves reflected in the materials they read at school, and non-LGBTQ+ students lose the opportunity to learn about and develop empathy for LGBTQ+ individuals.

Schools within the Commonwealth should provide age appropriate and not sexually explicit in nature books and materials in libraries and classrooms. Parents should have the right to monitor what their children are learning about in school but cannot prevent other parents' children from accessing information and stories.

C. Statewide listening tour to hear from parents and students

- Education Town Halls
- Polling and focus groups

We must ensure Virginia public schools are safe for all teachers, students, and staff. Everyone wins when schools are safe, the curriculum reflects the community, and everyone feels included and respected. If our goal is education excellence, we must ensure all students are given the tools they need to succeed and all teachers are empowered to teach and engage every student.

⁴ Penny Kmitt and Angela Bohon, "Nation's Report Card Shows Virginia Had Largest Drop in Childhood Reading Proficiency," News 3 WTKR Norfolk, October 24, 2022, <https://www.wtkr.com/rebound/state-of-education/nations-report-card-shows-virginia-had-largest-drop-in-childhood-reading-proficiency>.

Recommendation 2: Empower a Diverse Workforce

VIRGINIA SCORE AND RANKING				
CATEGORY ↓	2023 SCORE ↓	2023 RANK ↓	2022 RANK ↓	2023 GRADE ↓
WORKFORCE	252	7	11	B+
INFRASTRUCTURE	231	10	9	B
ECONOMY	235	13	20	B-
LIFE, HEALTH & INCLUSION	217	16	13	B-
COST OF DOING BUSINESS	120	34	25	C-
TECHNOLOGY & INNOVATION	172	15	17	B-
BUSINESS FRIENDLINESS	135	6	6	A-
EDUCATION	94	1	2	A+
ACCESS TO CAPITAL	43	4	6	A-
COST OF LIVING	28	25	30	C+
OVERALL	1527	2	3	

Figure 3. Virginia Score and Ranking

In July 2023, CNBC released “America’s Top States for Business 2023: The full rankings.” While earning a 2nd place ranking, Virginia was given a C- for the “cost of doing business.”⁵

A. Systemic review of redundancies and cumbersome taxes and regulations

- Modernize regulatory process and eliminate unnecessary regulations
- Modernize tax to withstand future technological advancements
- Support efforts to remove outdated and unenforceable language from the legal code of the Commonwealth

B. Opportunity and Human Capital Officer in the Department of Workforce Development and Advancement

- Office of Opportunity and Human Capital
- Deputy Director of Entrepreneurship and Workforce Development
- Deputy Director of Integration Disability Resources, Access, and Integration
- Opportunity and Human Capital Outreach Program Funding

⁵ “America’s Top States for Business 2023: The Full Rankings,” CNBC, July 11, 2023, <https://www.cnbc.com/2023/07/11/americas-top-states-for-business-2023-the-full-rankings.html>.

Health

The Health Committee will assess the health of Virginia's LGBTQ+ citizens and will work to develop training, guidance, and recommendations removing barriers to positive health outcomes (e.g., discrimination, inaccessibility of healthcare services, and erasure). In collaboration with healthcare providers and state and local partners, the Health Committee will promote policies and practices facilitating cultural humility, access to health and wellness, and mitigation of the harmful health impacts LGBTQ+ Virginians face in relation to systematic marginalization.

In the midst of an ongoing pandemic and extended Public Health Emergency (PHE), it is essential Virginians have access to affordable health services and comprehensive coverage. The past two years have seen significant progress in expanding Medicaid coverage in Virginia, from expanding coverage to adults 19-64 and introducing new benefits like dental and doula.⁶ Yet the challenge for so many people is accessing these new benefits, because of language barriers or accessibility issues like technology.

The LGBTQ+ community has been historically underrepresented and underserved. There are often barriers to our receiving care, whether it is lack of resources, inadequate information, and social stigma. And for those who have health coverage, there are people in our community who have faced negative experiences with their providers. As the governor for all Virginians, we hope you will do everything in your power to address the issue of access to health services and health coverage. Within this issue, there are many intersecting elements including language access, rural populations, and mental health services.

Significance. Virginia's new biennial budget⁷, which went into effect on July 1, includes significant investments in public health.⁸ It is notable, however, most of the funding for public health services comes from federal funds.⁹ VDH's budget has remained flat in the past two decades, and presents challenges because federal public health funding is unpredictable and may not match local needs.¹⁰ Since federal funding is often disease or program specific, it can lead to underinvestment in "cross-cutting public health needs" like maintenance and digitization.¹¹

For the LGBTQ+ community, access to healthcare is a critical issue. Three factors affecting our community are stigma, affordability, and accessibility. Being LGBTQ+ cannot be defined by one definition or experience; it is a big tent of individuals who form a community. It is important to have culturally competent and empathetic providers who can put the patients' needs first without judgment.

