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# ***VIRGINIA LATINO ADVISORY BOARD*** ***2018-2019 Annual Report***

*March 2019*

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**Office of Ralph S. Northam**

A complete copy of this report is found on our website at:  
[www.vlab.virginia.gov](http://www.vlab.virginia.gov)

***Report prepared by members of the Virginia Latino Advisory Board***

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## 2018-2019 VIRGINIA LATINO ADVISORY BOARD MEMBERS

### OFFICERS

<b>Cecilia E. Barbosa</b>	Board Chair - <i>Richmond</i>
<b>Karina Kline-Gabel</b>	Board Secretary - <i>Harrisonburg</i>

### COMMITTEE CHAIRS AND EXECUTIVE COMMITTEE MEMBERS

<b>Eugene Chigna</b>	Chair, Education and Workforce Development Committee - <i>Richmond</i>
<b>Karina Kline-Gabel</b>	Chair, Civic Engagement Committee - <i>Harrisonburg</i>
<b>J. Michael Martinez de Andino</b>	Chair, Housing Committee - <i>Richmond</i>
<b>Sergio Rimola</b>	Chair, Health Committee - <i>Herndon</i>
<b>Jorge Yinat</b>	Chair, Business Committee - <i>Williamsburg</i>

### CURRENT MEMBERS

<b>Juan Espinoza</b>	Education & Workforce Development - <i>Blacksburg</i>
<b>Melody Gonzales</b>	Education & Workforce Development - <i>Arlington</i>
<b>Vivian Sanchez-Jones</b>	Education & Workforce Development - <i>Roanoke</i>
<b>Edgar Aranda-Yanoc</b>	Business - <i>Arlington</i>
<b>Paul Berry</b>	Business - <i>Arlington</i>
<b>Ana K. Solorio</b>	Business - <i>Richmond</i>
<b>Damien Cabezas</b>	Health - <i>Lynchburg</i>
<b>Victoria Marie Cartagena</b>	Health - <i>Carrollton</i>
<b>Cecilia Williams</b>	Health - <i>Fairfax</i>
<b>Edgar Lara</b>	Civic Engagement - <i>Charlottesville</i>
<b>Aida Pacheco</b>	Civic Engagement - <i>Mechanicsville</i>
<b>Cecilia Barbosa</b>	Housing - <i>Richmond</i>
<b>Gloria Rockhold</b>	Housing - <i>Charlottesville</i>
<b>Carmen Romero</b>	Housing - <i>Arlington</i>

### FORMER MEMBERS (for part of 2018-2019)

<b>Carolina Espinal</b>	Civic Engagement - <i>Arlington</i>
<b>Christopher Falcon</b>	Business - <i>Annandale</i>
<b>Julio Cesar Idrobo</b>	Civic Engagement - <i>Falls Church</i>
<b>Dania Matos</b>	Education & Workforce Development - <i>Woodbridge</i>
<b>Louisa Meruvia</b>	Civic Engagement - <i>Vienna</i>
<b>Estuardo V. Rodriguez, Jr.</b>	Business - <i>Fairfax</i>
<b>Mercedes Santos-Bell</b>	Board Vice-Chair - <i>Chesapeake</i>
<b>Zuraya Tapia-Hadley</b>	Civic Engagement - <i>Arlington</i>
<b>Diana C. Vall Ilobera</b>	Board Secretary - <i>Charlottesville</i>

### Legal Counsel to the Board

Justin Bell, Juris Doctor, Assistant Attorney General, Office of the Attorney General

### Staff to the Board

Maribel Castañeda, Coordinator of Gubernatorial Appointments, Secretary of the Commonwealth  
Alejandro Lucero, Virginia Latino Advisory Board Intern, Secretary of the Commonwealth, Fall 2018

### Latino Outreach

Fernando Mercado-Violand, Special Assistant and Director of Latino Outreach, Office of the Governor

Dear Governor Ralph Northam,

We were honored by your and First Lady Pamela Northam's visits to our Virginia Latino Advisory Board (VLAB) meetings this past year and welcome the sincere commitment you voiced to advancing a more inclusive and welcoming Virginia for all people, including those of Latino and Hispanic heritage as well as our neighbors who have been subject to a long history of racism and oppression. Understanding the lives and experiences of others -- and dismantling inequities -- takes time, effort, and most of all a mindset of openness, listening and learning. We appreciate your leadership and resolve to foster this mindset throughout your administration.

A year ago, you charged us to "provide recommendations to expand avenues for Latinos to succeed in the new Virginia economy." We are pleased to submit our recommendations to you, which cover your priorities to increase access of Latinx communities to the Virginia economy, open access to government, increase state contract and procurement opportunities, address wage theft and the lack of affordable housing, as well as recommendations in health and education. As we look forward to next year, we would welcome the opportunity to set common goals or participate in commissions with the aim to increase Latinx participation in all areas of the Commonwealth, whether it be business, civic engagement, education, health, housing, or government service.

This past year we were particularly pleased with our partnership with the Secretariat of Education in introducing MyCoalition to students and families throughout Virginia and with the Secretariat of Health and Human Resources on a Northern Virginia bilingual forum on Medicaid expansion. We look forward to further collaborations this year.

VLAB thanks you for expanding the scope of the Office of Constituency Services by creating the position of Director of Latino Outreach and for strategically placing the staff to VLAB under the Secretary of the Commonwealth, who has been a great partner and supporter. We were also happy to learn of the recent creation of the Office of Diversity, Equity and Inclusion within the Department of Human Resources Management.

Virginia is a beautiful state, economically successful with a strong educational system and business environment; however, it has a disturbing and painful past whose legacy and continuing systems and practices around individual, interpersonal, institutional, cultural and structural racism still impact us today. While our presence in Virginia is relatively new, Latinx communities can and want to help shape Virginia's future, aiming to form a more equitable and just society where all individuals can reach their full potential.

We share a resolve to contribute positively to Virginia. We look forward to a continuing partnership with you, your Cabinet, and members of your administration.

Sincerely,

Cecilia E. Barbosa, PhD, MPH, MCP, Chair

## ABOUT THE VIRGINIA LATINO ADVISORY BOARD

The Virginia Latino Advisory Board (VLAB) was established in 2005 to advise the Governor of Virginia on issues of Latino interest so that his administration can best serve the Latino constituents of Virginia. VLAB envisions a Virginia that includes and advances the Latinx community by promoting greater opportunities while acknowledging the contributions of the diverse cultural heritage to the Commonwealth. VLAB has the power and duty to:

- Advise the Governor regarding the development of economic, professional, cultural, educational, and governmental links between the Commonwealth of Virginia, the Latino community in Virginia, and Latin America;
- Undertake studies, symposiums, research, and factual reports to gather information to formulate and present recommendations to the Governor relative to issues of concern and importance to the Latino community in the Commonwealth; and
- Advise the Governor as needed regarding any statutory, regulatory, or other issues of importance to the Latino community in the Commonwealth.