⁶ <https://www.dmas.virginia.gov/about-us/medicaid-expansion/>

⁷ <https://budget.lis.virginia.gov/bill/2022/2/HB30/Chapter/>

⁸ <https://vpha.wildapricot.org/resources/Documents/Key%20Public%20Health%20Takeaways%20from%20Virginia%e2%80%99s%20New%20Budget.pdf>

⁹ <https://vpha.wildapricot.org/resources/Documents/Virginia's%20Public%20Health%20Landscape%20-%20A%20Call%20to%20Action.pdf>

¹⁰ *ibid.*

¹¹ *ibid.*

It is also imperative to expand health services both through innovative solutions and through our existing programs like Medicaid. For example, the Virginia Department of Health currently offers free HIV testing home kits for Virginia residents.¹² While this is a great resource, the administration can go further by including this preventative tool, as well as other resources, in Medicaid.

Health coverage comes with various barriers, including language access and proximity to care. In 2019, roughly 485,270 Virginians (6% of total state population) identified as Limited English Proficient (LEP), which is a 14% increase from 2010 and is only expected to increase further.¹³ Although the Virginia Department of Medical Assistance Services (DMAS) provides translation and language assistance upon request, it is not clear how beneficiaries would make the request when they are LEP.¹⁴ In rural communities, there are less hospitals and providers which makes it harder for LGBTQ+ folks to get the care they need.

The three issues above are all impacted by funding, or lack thereof. Without stable funding, it will be difficult to adequately address the social determinants of health the LGBTQ+ community, and all who intersect with it, faces. The administration has the unique power and opportunity to strategically invest resources and funding to the communities who are underfunded and underrepresented. Addressing the public health of our community helps address the public health of Virginia as a whole.

Innovation. One innovative way to address the access of care is to bring care to the people. There are already examples in Virginia. The Inova health care system recently launched the Pride clinic, its first primary care clinic devoted to the LGBTQ+ community.¹⁵ The clinic is located in Falls Church and is open to patients 12 years old and up, and “provides primary care, including preventive care and health screenings, as well as pre-exposure prophylaxis (PrEP) for HIV prevention and gender-affirming care, including counseling for youths and adults about health, gender identity and sexuality.”¹⁶

Another way is to weave Community Health Workers, or CHWs, into the mix. CHWs are invaluable to advancing health equity in the communities they serve, whether it is through vaccine outreach or culturally competent health education. Currently, Virginia Medicaid does not reimburse CHW services.¹⁷ Virginia can follow other state models like California, where the Department of Health Care Services (DHCS) added CHW services as a Medi-Cal benefit.¹⁸ The Virginia Department of Health, in collaboration with the Virginia Community Health Worker Advisory Group and the Virginia Community Health Worker Association, developed a Certified

¹² <https://redcap.vdh.virginia.gov/redcap/surveys/?s=77W7DKHHKJ>

¹³ <http://hamkaecenter.org/wp-content/uploads/sites/69/2021/12/Hamkae-Center-2021-Language-Access-Report.pdf>

¹⁴ *ibid.*

¹⁵ <https://www.washingtonpost.com/dc-md-va/2022/06/08/pride-clinic-inova-northern-virginia/>

¹⁶ *ibid.*

¹⁷ <https://nashp.org/state-community-health-worker-models>.

¹⁸ <https://www.dhcs.ca.gov/community-health-workers>

Community Health Worker Credential.¹⁹ The Credential training program should provide LGBTQ+ specific training so future CHWs are well-equipped to serve folks with intersectional identities. Under the VDH LiveWell brand, the Virginia Department of Health Office of Family Health Services (OFHS) should create a new LGBTQ+ program providing resources.²⁰

We have captured all of these factors in the following recommendations.

Recommendation 3: Bring Care to the People

The Commonwealth should focus on budget changes to bring care to the people, perhaps through allocations from federal funding, budget surplus, or from General Targeted Fund investments. Doing so will address both challenges the LGBTQ+ community face in rural areas and places who don't have access to care as well as health disparities of the LGBTQ+ community.

- A. Allocate funding in FY 2023-2024 budget to open LGBTQ+ community clinics**
- B. Push the General Assembly for more state funding**
- C. Partner with hospitals (ex. Inova) to clinic staffing and implementation**
- D. Provide Transportation for folks to these clinics**
- E. Include HIV/STD testing kits as a Medicaid benefit**

Recommendation 4: Expand Healthcare Access

The Commonwealth should take measures to work to lower the cost of medicine and services for LGBTQ+ affirming healthcare as well as to remove non-financial barriers to access. Removing these barriers will not only benefit the LGBTQ+ community but will redound to the benefit of many minoritized communities in the Commonwealth by increasing the cultural competence of the existing workforce, encouraging those without health coverage to enroll, and addressing language accessibility issues.