VLAB conducts its work through five committees: business, civic engagement, education and workforce development, health and housing.

**The Business Committee** examines the role of Latino businesses in the Virginia economy and considers ways to increase the economic prosperity of Latinos in the workplace. The Committee works with Latinx business owners and leaders across the Commonwealth to help Latino-owned or Latino-focused business growth and works to promote the importance and influence of the Latinx Business Community as producers, consumers and business leaders within the Virginia economy.

**The Civic Engagement Committee** examines strategies for strengthening relationships between Latinx communities and all Virginians and promotes practices that are central to civic participation, including voting and voter registration, leadership, and service on state boards and commissions. The committee also works with community partners to improve communication among Latino communities and state government and to raise awareness about issues of importance to Latino communities.

**The Education and Workforce Development Committee** examines the importance of education and workforce development in supporting Latino communities across Virginia. By working with early childhood, K-12 systems, higher education, and workforce development agencies in all regions of the Commonwealth, the committee works to promote greater educational attainment and equity, and stronger pathways to economic opportunity.

**The Health Committee** examines the health of Latino communities across Virginia and works to craft recommendations and policies that are sensitive to the needs and concerns of those communities. By working with health providers, and federal, state, and local partners, the committee promotes policies and practices that address the need to increase the numbers of insured Latinos and to encourage health and wellness.

**The Housing Committee** examines the lack of affordable housing and high level of home evictions within Latino communities in the Commonwealth. The committee works to identify recommendations to increase the supply and availability of affordable housing; to prevent and reduce evictions; and to improve communication for seeking assistance and support.

## EXECUTIVE SUMMARY

Latinos in Virginia live, work, and study throughout the Commonwealth. Latino communities have seen tremendous growth in recent years, increasing by 38 percent from 2007 to 2017, from 500,700 to 790,000 people, accounting for 9.3 percent of all Virginians. Furthermore, half of the Latino populations reside in the Northern Virginia region, while the second and third largest regions of residence are Hampton Roads and Richmond.

In March 2018, Governor Northam wrote to VLAB charging the Board with providing him with recommendations on expanding avenues for Latinos to succeed in the new Virginia economy. Specifically, he requested recommendations on:

- Strengthening state contract and procurement opportunities
- Increasing affordable housing
- Addressing wage theft
- Increasing access to and diversity of state government

At its July 2018 meeting, VLAB members were honored by the Governor's presence as well as that of his distinguished Cabinet members, Secretary of Education Atif Qarni, Secretary of the Commonwealth Kelly Thomasson, Deputy Secretary of Administration Grindly Johnson, and Deputy Secretary of Health and Human Resources Marvin Figueroa. At its October meeting, staff from the Commonwealth Institute for Fiscal Analysis gave a comprehensive [presentation](#) on Latinos in Virginia that covered a wide range of topics, including demographics, health, education, economy, employment, and public safety. During the past year, VLAB members have continued collaborating with and advising members of Governor Northam's administration on government priorities and initiatives, particularly on those of importance to Latinos.

VLAB is pleased to provide the Governor with recommendations for legislative and administrative action in 2019-2020 to strengthen Latino participation in the new Virginia economy and, in particular, to address the Governor's charge to VLAB as well as other areas of importance to Latino communities in Virginia. While there are a number of issues impacting the Latino community, this report seeks to distill some of the priority topics for action. VLAB looks forward to a continued partnership with the Governor, members of his Cabinet and his administration to advance recommendations listed in this report as well as additional recommendations to come from our ongoing work through the remainder of the 2019 year.

## **Legislative Action**

VLAB respectfully requests the Governor to:

### **Increase affordable housing**

by proposing to increase the housing trust fund to \$20 million annually; reducing barriers to affordable housing by lowering permit costs and project timelines; and decrease state and local property taxes for affordable housing developments.

### **Reduce evictions**

by endorsing the eviction prevention recommendations presented by the Campaign to Reduce Evictions (CARE), which include proposals to: increase the minimum wage and earned income tax credits; and change the Virginia Residential Landlord and Tenant Act to require landlords to properly serve a termination notice to the tenant and file the notice with the court.

### **Reduce the incidence of wage theft**

by increasing state funds to hire additional wage theft investigators and requiring the Department of Labor and Industry or the Virginia Employment Commission to investigate if misclassification has occurred.

### **Increase road safety, economic growth and well-being for all Virginians**

by proposing legislation to allow resident immigrants to apply and test for and receive driving privileges.

### **Increase access to Medicaid, thereby decreasing preventable healthcare costs**

by proposing the removal of the additional 40 quarter work requirement for lawful permanent residents to qualify for Medicaid.

### **Maximize Latinx communities' participation in Census 2020**

by allocating funds for the administration's education and outreach efforts for Latinx and other communities.

### **Increase access to, and diversity of, state government**

by proposing the establishment of a permanent Advisory Board on Diversity, Equity, and Inclusion to the Virginia Department of Human Resource Management (DHRM).

## **Administrative Action**

VLAB respectfully requests the Governor to:

### **Create an “open and accessible government”**

by requiring all secretariats to prepare a Diversity, Equity and Inclusion Action Plan with specific targeted measures to reach by 2022.

### **Strengthen state contract and procurement opportunities**

by charging the Virginia Department of Small Business and Supplier Diversity (SBSD) to develop a plan to increase Latinx businesses’ participation in the State procurement process, to include assessing the extent of participation; reasons for the current level of participation; and strategies to increase participation.

### **Increase civic engagement**

by charging the Secretaries of Administration and Education to develop a Strategic Plan for Civic Engagement Education/Voter Registration Education. The Plan would identify underrepresented communities; increase community organizing; increase voter registration and participation; establish networks; and identify best practices to increase participation and access by marginalized communities.

### **Improve the success of English Language Learners (ELLs)**

by instituting a systematic and multipronged approach to the preparation of English Language Learner (ELL) students.

### **Reduce evictions**

by improving tenant legal education and promoting the creation of a statewide pro bono housing law program.

### **Increase the diversity in linguistic and cultural health care**

by strengthening the pipeline for Latinx health care providers.



## OVERVIEW OF LATINOS IN VIRGINIA

The Latino<sup>1</sup> community of the Commonwealth of Virginia has grown over the past few years and contributes in significant ways to the economic and social well-being of the Commonwealth. In 2018, the Commonwealth Institute for Fiscal Analysis presented research<sup>2</sup> on the demographics of Latinos in many focus areas such as demographics, economic contributions and challenges, and healthcare access. This overview presents findings from their presentation as well as from additional sources.

Latinos in Virginia live, work, and study in all corners of the Commonwealth. More than half of the Latino population resides in the Northern Virginia region, while the second and third largest regions of residence are Hampton Roads and Richmond. While their origins are from all over Latin America, those of Salvadoran, Mexican and Puerto Rican heritage account for over half of the Latinos in Virginia.

The overall population of Latinos living in the Commonwealth totals approximately 790,000 people, accounting for 9.3 percent of all Virginians. Between now and 2030, the Latino population is expected to grow to 1.6 million people. The majority of this increase is expected to occur in the Hampton Roads and Richmond regions. Of the Latino population in Virginia, over half (56.5%) were born in the U.S.<sup>3</sup> In terms of language, over half (54.2%) are bilingual<sup>4</sup>, over a quarter (27.7%) of Latinos speak only English; and 17.3% (about 120,000 people) speak Spanish and limited or no English<sup>5</sup>. Almost 70 percent of the foreign-born population of Latinos are between the ages of 25 and 54, while over 50 percent of U.S.-born Latinos are 18 years old and younger.

The Latino community is very active in the workforce of the Commonwealth partly due to the higher concentration of Latinos in the working age bracket: 75% of foreign-born and 68% of U.S.-born Latinos over sixteen years of age are employed as compared to 62% of non-Latino Virginians.<sup>6</sup> In Virginia, foreign-born Latinos comprise over 25% of the workforce in the construction sector and over 15% of workers in the entertainment, accommodation and food service sector.<sup>7</sup> U.S.-born Latinos make up over 10% of the retail trade and the entertainment, accommodation and food service sector. According to a 2015 report from the

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<sup>1</sup> The terms Latino or Latinx refers to people, of all genders, whose heritage originates from Latin America. The term Hispanic refers to people of Spanish or Spanish-speaking Latin American heritage. The terms are not interchangeable. In this report, the terms Latino or Latinx will be used unless the term Hispanic was the term used when data were collected.

<sup>2</sup> Goren, L. and Mejia, F. Stitches in the Economic Fabric: Latino Virginians and the State Economy. The Commonwealth Institute for Fiscal Analysis. Accessed at [https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018\\_final.pdf](https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf)

<sup>3</sup> Included in this number are birthright citizens who were born abroad to U.S.-citizen parents.

<sup>4</sup> Includes people who reported speaking Spanish and English “well” or “very well”.

<sup>5</sup> Reported as speak English “not well” or “not at all”. The remainder (less than 1%) speak a language other than English or Spanish.

<sup>6</sup> Goren, L. and Mejia, F. Stitches in the Economic Fabric: Latino Virginians and the State Economy. The Commonwealth Institute for Fiscal Analysis. Accessed at [https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018\\_final.pdf](https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf)

<sup>7</sup> Ibid.

Commonwealth Institute for Fiscal Analysis, there were over 24,500 Hispanic/Latino entrepreneurs in Virginia, representing approximately 7.7% of all Virginia entrepreneurs<sup>8</sup>.

During the 2018-19 school year, about 208,000 (16%) of nearly 1.3 million students in Virginia public schools K-12 were Hispanic. Among Hispanic students, over one-third (about 73,100 or 35%) are considered to have Limited English Proficiency (LEP).<sup>9</sup> Whereas the all-student cohort<sup>10</sup> and the Hispanic non-English Language Learner (ELL) cohort have similarly favorable on-time graduation, advanced/IB degree, and dropout rates, the rates for the Hispanic ELL cohort<sup>11</sup> are concerning. For example, in 2017, 93.3% of the non-ELL Hispanic cohort and 91.2% of the all-student cohort graduated on time. However, primarily due to the limited English mastery of the ELL cohort, only 64.7% of the Hispanic ELL cohort graduated on time. Similarly, 59.8% of the non-ELL Hispanic cohort and 57.2% of the all-student cohort graduated with an advanced or International Baccalaureate (IB) diploma, compared to only 24.0% of the Hispanic ELL cohort. Reflecting the language barrier of new immigrants, in 2014-15, over a quarter (27.9%) of Hispanic kindergarteners in Virginia needed literacy intervention, and 41.2% of Hispanic 3<sup>rd</sup> graders failed the reading SOL test and 37.3% failed the math SOL.<sup>12</sup>

There is also a disparity in health insurance coverage rates between U.S.-born (90%) and foreign-born Latinos (54%).<sup>13</sup> In spite of the low coverage among foreign-born Latinos, the health status of U.S.-born Hispanics tends to be worse than those who are foreign-born: they had a higher prevalence of obesity, hypertension, smoking, heart disease, and cancer than their foreign-born counterparts.<sup>14</sup> This is known as the Latino paradox. In Virginia, the age-adjusted death rate for Hispanics in 2013-2017 was less than half that of non-Hispanics (345.9/100,000 population compared with 730.1 for non-Hispanics).<sup>15</sup> Nationally, while Hispanic adults in 2009-2013 had a 24% lower death rate than non-Hispanic whites, they had higher death rates from diabetes, chronic liver disease and cirrhosis, homicides, and hypertension and a greater prevalence of diabetes and

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<sup>8</sup> Goren, L. and Cassidy M. A closer look: the contributions of Hispanic and Latino immigrants to Virginia's economy. The Commonwealth Institute, June 2015.

<sup>9</sup> Virginia Department of Education. Title III: Language instruction for English learners and immigrant students. EL population by language, September 2018, Accessed on 3/11/2019 at [http://www.doe.virginia.gov/federal\\_programs/esea/title3/index.shtml](http://www.doe.virginia.gov/federal_programs/esea/title3/index.shtml)

<sup>10</sup> A cohort refers to students who entered the ninth-grade for the first time together and were scheduled to graduate four years later.

<sup>11</sup> The Hispanic ELL cohort includes students in this cohort who have participated in ELL at any time during the four years in high school.