- A. Include CHW services as a Medicaid benefit**
- B. For CHW training, ensure culturally competent LGBTQ+ training**
- C. Provide vital documents in threshold languages and alternative formats**
- D. Use inclusive language (gender-neutral)²¹**

¹⁹ <https://www.vdh.virginia.gov/vdhlivewell/certified-community-health-worker-cchw/>

²⁰ <https://www.vdh.virginia.gov/vdhlivewell/vdh-livewell-brand/>

²¹ For more detailed information, please see the committee's full Fall 2022 Report "Health Equity for LGBTQIA+ Virginians"

Housing & Infrastructure

The Housing and Infrastructure Committee will examine gaps in fair housing regulations allowing for continued discrimination against LGBTQ+ individuals, as well as explore existing housing programs with how they might be expanded upon to provide greater and more equitable access to LGBTQ+ individuals. Housing will be examined as part of and contributory to the physical infrastructure of communities in which LGBTQ+ individuals live and work; the committee will explore and seek solutions to instances in which lack of access to or inadequate infrastructure hinders the full lives of the LGBTQ+ community in the Commonwealth.

The LGBTQ+ community, which comprises an estimated 5.6% of the United States population, represents over \$1 trillion of buying power.²² In 2021, LGBTQ+ Americans accounted for 12% of all homebuyers, up from 7% percent in 2019.²³ Although homeownership is an increasingly important goal among members of the LGBTQ+ community, only one-half of LGBTQ+ adults and 64% of LGBTQ+ couples own their own homes.²⁴ For non-LGBTQ+ groups, those numbers are 70% and 75%, respectively.²⁵ Further, the homeownership rate among Americans ages 22 to 72 who identify as LGBTQ+ is just 49.8%, compared to the overall homeownership rate of 65.8% among the general population.²⁶ In general, members of the LGBTQ+ community are less likely to own a home, are more mobile, fear discrimination when buying a home, and prioritize living in neighborhoods safe for LGBTQ+ individuals.²⁷ In addition, the rapid rise in home prices, followed by a spike in mortgage rates, has been particularly impactful for LGBTQ+ would-be homebuyers.²⁸

In recent years, access to affordable housing has become a top priority for all Virginians across the political spectrum.²⁹ A shortage of available housing in Virginia has pushed up prices and slowed sales, raising the risk of long-term affordability challenges potentially slowing the Commonwealth's growth.³⁰ In response, Governor Glenn Youngkin unveiled his bold "Make

²² LGBT Real Estate Report 2020-21, National Association of Gay & Lesbian Real Estate Professionals, <https://naglrep.com/wp-content/uploads/2020/04/2020-lgbt-re-report.pdf>

²³ Buyers: Results from the Zillow Consumer Housing Trends Report 2021, Zillow, <https://www.zillow.com/research/buyers-consumer-housing-trends-report-2021-30039/>

²⁴ LGBT People and Housing Affordability, Discrimination, and Homelessness, UCLA School of Law Williams Institute, <https://williamsinstitute.law.ucla.edu/publications/lgbt-housing-instability/>

²⁵ *Id.*

²⁶ The LGBT Community: Buying and Renting Homes, FreddieMac https://sf.freddie.mac/docs/ppt/other/freddie_mac_lgbt_survey_results_final.pdf and Quarterly Residential Vacancies and Homeownership, Second Quarter 2023, U.S. Census Bureau, <https://www.census.gov/housing/hvs/files/currenthvspress.pdf>

²⁷ LGBT Homeownership Rates Lag Behind General Population, FreddieMac, http://www.freddie.mac/research/consumer-research/20181001_lgbt_homeownership.page

²⁸ 'I can't win in this market': Why LGBTQ homebuyers say mortgage rates are hitting them especially hard, CNBC, <https://www.cnbc.com/2022/06/19/why-lgbtq-homebuyers-say-rising-mortgage-rates-are-hitting-them-hard.html>

²⁹ According to the January 2023 Commonwealth Poll conducted by the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University, an overwhelming majority (72%) of respondents see access to affordable housing as a serious issue in their community.

³⁰ A shortage of single-family homes is casting doubt on Virginia's future growth, *Virginia Mercury*, <https://www.virginiamercury.com/2022/07/13/a-shortage-of-single-family-homes-is-casting-doubt-on-virginias-future-growth/>

Virginia Home” Plan, which seeks to increase the supply of attainable, affordable, and accessible housing across Virginia.³¹ The Plan is designed to address the restrictions on housing supply, remove and streamline permitting processes, and protect property owner rights. Moreover, the Plan intends to increase the supply of land for housing, remove regulatory barriers to housing development, and align housing developing with economic growth.

The LGBTQ+ Advisory Board supports the Youngkin Administration’s prioritization of affordable housing policies, which are critical to the prosperity of our Commonwealth at all levels. Strong and sustainable economic development cannot be achieved without abundant housing meeting the needs of Virginia’s dynamic workforce. In addition to housing, reliable and safe infrastructure is vital to the stability and day-to-day operations of our diverse communities. Targeted investments in transportation, broadband, clean water, and sanitary sewage must accompany these efforts to address the unique housing challenges in Virginia. To this end, the following recommendations will improve housing options, lower the cost of living, and make Virginia the best place to live, work, and raise a family for all Virginians, including the vibrant LGBTQ+ community.