<sup>12</sup> Virginia Early Childhood Foundation. Virginia's Biennial School Readiness Report Card. Accessed at <http://www.virginiareportcard.com/map.php>

<sup>13</sup> Goren, L. and Mejia, F. Stitches in the Economic Fabric: Latino Virginians and the State Economy. The Commonwealth Institute for Fiscal Analysis. Accessed at [https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018\\_final.pdf](https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf)

<sup>14</sup> Centers for Disease Control and Prevention. Vital Signs: Leading Causes of Death, Prevalence of Diseases and Risk Factors, and Use of Health Services Among Hispanics in the United States — 2009–2013. Accessed at [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6417a5.htm?s\\_cid=mm6417a5\\_w%20](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6417a5.htm?s_cid=mm6417a5_w%20)

<sup>15</sup> Centers for Disease Control and Prevention, National Center for Health Statistics. Multiple Cause of Death 1999-2017 on CDC WONDER Online Database, released December 2018. Data are from the Multiple Cause of Death Files, 1999-2017, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at <http://wonder.cdc.gov/mcd-icd10.html> on Dec 7, 2018.

obesity compared with non-Hispanic white adults: 14% of Hispanics report having diabetes compared with 6% of non-Hispanic whites; and 39.9% of Hispanics are obese compared with 32.4% of non-Hispanics whites.<sup>16</sup>

In 2017, there were 13,999 births to mothers, residing in Virginia, of Hispanic origin or 14% of all resident births.<sup>17</sup> Nearly two-thirds (64.9%) of Hispanic mothers who gave birth in 2016 had at least 12 years of education and 84.3% were ages 20 and over. The percentages of low weight births among Hispanics (6.7%) were comparable to those of white mothers (6.5%).<sup>18</sup>

In summary, the picture of Latino communities in Virginia is one of a relatively young and diverse population of adults with a relatively high employment rate. As for the youth, the main barrier to success is mastery of the English language. Once the English language barrier is overcome, many Latinx students excel at school.

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<sup>16</sup> Centers for Disease Control and Prevention. Vital Signs: Leading Causes of Death, Prevalence of Diseases and Risk Factors, and Use of Health Services Among Hispanics in the United States — 2009–2013. Accessed at [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6417a5.htm?s\\_cid=mm6417a5\\_w%20](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6417a5.htm?s_cid=mm6417a5_w%20)

<sup>17</sup> The Centers for Disease Control and Prevention (CDC). National Vital Statistics Reports (NVSR), Vol. 67, No. 8: Births: Final Data for 2017, November 7, 2018.

<sup>18</sup> Virginia Early Childhood Foundation. Virginia's Biennial School Readiness Report Card. Accessed at <http://www.virginiareportcard.com/map.php>

## VLAB ACTIVITIES IN 2018

During the past year, VLAB members continued collaborating with and advising members of Governor Northam's administration on government priorities and initiatives, particularly on those of importance to Latinos. At its July 2018 meeting, VLAB members were honored by the Governor's presence as well as that of his distinguished Cabinet members, Secretary of Education Atif Qarni, Secretary of the Commonwealth Kelly Thomasson, Deputy Secretary of Administration Grindly Johnson, and Deputy Secretary of Health and Human Resources Marvin Figueroa. At its October meeting, staff from the Commonwealth Institute for Fiscal Analysis gave a comprehensive [presentation](#) on Latinos in Virginia that covered a wide range of topics, including demographics, health, education, economy, employment, and public safety.

VLAB's Highlights of the 2018 year include:

### Awarding of the first VLAB Civic Engagement Awards

To promote VLAB's mission to recognize the contributions of individuals who serve the Latinx communities, in 2018, VLAB members voted to create a VLAB Civic Engagement Award. Awards honoring local community leaders are in three categories - non-profit, education and business - and were presented in December 2018. Awardees were:

- Non-Profit: The Honorable Walter Tejada, President, Virginia Latino Leaders Council
- Education: Dr. Katherine Barko-Alva, Assistant Professor, William and Mary
- Business: Ms. Iris Merida, Insurance Agent, Farmers Insurance

### Forum on Medicaid Expansion in Northern Virginia

VLAB partnered with the Secretary of Health and Human Resources, local government, and Latinx organizations to present a forum on December 13, 2018 on Medicaid expansion aimed at the Latino communities in Arlington, Northern Virginia.

The issues raised by forum participants included:

1. The importance of clarifying eligibility guidelines for Medicaid, beyond eligibility based on income (For example: ineligibility of undocumented residents and 5-year residency requirement for lawful residents)
2. Requests regarding where to find information on government services and access help in applying for Medicaid
3. Confusion about state versus federal responsibilities and limits
4. High cost of private insurance for those not eligible for Medicaid, potentially resulting in insurance loss
5. Difficulties in connecting with people in health centers; need to expand outreach
6. Misinformation and fear surrounding the risk of legal status from public charge proposal
7. Recommendations to continue developing relationships with community organizations to educate and inform the Latino community

This forum (which is a helpful model to continue in the future) allowed for a helpful exchange of information and ideas between Latino community members, local service providers, and state and local government

representatives. Future forum themes may include conversations on education and the democratic process, including voting, with a particular focus on high school students.

### Presenting MyCoalition in partnership with the Secretary of Education and Virginia Tech

In the Fall of 2018, members of VLAB’s Education Committee partnered with Virginia Tech and the Secretary of Education to present MyCoalition, a new efficient, one-stop, and mobile-friendly method for applying to undergraduate programs around the nation, including several Virginia flagship universities like Virginia Tech, University of Virginia, and William & Mary. The tour included multiple cities and counties in Virginia and was aimed at counselors, school administrators, students, families and school faculty. While all students, families, and school faculty in the Commonwealth could attend, the program set out to target communities with significant numbers of first-generation, low-income and underrepresented minority students. Target areas spanned the length of Virginia, encompassing urban and rural communities from the coast to the mountains and into the Appalachian region. For the current academic year, Virginia has 30,567 high school seniors identified as “disadvantaged.”<sup>19</sup>

The tour, from October to November 2018, included the following cities and towns in the Commonwealth: Roanoke, Martinsville/Danville, Abingdon, Harrisonburg, Front Royal, Loudoun, Arlington, Alexandria, Prince William, Richmond, Newport News, and Norfolk/Va Beach. Average attendance at each event was close to 100 which included students and their family members. VLAB had three main goals throughout this experience: 1) meet with participants to garner a better understanding of potential barriers to success when Latino students apply to undergraduate programs; 2) determine what common experiences faculty around the Commonwealth have had with their Latino students; and 3) ascertain how Latino students feel about their quality of education and preparation for the college experience.

Through various conversations and a post-survey, VLAB members captured the following:

1. Students were appreciative of the efforts made by colleges to simplify the college application process.
2. Families’ number one concern was the affordability of college. Several families noted that their student had done everything correctly, but parents were still very worried that they would be unable to afford college.
3. Students felt that they are well prepared for college but are nervous about navigating a process that their parents did not go through. Many first-generation students are reliant on resources external to the family as they pursue an undergraduate education.
4. Undocumented students had additional barriers to overcome with little financial support.
5. Latino students had concerns about post-graduation job opportunities.

### Service on Virginia Complete Count Commission

A VLAB member, Aida Pacheco, was selected to serve on Virginia’s Complete Count Commission. As both important for the Latino community and the economy of Virginia, this topic is and will continue to be a priority of VLAB’s civic engagement committee. This Commission was created by Governor Northam in December of

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<sup>19</sup> Virginia considers a student disadvantaged if the student (1) is eligible for Free/Reduced Meals; (2) receives Temporary Assistance for Needy Families (TANF); or (3) is eligible for Medicaid

2018 to improve the participation and representation of all Virginians, particularly those considered to be “hard to count” individuals, in the 2020 Census. Data obtained by the census, which is conducted every ten years, will help determine how approximately \$675 billion dollars in federal government funds are distributed to state, local, and tribal governments annually. The 2020 Census data will also be used in the redistricting of legislative districts and the reapportionment of Congressional seats in the United States House of Representatives.<sup>20</sup>

### Discussions with Various Organizations

J. Michael Martinez de Andino, Housing Committee Chair, met with Andrew Clark, Vice President, Government Affairs of the Home Builders Association of Virginia; and with Courtney L. Dozier, Chief Deputy of Virginia Department of Housing and Community Development (DHCD), Kathy Robertson, Associate Director, Homeless and Special Needs Housing, DHCD, and Nancy Palmer, Program Manager, Affordable Housing Production and Preservation, DHCD, to discuss the lack of affordable housing and for recommendations to increase the available supply. Cecilia Barbosa and Gloria Rockhold had a conversation with Greta Harris, CEO of the Better Housing Coalition.

The Health Committee met with and exchanged ideas with Deputy Secretary of Health and Human Resources, Marvin Figueroa, at its meeting. VLAB Chair, Cecilia Barbosa and Sergio Rimola, Chair of the Health Committee, had a conversation with Jill Hanken of the Virginia Poverty Law Center.

VLAB Chair, Cecilia Barbosa, and Board Member, Aida Pacheco, met with Deputy Secretary of Administration, Grindly Johnson, to discuss how to increase diversity of communities of color in State Government at all levels and in managerial and leadership positions.

VLAB’s Business Committee Chair, Jorge Yinat, held various meetings with the Director of Small Business and Supplier Development and staff to determine Latino business participation in the State procurement processes.

Christopher Falcon, former VLAB member, had conversations with Wendy Inge, Department of Labor and Industry, Labor and Employment Director Wendy Inge and with Kim Bobo, Director, Virginia Interfaith Center for Public Policy.

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<sup>20</sup> Office of the Governor of Virginia. Governor Northam issues Executive Order creating “Virginia Complete County Commission”. December 18, 2018. Accessed at <https://www.governor.virginia.gov/newsroom/all-releases/2018/december/headline-837267-en.html>



# RECOMMENDATIONS

## A. Legislative Action

### Increase affordable housing

by proposing to increase the housing trust fund to \$20 million annually; reduce barriers to affordable housing by lowering permit costs and project timelines; and decrease state and local property taxes for affordable housing developments.

The most critical issue at hand is the unsustainable growth of housing costs, which is causing the Commonwealth to become less affordable for working people and families. Extremely low-income renter households<sup>21</sup> face the most difficulty with housing costs: 72% of these households experience severe cost-burden<sup>22</sup>. For this population of 257,338 households, which comprise 24% of all renter households, there is a shortage of 163,363 affordable or available rental homes throughout Virginia.<sup>23</sup>

According to a report by the Commonwealth Institute for Fiscal Analysis (CIFA)<sup>24</sup>, foreign-born<sup>25</sup> Hispanic and Latino-headed households tend to have lower incomes than other Virginians. Unfortunately, as reported in the Bloomberg article “Americans Burdened by Increasing Housing Costs, Slow Wage Gains”, the increases in home prices and rents drain more than 30 percent of income. This drain creates a large gap between the housing costs and the average income of the Hispanic/Latino population unless significant action is taken. Beyond obtaining housing, maintaining housing is an additional challenge. In a recent CIFA analysis<sup>26</sup>, Goren and Cassidy concluded that 40% of the households headed by Latino immigrants and 26% of households headed by U.S.-born Latinos were cost-burdened<sup>27</sup>. Households that are cost-burdened are more vulnerable to eviction, which in turn has negative consequences on family stability, health, and work and educational outcomes. As noted by Princeton University’s Eviction Lab Report<sup>28</sup>, eviction rates are one of the highest in the country with

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<sup>21</sup> “Extremely low-income renter households” are those whose income is 0-39 % of the area median income (AMI). According to the American Community Survey (ACS) Census for 2017, the AMI for Virginia was \$71,535. The 39% of AMI equates to only \$27,899.

<sup>22</sup> “Severe cost-burdened” is defined as paying more than 50% of income towards housing.

<sup>23</sup> National Low-Income Housing Coalition. 2018 Virginia housing profile. Accessed at <https://nlihc.org/gap/2016/va> on November 26, 2018.

<sup>24</sup> Goren, L. and Cassidy, M. *A closer look: the contributions of Hispanic and Latino immigrants to Virginia’s economy*. The Commonwealth Institute, June 2015.

<sup>25</sup> The terms “foreign-born” and “immigrant” are used interchangeably.

<sup>26</sup> Goren, L. and Mejia, F., *Stitches in the Economic Fabric: Latino Virginians and the State Economy*, September 2018, Accessed at [https://www.vlab.virginia.gov/media/governorviriniagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018\\_final.pdf](https://www.vlab.virginia.gov/media/governorviriniagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf).

<sup>27</sup> “Cost-burdened” is defined as paying more than 30% of income towards housing.

<sup>28</sup> Matthew Desmond, Ashley Gromis, Lavar Edmonds, James Hendrickson, Katie Krywokulski, Lillian Leung, and Adam Porton. *Eviction Lab National Database: Version 1.0*. Princeton: Princeton University, 2018, [www.evictionlab.org](http://www.evictionlab.org).

Richmond, Hampton, Newport News, and Norfolk having high eviction rates making these cities the 2nd, 3<sup>rd</sup>, 4<sup>th</sup>, and 6<sup>th</sup> top evicting cities in the nation<sup>29</sup>.

The recommendations center around increasing the stock of affordable housing across the state and working to reduce evictions.

a. Increase the Virginia Housing Trust Fund

The Biennium Budget of the Virginia Housing Trust Fund (VHTF), which is administered by the Department of Housing and Community Development (DHCD) and the Virginia Housing Development Authority (VHDA), allocated \$5.5M each year for the 2018-2020 two-year period. Considering the growing shortage of affordable housing across the state, an allocation of \$20M per year to VHTF, as proposed by the Campaign to Reduce Evictions (CARE)<sup>30</sup> which was formed by the Virginia Poverty Law Center (VPLC)<sup>31</sup>, would be a more appropriate designation to fund the creation of new and/or preservation of existing affordable housing. The Fund should also provide adequate funding and support to the Homeless Reduction Grants.