Recommendation 5: Implement Governor Youngkin’s “Make Virginia Home” Plan to Increase Homeownership and Improve Access to Affordable Housing Throughout Virginia

Over the last decade, more than two-thirds of building permits have been issued for single-family homes.³² With the average price for a single-family home in Virginia at \$355,000 as of 2021—an increase of 30% over 2016—this most expensive form of housing is increasingly out of reach for many middle-class households.³³ Renters face similar—if not more severe—struggles, as four in five renters in Virginia earn under one-half of their region’s area median income.³⁴ The Department of Housing and Community Development (“DHCD”) and Virginia Housing, the Commonwealth’s housing authority, estimate there is a shortage of 200,000 affordable rental units across Virginia, meaning fewer individuals may choose to live and locate their businesses in the Commonwealth.³⁵

In 2022, Virginia Housing and DHCD published the “HB854 Statewide Housing Study.” The report was the culmination of a year-plus effort to determine the current and future housing needs of Virginians, including the availability of affordable housing across the Commonwealth.³⁶ The

³¹ Governor Glenn Youngkin Unveils the “Make Virginia Home” Plan, Governor of Virginia, <https://www.governor.virginia.gov/newsroom/news-releases/2022/november/name-942691-en.html>

³² Governor Glenn Youngkin, YIMBY-in-chief?, Wyatt Gordon, *Virginia Mercury*, <https://www.virginiamercury.com/2022/11/21/governor-glenn-youngkin-yimby-in-chief/>

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ HB854 Statewide Housing Study: Current Efforts, Future Needs, New Strategies, The Virginia Department of Housing and Community Development and Virginia Housing, <https://dmz1.dhcd.virginia.gov/HB854/executive-summary.html>

report examined demographic and economic trends, housing inventory and production, the ownership market, the rental market, and housing instability and homelessness, as well as the effectiveness of current programs.³⁷ The report found while about 30,000 new homes are built in Virginia each year, this rate is about one-half the annual production from the mid-2000s. The result has been a housing affordability crisis.

Accordingly, the LGBTQ+ Advisory Board recommends the following actions:

A. Support statewide permissiveness of localities to allow for Accessory Dwelling Units

During the 2023 General Assembly legislative session, HB2100 was introduced to establish authority and requirements for localities in the development and use of accessory dwelling units (“ADUs”).³⁸ Whether carriage houses, in-law suites, English basements, or granny flats, the purpose of these ADUs is to increase housing density without significantly altering the neighborhood character.³⁹ This proposal would have set consistent standards for ADUs across the Commonwealth, from setbacks to owner occupancy requirements, ending the current patchwork of rules and regulations often making ADUs technically legal but practically unfeasible.⁴⁰ In a substitute version of HB 2100, the proposal would have formed a state-level advisory panel to offer guidance on how to encourage the development of ADUs across the Commonwealth.⁴¹ Although the bill did not pass, the LGBTQ+ Advisory Board recommends Governor Youngkin support a similar bipartisan proposal in the next legislative session, which would put more units on properties where the owners want them.

B. Support Affordable Rental Housing Production Programs

The Federal Low-Income Housing Tax Credit program, as administered by Virginia Housing, working in conjunction with gap financing options like those provided by the Virginia Housing Trust Fund, produces nearly all new affordable rental housing in every corner of the Commonwealth. However, the needs of cost-burdened renters continue to outpace production. As such, efforts should be made to increase the Virginia Housing Trust Fund and similar resources, expand program flexibility to maximize investments, and explore a pilot program for additional supportive housing units in new affordable rental developments. In addition, the Department of Behavioral Health and Development Services should scale-up the State Rental Assistance Program and reduce eligibility barriers for assistance programs.

³⁷ Id.

³⁸ HB 2100 Accessory dwelling units; establishes authority & requirements for localities in development & use, Virginia’s Legislative Information System, <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=hb2100#:~:text=Establishes%20authority%20and%20requirements%20for,%2C%20bathroom%2C%20and%20kitchen%20space>

³⁹ Can carriage houses and granny flats ease the housing crisis, Wyatt Gordon, *Virginia Mercury*, <https://www.virginiamercury.com/2023/03/08/can-adus-ease-the-housing-crisis/>

⁴⁰ Id.

⁴¹ Id.

C. Create “Reasonable Linkages” Between Discretionary State Funds and Local Government Housing Policies⁴²

To incentivize Virginia localities to begin relaxing regulations restricting housing supply, the General Assembly should restrict discretionary state funding to those counties and cities who take meaningful steps to liberalize land-use regulations. Although local governments could still erect their own barriers to new housing supply, they would risk losing money by doing so.

D. Support Legislation Curtailing the Spread of Corporate Homeownership and Promotes Individual Homeownership

In 2021, nearly a quarter of all single-family homes sold in the United States were bought by investors, up from about 15% annually since 2012, often driving up rents for suburban families in the process.⁴³ Institutional investors may control more than 40% of U.S. single-family rental homes by 2030, according to a 2022 forecast by MetLife Investment Management.⁴⁴ These investor firms tend to compete for homes middle-income families seek: those under \$500,000.⁴⁵ While the presence of institutional investors may improve neighborhood quality by fixing up run-down homes and investing in infrastructure like streetlights, when institutional investors buy in a neighborhood, they may displace long-term residents.⁴⁶ Corporate ownership may be curtailed by requiring a home be on the market 60 days prior to a corporation being able to purchase the home.

E. Support Legislation Promoting the Ability of Local Individuals to Buy Residential Property in Virginia

To protect would-be local homeowners, the Commonwealth should consider legislation similar to Canada’s Prohibition on the Purchase of Residential Property by Non-Canadians Act by imposing restrictions on non-residents buying residential real estate. This may be accomplished by imposing a 60-day blackout where homes cannot be purchased by nonresidents. Exceptions should include refugees and permanent residents who are not citizens.⁴⁷ Europe, Southeast Asia, and

⁴² Youngkin’s Housing Start, Adam A. Millsap, *City Journal*, <https://www.city-journal.org/article/youngkins-housing-start>

⁴³ Investors Bought a Quarter of Homes Sold Last Year, Driving Up Rents, Tim Henderson, *Stateline*, <https://stateline.org/2022/07/22/investors-bought-a-quarter-of-homes-sold-last-year-driving-up-rents/>

⁴⁴ Wall Street has purchased hundreds of thousands of single-family homes since the Great Recession. Here’s what that means for rental prices, Carlos Waters, CNBC, <https://www.cnbc.com/2023/02/21/how-wall-street-bought-single-family-homes-and-put-them-up-for-rent.html>

⁴⁵ How neighborhoods fare when institutional investors buy single-family homes: A research roundup, Clark Merrefield, *The Journalist’s Resource*, <https://journalistsresource.org/home/single-family-homes-institutional-investors/>

⁴⁶ *Id.*

⁴⁷ Why More Countries Are Banning Foreigners From Buying Real Estate, Shaun Lavelle, Riley Sparks, Ginevra Falciani, *WorldCrunch*, <https://worldcrunch.com/business-finance/bans-on-foreigners-buying-houses>

many other parts of the world have been at the forefront of implementing such laws, with non-residents being restricted from owning land or certain kinds of property in those regions.⁴⁸

Recommendation 6: Invest in Homelessness Assistance and Prevention Programs, Particularly Those Serving Virginia’s LGBTQ+ Youth Population

Point-in-Time counts across Virginia have shown a general decline in observed homelessness—fewer than 6,000 individuals in 2020—although this was a slight uptick from 2019.⁴⁹ Between 2015 and 2020, homelessness for veterans, survivors of domestic violence, and persons with substance use disorders has declined.⁵⁰ However, housing instability among Virginia’s school-age children has increased in the past decade.⁵¹ For example, 17,000 students during the 2019-2020 school year lived in a hotel, doubled up with another family, or were otherwise homeless.⁵² This unfortunate reality has been exacerbated by the response to the COVID-19 pandemic.

LGBTQ+ youth are overrepresented among young people experiencing homelessness and housing instability in the United States.⁵³ According to The Trevor Project, 28% of LGBTQ+ youth reported experiencing housing instability or homelessness at some point in their lives—and those who did had two to four times the odds of reporting depression, anxiety, self-harm, considering suicide, and attempting suicide compared to those with stable housing.⁵⁴ LGBTQ+ youth who reported experiencing homeless or housing instability also had higher rates of victimization, being in foster care, and food insecurity, compared to their stably housed LGBTQ+ peers.⁵⁵

Accordingly, the LGBTQ+ Advisory Board recommends Governor Youngkin support the following legislative and regulatory proposals:

A. Implement a Pathway to Employment for Homeless and Foster Youth

The General Assembly should create a pathway to employment by providing a tax credit incentive for employers to hire at-risk youth, giving them a greater opportunity to receive job training and skills necessary to remain in the workforce. Such programs would keep vulnerable youth populations from entering the criminal justice system, allows them to escape the cycle of poverty and homelessness, enable them to be productive members of our communities, and provide businesses and the state with a well-trained workforce.

⁴⁸ Id.

⁴⁹ HB854 Statewide Housing Study: Current Efforts, Future Needs, New Strategies, <https://dmz1.dhcd.virginia.gov/HB854/executive-summary.html>

⁵⁰ Id.

⁵¹ Id.

⁵² Id.

⁵³ Homelessness and Housing Instability Among LGBTQ Youth, The Trevor Project, <https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/>

⁵⁴ Id.

⁵⁵ Id.

B. Create Comprehensive Exemptions to Virginia Department of Environmental Quality Regulations for Supportive Housing and Emergency Shelters

The General Assembly should exempt from Virginia Department of Environmental Quality regulations new projects for emergency shelters and supportive housing, thereby making it easier and less costly to provide temporary housing for at-risk individuals. Renovations and updates to existing supportive housing and emergency shelters should also be exempt from these regulations.