DCHD would be the primary leader in the charge to consider additional strategies to help reduce costs and expedite the process of creating/preserving affordable housing, including leveraging public land for affordable housing, reducing permitting costs, and offering property tax abatements and exemptions.

b. Reduce barriers to affordable housing

i. Lower Permit Costs and Project Timeline

The wide set of fees associated with the development process significantly increase the cost of development. By encouraging local jurisdictions to waive some or all of these fees through legislative action or regulations, overall costs would be decreased and affordable housing developers would be able to build more committed affordable housing units (CAFs) as part of the project. Developers could additionally request a smaller allocation of grants, reduce funding requests to the VHTF, and/or decrease the use of Low-Income Housing Tax Credits (LIHTCs), freeing up more dollars and equity for other project.

ii. Decrease State Property Taxes for affordable housing developments

In the Commonwealth of Virginia, it has been challenging to offer real estate property tax exemptions or abatements, and the Virginia Constitution limits the ways this tool can be deployed in many jurisdictions. Virginia should consider ways to support local reductions and/or comprehensive exemptions of affordable housing developments from the full real estate property tax obligation via state legislative policies or regulations.

In addition, Virginia levies a recordation tax at a rate of \$0.25 per \$100 of assessed value. The Commonwealth could consider increasing the share of the recordation tax that goes to the local jurisdictions and/or increase the

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<sup>29</sup> <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&l=1&lang=en>

<sup>30</sup> CARE was formed in response to the release of nationwide eviction data gathered by Professor Matthew Desmond and his team and made available to the public at Eviction Lab [www.evictionlab.org](http://www.evictionlab.org).

<sup>31</sup> VPLC is a 501(C) 3 non-profit and nonpartisan organization committed to leading and coordinating efforts to seek justice in civil legal matters for lower-income Virginians.



overall state recordation tax to expand potential funding for affordable housing production. Similar to the recordation tax, the grantor's tax fluctuates annually, but dedicating revenue from this tax could increase the number of affordable housing produced each year.

### **Reduce Evictions**

by endorsing the eviction prevention recommendations presented by the Campaign to Reduce Evictions (CARE), which include proposals to: increase the minimum wage and earned income tax credits; and change the Virginia Residential Landlord and Tenant Act to require landlords to properly serve a termination notice to the tenant and file the notice with the court.

Addressing the Commonwealth's eviction challenges will require collaboration across a wider range of government agencies. Creating more affordable housing is one key solution, but consideration should be given to various measures, such as those identified by CARE<sup>32</sup>, which include promoting poverty alleviation, increasing the minimum wage and earned income tax credits. Additionally, the Virginia Residential Landlord and Tenant Act should require landlords to offer tenants readily understandable terms for any tenancy to help address eviction issues. Further, amending the Virginia Code to require a landlord to properly serve a termination notice to the tenant and file the notice with the court, would provide additional safeguards. The Eviction Reduction List in the attached Appendix includes the CARE recommendations to help reduce the number of evictions in Virginia.

### **Reduce incidence of wage theft**

by increasing state funds to hire additional wage theft investigators and requiring the Department of Labor and Industry or the Virginia Employment Commission to investigate if misclassification has occurred.

The main issues are non-payment of wages by employers, non-payment of overtime, underpayment of wages as a result of not paying a minimum wage, employee misclassification (calling workers independent contractors when they are really employees), and weak wage theft laws in Virginia.

In Virginia, the Labor and Employment Law Division of the Department of Labor and Industry (DOLI) investigates complaints of wage theft. At the federal level, the U.S. Department of Labor's Wage and Hour Division investigates instances of wage theft and staffs a confidential phone line with Spanish language access.

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<sup>32</sup> As reported on September 26, 2018, the [Campaign to Reduce Evictions](https://ideastations.org/radio/news/coalition-presents-more-30-ideas-curbing-evictions-va), an arm of the Virginia Poverty Law Center, outlined more than 30 ideas for curbing evictions. <https://ideastations.org/radio/news/coalition-presents-more-30-ideas-curbing-evictions-va>.

Wage theft is prevalent in sectors that pay low wages. According to DOLI Labor and Employment Director Wendy Inge<sup>33</sup>, DOLI receives thousands of monthly inquiries, including complaints regarding child labor, wage theft, and other labor and employment issues. About 100 of these monthly inquiries result in the opening of an investigation. DOLI publishes a downloadable wage theft claim form on its website available in both English and Spanish<sup>34</sup>. Of note, DOLI has also translated its Labor and Employment website into Spanish. Similar to other state agencies, DOLI has a limited budget which hinders DOLI's ability to recruit, train and retain quality investigators and staff.

Pursuant to VA Code 40.1-29, DOLI does not have authority to assist independent contractors (ICs). ICs can be anyone who fills out a 1099 form, such as day laborers, housekeepers, nannies, and groundskeepers. Many Latinos in Virginia make their living as ICs and not as employees. Since DOLI does not have authority to assist an IC that is having their wages stolen, these victims are left with few options, including seeking assistance from legal aid organizations and clinics, hiring private attorneys, or bringing wage theft claims as pro se (self-represented) litigants in the state courts. DOLI currently refers ICs who contact their office to the Virginia State Bar Lawyer Referral service or advises them to "consult a private attorney."<sup>35</sup>

Organizations, such as Legal Aid Justice Center (LAJC) and the Virginia Hispanic Chamber of Commerce's (VAHCC) Foundation, offer legal services to victims of wage theft in Virginia. VAHCC holds a legal clinic the first Monday of every month at its Richmond headquarters. Volunteer attorneys and legal support staff assist people who are having their wages stolen or being misclassified as ICs. Per Michel Zajur, CEO of VAHCC, the legal clinic has been operating for over 12 years and has collected over a million dollars in unpaid wages.<sup>36</sup> Some of the major impediments to the collection of unpaid wages are the lack of documentation as supporting evidence. Many of the workers who come through the VAHCC legal clinic do not receive pay stubs nor do they know the full name or address of their employers. As of February 2019, both houses of the General Assembly passed bills mandating employers to provide pay stubs to their employees. This requirement will likely curtail some of the abuse occurring in this area.

The Virginia Interfaith Center for Public Policy (VICPP), Virginia Coalition of Latino Organizations (VACOLAO), Legal Aid Justice Center and others are fighting to strengthen wage theft laws in Virginia. VICPP's legislative agenda for 2018-19 included several common sense reforms to the Minimum Wage Act and Payment of Wages Act<sup>37</sup>, including the removal of exemptions for farm workers, domestic workers, and those paid for piece work, and to also cover all workers, not just those employed by companies with four or more employees.<sup>38</sup> These proposed changes are likely to reduce the incidence of wage theft.