C. Enhance Homeless Outreach Teams

The General Assembly should grant funds to local law enforcement agencies to voluntarily establish and operate homeless outreach teams. These teams would include a mental health professional, a medical services professional, a representative of the local department of social services, and a law enforcement officer. Volunteers from appropriate non-profits or graduate students in suitable fields of study would also be allowed to join these teams. The teams would be expected to immediately assess the needs of the homeless individuals on the street and determine the best option for their housing and/or medical treatment.

D. Use Opioid Settlement Funds for Addiction Programs to Help Homeless

The General Assembly should require opioid settlement funds earmarked for addiction treatment and prevention be used on specific solutions to help prevent and address addictions among the homeless.

E. Enact Anti-Discrimination Policies to Reduce LGBTQ+ Youth Homelessness

Strong anti-discrimination policies in the workplace and robust anti-bullying and harassment policies in schools can help LGBTQ+ youth stay connected to school and employment, thereby increasing their skills and future earnings, and making it easier for them to maintain stable housing. In addition, since family conflicts around youths' LGBTQ+ identities is a driving factor in LGBTQ+ youth homelessness, developing family counseling or mediation programs may be effective at decreasing conflict and keeping LGBTQ+ youth in their homes and connected to their families. Special attention should also be paid to preventing housing instability among LGBTQ+ youth in foster care through case management and exit planning for youth exiting care.⁵⁶

⁵⁶ Id.

F. Increase Funding for Low-Barrier Housing Programs and Make Permanent Investments in Mental Health Bed Capacity and Workforce

More funding should be allocated for safe, low-barrier housing programs, which can have an immediate positive impact on LGBTQ+ youth experiencing housing instability.⁵⁷ The supply of housing available for persons transitioning out of homelessness must also be a programmatic priority. Notably, stable and increasing investments in the Virginia Homelessness Solutions Program have yielded measurable successes. Moreover, organizations like Virginia Supportive Housing, the Hope House at the Shenandoah LGBTQ Center in Staunton, and Life Home at the LGBT Life Center in Norfolk provide examples of best practices the General Assembly and state agencies should support with additional funding opportunities. In addition, the American Bar Association's Homeless Youth Legal Network, which offers technical assistance and information to improve outcomes for homeless youth and youth adults, provides legal resources and materials to address youth homelessness state agencies should incorporate into their own strategies.

G. Reimagine Shelter Services

One immediate action housing providers can take to support LGBTQ+ youth experiencing homelessness is to make sure all shelter and housing facilities provide culturally competent services to LGBTQ+ youth.⁵⁸

H. Improve Data Collection on LGBTQ+ Youth Homelessness

Better data is needed to understand the full scope and impact of LGBTQ+ youth homelessness in Virginia. Questions about both LGBTQ+ identity and housing status should be added to population surveys of youth and young adults.⁵⁹ Accordingly, we encourage DHCD to further monitor the status of homeless youth who identify as LGBTQ+.

I. Enact Legal Reforms to Improve Virginia's Guardian and Conservator System

The General Assembly should explore legislation for mental health conservatorships as a mechanism for helping homeless people with a grave disability from mental illness transition from the streets to residential psychiatric treatment. Mental Health conservatorships temporarily mandate individuals who are homeless and gravely disabled are referred to institutionalized settings. For people who are experiencing homelessness and who meet the legal criteria for a grave disability due to mental illness, mental health conservatorships greatly reduce the odds of being unsheltered at the time of discharge but also greatly extend the length of inpatient stay.⁶⁰

⁵⁷ Id.

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Mental Health Conservatorship Among Homeless People With Serious Mental Illness, Kristen R. Choi, et al., The American Psychiatric Association, <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.202100254>

Recommendation 7: Increase Access to Broadband Internet in all Parts of the Commonwealth, Upgrade the Power Grid, and Make Improvements to Virginia's Electrical Transmission Infrastructure

The Commonwealth recognizes the importance of digital inclusion and broadband access for all individuals, including the LGBTQ+ community. By promoting equitable access to technology, the Commonwealth will make certain all members of society can fully participate in the digital economy and access important services and information. To achieve this goal, the Commonwealth should continue to build on established guidelines for broadband infrastructure deployment prioritizing underserved areas, including those with a high proportion of LGBTQ+ residents. These guidelines help ensure all communities have access to the digital resources necessary to thrive in the modern world. Current large-scale U.S. Federal grant programs, such as the Broadband Equity, Access, and Deployment (BEAD) Program, are key to funding these priorities and should be taken full advantage of by Commonwealth agencies.

Furthermore, the Commonwealth acknowledges broadband access is not just a matter of infrastructure deployment, but also requires digital literacy and skills training. This is especially important for marginalized communities, such as the LGBTQ+ community, which may face additional barriers to digital inclusion. Additional steps should be taken to promote initiatives providing training and support for digital literacy, such as community technology centers and digital inclusion programs. By supporting these initiatives, the Commonwealth will ensure members of the LGBTQ+ community have the skills and knowledge necessary to fully participate in the digital economy and access the benefits of broadband technology.

Youth LGBTQ+ Housing

Issue: According to The Trevor Project, 28% of LGBTQ+ youth (13-24 years old) reported experiencing housing instability or homelessness at some point in their lives. (Feb 3, 2022).

Percent of LGBTQ+ youth who have experienced homeless or housing instability by race/ethnic background.

44% of Native/Indigenous LGBTQ+ youth

36% of multiracial LGBTQ+ youth

27% of White LGBTQ+ youth

27% of Latinx LGBTQ+ youth

26% of Black LGBTQ+ youth

16% of Asian American/Pacific Islander LGBTQ+ youth

Homeless and housing instability by identification

39% of transgender boys/men

38% of transgender girls/women

35% of nonbinary youth

23% of cisgender LGBTQ+ youth

Risks of suicide

- 58% of youth who reported past housing instability and 62% of youth who were currently homeless reported having seriously considered suicide in the last year – compared to 35% of youth who had not experienced housing instability.

- 28% of youth who reported past housing instability and 35% of youth who were currently homeless reported a suicide attempt in the last year – compared to 10% of youth who had not experienced housing instability.

Recommendations from the Trevor Project which can be used in Virginia:

Stronger Anti-Discrimination policies in the workplace encouraging people to work together and practice tolerance. Workplace security leads to housing security.

Increased Funding to Low Barrier Housing Programs to provide a housing resource to LGBTQ+. Keeping LGBTQ+ youth off the streets should be a main priority.

Reimagining Shelter Services to ensure there are resources available such as mental health to help LGBTQ+ youth.

Better data collection so resources are better aimed at the LGBTQ+ youth community

Safety

The Safety Committee will examine the safety trends and concerns of LGBTQ+ Virginians and promote a safer Commonwealth for all people to live, work, and visit. The Safety Committee will collaborate with the LGBTQ+ community, subject matter experts, and federal, state, and local public safety agencies to facilitate dialogue and recommend policies to Virginia's Executive Branch to advance long-term mutual trust, understanding, and respect for and within the Commonwealth. This effort will be executed with accounting for the impacts on the LGBTQ+ community with acknowledgement community engagement, community policing, and procedural justice require consistent leadership to effectively build trust with the community.

Efforts to mitigate crime and bolster LGBTQ+ community safety remain necessary. According to Gallup and Williams Institute data, an estimated 4.5% of Americans are LGBTQ+ with an estimated 3.9% of Virginians are accounted for as LGBTQ+.⁶¹ The 2020 American Association for the Advancement of Science study on sexual and gender minority victims found LGBTQ+ Americans are nearly three times more likely to be a victim of a violent crime than people who do not identify as a member of a sexual or gender minority.⁶² Crimes targeted against LGBTQ+ people are reportedly steadily rising in the United States, according to the U.S. Department of Justice Federal Bureau of Investigation (FBI) statistics on hate crimes.⁶³ Virginia did have a slight reduction of reported hate crimes against LGBTQ+ persons across the Commonwealth from 2019 through 2021.⁶⁴ It is worth noting, however, because of the shift to the National Incident-Based Reporting System (NIBRS)-only data collection, law enforcement agency participation in submitting all crime statistics, including hate crimes, fell significantly from 2020 to 2021.

In 2021, Virginia became the first and only Southern state to pass a law amending the Code of Virginia to curtail the use and effectiveness of the LGBTQ+ "panic" defense. The law now defines circumstances not mitigating a homicide.⁶⁵ Such public and bi-partisan action by the Commonwealth is a recent example of tangible support for the safety of all Virginians. Beyond supporting such pragmatic Legislative Actions benefiting all Virginians, the Executive Branch has viable options to engender public support and the safety of the

⁶¹ LGBT Demographic Data Interactive (January 2019) Los Angeles, CA: The Williams Institute, UCLA School of Law: [LGBT Data & Demographics - The Williams Institute \(ucla.edu\)](https://www.williamsinstitute.org/lgbt-data-demographics)

⁶² Flores, Andrew R., Langton, Lynn, Meyer, Ilan H., Romero, Adam R. (October 2020) "Victimization Rates and Traits of Sexual and Gender Minorities in the United States: Results from the National Crime Victimization Survey, 2017," Science Advances, American Association for the Advancement of Science: [Victimization rates and traits of sexual and gender minorities in the United States: Results from the National Crime Victimization Survey, 2017 | Science Advances](https://www.science.org/doi/10.1126/sciadv.abc3456)

⁶³ Truman, Jennifer L. and Morgan, Rachel E. (June 2022) "Violent Victimization by Sexual Orientation and Gender Identity, 2017-2020," U.S. Department of Justice Bureau of Justice Statistics: [Violent Victimization by Sexual Orientation and Gender Identity, 2017-2020 \(ojp.gov\)](https://www.bjs.ojp.gov/publications/violent-victimization-by-sexual-orientation-and-gender-identity-2017-2020)

⁶⁴ Virginia Hate Crime Incidents in 2021, Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation: [Virginia Hate Crimes Incidents in 2021 \(justice.gov\)](https://www.fbi.gov/newsroom/press-releases/2022/03/2021-virginia-hate-crime-incidents)

⁶⁵ Code of Virginia: <https://law.lis.virginia.gov/vacode/>

LGBTQ+ community through public posture and Executive Actions to enable best practices for law enforcement and public safety.