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<sup>33</sup>Phone call between Wendy Inge and Chris Falcon, former VLAB member, on 5/3/18

<sup>34</sup> [http://www.doli.virginia.gov/laborlaw/laborlaw\\_forms\\_p1.html](http://www.doli.virginia.gov/laborlaw/laborlaw_forms_p1.html)

<sup>35</sup> Phone call between Wendy Inge and Chris Falcon on 5/3/18

<sup>36</sup> Conference call with VAHCC and volunteers from legal clinic and Chris Falcon on 7/3/18

<sup>37</sup> VA Code 40.1-28.10

<sup>38</sup>Virginia Interfaith Center for Public Policy. Strengthening Virginia's laws against wage theft. Accessed at <http://www.virginiainterfaithcenter.org/issues/wage-justice/strengthening-laws-against-wage-theft/> on 2/7/2019.

VICPP has also proposed amendments to the Payment of Wages Act<sup>39</sup> to require all employers to provide a pay stub, create penalties for retaliation by employers, and also create a private cause of action for wage theft that would include reimbursement of attorneys' fees to the prevailing party.<sup>40</sup>

There is a need to increase DOLI's budget for the recruitment and training of wage theft investigators to increase its capacity to investigate wage thefts. A budget amendment was submitted in the 2019 General Assembly for \$195,000 in the second year of the biennium for wage theft investigators, but it was not approved by the House Committee on Appropriations.<sup>41</sup>

An additional recommendation is to require and provide funds for the DOLI or Virginia Employment Commission to investigate if misclassification (calling workers independent contractors when they are really employees) has occurred and if so, authorizing the DOLI to investigate the case for wage theft.

### **Increase road safety, economic growth and well-being for all Virginians**

by proposing legislation to allow resident immigrants to apply and test for and receive driving privileges.

The Virginia community in general would benefit from legislation allowing resident immigrants to gain access to drivers' privilege cards. According to a study completed by the Department of Motor Vehicles (DMV) in 2016<sup>42</sup>, two groups of resident immigrants do not currently have driving privileges in Virginia: some legally present immigrants and undocumented individuals.

According to the DMV study, in 2016, Virginia was only one of five states<sup>43</sup> in the nation that did not provide driving credentials for all legally present immigrants. The study's recommendation is to grant this privilege by issuing limited duration drivers' licenses to all legally present individuals. The participating stakeholders concluded that this action would significantly improve the lives of numerous legally present Virginia residents at minimal cost to DMV and without changes to DMV practices.

The DMV study stakeholders also considered requirements if Virginia issued driving privileges to undocumented individuals. As a whole, they favored the same standards for testing that are required of holders of driver's licenses. They also predicted numerous highway safety benefits from such a measure, including better trained drivers, increasing driver record accuracy and allowing courts to apply the appropriate penalties

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<sup>39</sup> VA Code 40.1-29

<sup>40</sup> Phone call with Kim Bobo, Director, Virginia Interfaith Center for Public Policy and Chris Falcon on 6/21/18 and Virginia Interfaith Center for Public Policy. Strengthening Virginia's laws against wage theft. Accessed at <http://www.virginiainterfaithcenter.org/issues/wage-justice/strengthening-laws-against-wage-theft/> on 2/7/2019.

<sup>41</sup> Virginia General Assembly Legislative Information System. 2019 Session Budget Amendments - HB1700 (Committee Approved). Accessed at <https://budget.lis.virginia.gov/amendments/2019/1/HB1700/Introduced/CA/> on 2/7/2019.

<sup>42</sup> Department of Motor Vehicles. Driving Credentials for Resident Immigrants: Report to the Chairman of the Transportation committee of the Virginia House of Delegates pursuant to HB 695, HB 987, HB 1082, HB 1316, and SB 390, November 2016.

<sup>43</sup> The others are Indiana, New Hampshire, West Virginia and Wyoming.

for drivers with multiple offenses. Supporting this assessment, Tirado-Alcaraz (2016)<sup>44</sup> found that states that had allowed drivers' privileges for undocumented immigrants to drivers' privileges had lower traffic fatalities than those that had restricted access. Tirado-Alcaraz also documented decreases in rates of uninsured drivers and reduced insurance rates in states that have allowed undocumented residents to apply for drivers' privileges.

In a study conducted by the Commonwealth Institute for Fiscal Analysis, Goren and Cassidy concluded that "expanding access to driver's licenses for unauthorized immigrants would increase safety and help Virginia's economy and communities".<sup>45</sup> Specifically, they stated that licensed drivers are less likely to leave the scene of an accident and less likely to be uninsured. They concluded that reducing the number of hit-and-runs and uninsured drivers may reduce insurance costs for all drivers due to increased road safety. Additional benefits to the drivers and their families include greater participation in and access to business, education, and health care and increased civic engagement, which in turn benefits all residents through increased economic growth, higher educational advancement, and public safety.

[Twelve states and the District of Columbia](#) have enacted laws to allow unauthorized immigrants to obtain a drivers' licenses.<sup>46</sup> These states—California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, New Mexico, Nevada, Utah, Vermont and Washington—issue a license if an applicant provides certain documentation, such as a foreign birth certificate, a foreign passport, or a consular card and evidence of current residency in the state. Some states require proof of payment of state tax returns as a requirement for the driver's license. The three states that enacted such laws before 2013 - New Mexico, Utah, and Washington - have experienced a drop of more than 30% in traffic fatalities, compared to a less than 20% drop in Virginia and nationwide since 1994.<sup>47</sup>

In conclusion, as a matter of public safety and economic development for all Virginians, there is a documented need and recommendation for legislation that would grant immigrant residents of the Commonwealth of Virginia the ability to demonstrate knowledge of the Commonwealth's traffic rules, test for, and receive a driver's privilege card for the purpose of legally operating motor vehicles.

### **Increase access to Medicaid, thereby decreasing preventable healthcare costs**

by proposing the removal of the additional 40 quarter work requirement for lawful permanent residents to qualify for Medicaid.

VLAB commends Governor Northam on the passage of Medicaid expansion, that will greatly increase the number of low-income Virginians' access to health care. Access to health insurance is particularly limited

<sup>44</sup> Tirado-Alcaraz, Alejandro, "Issuing driver's licenses to undocumented immigrants in Rhode Island: Policy analysis" (2016). Latino Policy Institute at Roger Williams University.

<sup>45</sup> Goren, L. and Cassidy, M. *Hands on the Wheel: Improving safety and boosting communities through removing barriers to driver's licenses*, The Commonwealth Institute, January 2016.