Recommendation 8: Express Public Support for LGBTQ+ Virginians through Executive Action

- A. Issue an Executive order, proclamation, or public statement affirming the dignity of the LGBTQ+ community.
- B. Ensure representation of LGBTQ+ individuals among gubernatorial and Commonwealth appointments.
- C. Recognize LGBTQ+ events and commemorations such as Pride Month, and or LGBTQ+ History Month.

Recommendation 9: Bolster Law Enforcement Capabilities with Support for LGBTQ+ Liaison Programs

- A. Publicly recognize the Virginia law enforcement agencies operating a LGBTQ+ Liaison Program and encourage Virginia law enforcement agencies to increase engagement with the LGBTQ+ Community.^{66 67 68 69 70}
- B. Support the 2023 Out to Protect LGBTQ+ Liaison Accreditation Program and encourage Virginia law enforcement jurisdictions to meet the mark.⁷¹ To receive accreditation, agencies would demonstrate having met six standards:
 - The LGBTQ+ Law Enforcement Liaison Program is institutionalized and sustainable.
 - The LGBTQ+ Liaison builds community relationships and trust.
 - The LGBTQ+ Liaison has established communications pathways.
 - The LGBTQ+ Liaison is engaged with the community throughout the year.
 - The LGBTQ+ Liaison is a resource for the law enforcement agency.
 - A full-time employee is currently assigned and trained to serve as the LGBTQ+ Liaison.

⁶⁶ Berlucchi, Michael (April 2017) "Continuing the Work of Connecting Hampton Roads Law Enforcement, LGBT Communities," The Princess Anne Independent News: [Column: Continuing the work of connecting Hampton Roads law enforcement, LGBT communities – The Princess Anne Independent News \(princessanneindy.com\)](https://princessanneindy.com)

⁶⁷ Lavers, Michael (March 2017) "All Hampton Roads Cities Now Have Police LGBT Liaisons," Washington Blade: [All Hampton Roads cities now have police LGBT liaisons \(washingtonblade.com\)](https://washingtonblade.com)

⁶⁸ Mishkin, Kate (March 2017) "With New Appointment In Newport News All Hampton Roads Cities Have LGBTQ Liaisons," The Virginian- Pilot: [With new appointment in Newport News, all Hampton Roads cities have LGBTQ liaisons – The Virginian-Pilot \(pilotonline.com\)](https://pilotonline.com)

⁶⁹ Norfolk Sheriff's Office (February 2017) "Norfolk Sheriff's Office Implements First LGBT Liaison" Press Release: [Norfolk Sheriff's Office Implements First LGBT Liaison \(norfolk-sheriff.com\)](https://norfolk-sheriff.com)

⁷⁰ Virginia Beach Sheriff's Office (August 2017) "Virginia Beach Sheriff Ken Stolle Appoints LGBT Liaison" press release: [Virginia Beach Sheriff's Office \(vbso.net\)](https://vbso.net)

⁷¹ "Increasing Engagement with the LGBTQ Community" (June 2023) Community Policing Dispatch, Washington, DC: U.S. Department of Justice, Community Oriented Policing Services (COPS): [Increasing Engagement with the LGBTQ+ Community \(usdoj.gov\)](https://usdoj.gov)

Recommendation 10: Support Removal of Obsolete Discriminatory Virginia Laws

A. Marshall-Newman Amendment.

- Section 15-A of Article I of the Constitution of Virginia banning same-sex marriage, known as the Marshall-Newman Amendment after the legislators who proposed it, remains as a blemish on our Bill of Rights despite being found unconstitutional in *Bostic v. Schaefer* (formerly *Bostic v. McDonnell* and *Bostic v. Rainey*).⁷² This language should be amended to reflect the right to form personal relationships, especially through marriage, are based on love, commitment, care, and mutual support regardless of the gender of the individuals involved.

Recommendation 11: Eliminate Unnecessarily Gendered Language in the Systematic, Service, and Operational Documents of Virginia

A. Review state government documents for gendered language not necessary (e.g., man/male, woman/female, mother/father, son/daughter, he/his, she/hers, chairman/woman, etc.) and replace with gender-neutral terminology (e.g., they/them, parent, child, chair, etc.).

- Such phrasing definitionally excludes nonbinary people, making them feel like their government does not include them or even recognize their existence. It can prevent LGBTQ+ people from interacting with government agencies, especially in health and safety. Gendered language can exclude members of a population outreach is trying to target, such as aiming breast cancer awareness efforts only at women, and through correlations it can perpetuate assumptions of a male or heterosexual default. In the case “both” gendered forms are printed instead of a single gender-neutral word, it also wastes space and ink.
- Potential documents may include Budget language; Department of Human Resource Management (DHRM) state employee hiring directives and policy guidance; and Health, Human, and Social Services applications and documents; and others.

⁷² Constitution of Virginia: <https://law.lis.virginia.gov/constitutionfull/>