<sup>46</sup> National Conference of State Legislatures. States offering driver's licenses to immigrants. Updated 11/30/2016. <http://www.ncsl.org/research/immigration/states-offering-driver-s-licenses-to-immigrants.aspx>

<sup>47</sup> Goren and Cassidy

among Latino immigrants in Virginia: only a little more than half (54%) of Latino immigrants have health insurance. In contrast, U.S.-born Latino Virginians and non-Latino Virginians have similar levels of health insurance (90% versus 93%, respectively). Unfortunately, Medicaid expansion may benefit Latinos much less than other Virginians: a little over 1 in 10 uninsured Latino Virginians are expected to be eligible, compared to less than the 1 in 3 non-Hispanic white Virginians and non-Hispanic African American Virginians. Of the 194,000 uninsured Latino/Hispanic Virginians, about 55,000 meet the income and age criteria for Medicaid but due to citizenship and residency requirements, only about 22,700 (11.7%) of uninsured Latino Virginians are expected to be newly eligible for Medicaid.<sup>48</sup>

Limited health insurance means limited access to health care services, including mental and dental health services. Recent federal policies and communication have led to reluctance to access government services<sup>49</sup>. Latino community members are expressing fear of negatively impacting their immigration status, resulting in untold numbers of parents who are afraid to access any kind of government assistance program, even if parents are legal permanent residents or their children are U.S. citizens and qualify for Medicaid.<sup>50</sup>

Another barrier is structural: only lawful permanent residents who have resided in the U.S. for at least five years and meet income eligibility requirements can qualify for Medicaid. In addition, Virginia is one of only six states (the others are Mississippi, North Dakota, South Carolina, Texas, and Wyoming) that also requires lawful permanent residents to have a "substantial work history" (40 quarters, which is generally 10 years of work history) to [qualify for Medicaid](#), although in some cases a spouse's or parent's work history can count toward the individual's 40 quarters requirement.<sup>51</sup> The exceptions are lawfully present immigrant children and pregnant women who meet the Medicaid state residency requirement regardless of date of entry and work experience and certain immigrants and their families who have a connection to the U.S. military.

Jill Hanken of the Virginia Poverty Law Center wrote: "The 40 quarters work history rule can delay or permanently disqualify individuals from coverage. It can also abruptly terminate enrollees with time-limited coverage such as legal immigrant children who are eligible until age 19, legal immigrant pregnant women who are eligible until 60 days postpartum, and refugees/asylees who are eligible for only 7 years. DMAS currently covers emergency only medical services for these individuals, foregoing the cost effectiveness of full coverage".<sup>52</sup>

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<sup>48</sup> Goren, L. and Mejia, F. Stitches in the Economic Fabric: Latino Virginians and the State Economy. The Commonwealth Institute for Fiscal Analysis. Accessed at [https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018\\_final.pdf](https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf)

<sup>49</sup> Lopez, A. Fear of deportation or green card denial deters some parents from getting kids care. National Public Radio, January 26, 2019. <https://www.npr.org/sections/health-shots/2019/01/26/686325494/fear-of-deportation-or-green-card-denial-deters-some-parents-from-getting-kids-c>

<sup>50</sup> Based on conversations with members of the Latino community members of the Health Committee.

<sup>51</sup> The requirements are quite complex: quarters earned by the spouse of the permanent resident immigrant during the marriage, provided they are still married to each other, may be counted. Quarters earned by parents, including step or adoptive parents of a permanent resident immigrant before turn 18, may be counted toward the qualifying for the immigrant, including any quarters earned prior to a child's birth.

<sup>52</sup> email communication with Jill Hanken, Virginia Poverty Law Center

## **Maximize Latinx communities' participation in Census 2020**

by allocating funds for the administration's education and outreach efforts for Latinx and other communities.

One of VLAB's most important recommendations involves the accurate count of our state's Latino population in the upcoming Census 2020. The federal government bases various budget allocations on the data from the national decennial census. [In 2015 over one hundred federal programs used information from the Census in the distribution of more than 675 billion dollars.](#) If a population is not accurately counted, Virginia (and that population) could miss receiving a significant portion of those federal funds. The Census also influences reapportionment of members of the House of Representatives, business decisions in Virginia, and health and wellness initiatives.

Ensuring widespread participation in Census 2020 may be a challenging effort in marginalized communities, including the Latinx population, especially due to the negative climate from the current federal administration. The Trump administration's decision to include a citizenship question to help enforce the 1965 Voting Rights Act has sent fear and skepticism throughout these communities and could discourage them from completing the census. [On March 6, 2019 a federal judge from California blocked this effort and expressed how it could dissuade participation in the Census.](#) The [U.S. Supreme Court](#) also announced recently that it will hear arguments on the administration's plans.

In 2018, Governor Northam requested \$1.5 million be allocated in state funds in Fiscal Year 2019 for education and outreach related to Census 2020. The General Assembly struck down this request. VLAB agrees on the importance of these funds for outreach to Latinx communities and strongly requests the Governor to identify alternate funding for Census 2020 outreach and education.

## **Increase access to and diversity of state government**

by proposing the establishment of a permanent Advisory Board on Diversity, Equity, and Inclusion to the Virginia Department of Human Resource Management (DHRM).

VLAB members thank the Governor for setting a welcoming tone of inclusivity for his administration and values of "open and accessible". VLAB echoes the Governor's repeated wish for a Virginia that is accessible to all. An important step toward creating an "open and accessible government" was taken by issuing Executive Order 1 regarding Equal Opportunity and setting the goal to increase the hiring of individuals with disabilities by 5% by 2023. Furthermore, the recent creation of an Office of Diversity, Equity and Inclusion within the DHRM creates the administrative home in state government for leading and coordinating statewide diversity, equity and inclusion initiatives.

To further establish permanence of diversity, inclusion and equity goals in Virginia state government, VLAB recommends the establishment, through Virginia Code, of an Advisory Board on Diversity, Equity, and Inclusion to the Virginia Department of Human Resource Management (DHRM), with two-thirds of the members coming from underrepresented populations and communities of color. This Advisory Board would have the charge of advising the DHRM on strategies to increase diversity at all levels of state government, with particular attention to the increased hiring of qualified individuals for classified full-time and management/leadership positions from communities of color and underrepresented populations.



## B. Administrative Recommendations

### Create an “open and accessible government”

by requiring all secretariats to prepare a Diversity, Equity and Inclusion Action Plan with specific targeted measures to reach by 2022.

An open and accessible government works every day, deliberately and strategically, to cultivate and maintain an environment that is diverse, inclusive and welcoming; and where opportunities are equally accessible to all its constituents. In Virginia, Latinos, Asian Americans and African Americans, are very much underrepresented in the state government workforce at all levels, especially in management and administration. The statistics, highlighted in a May 2017 report entitled “Increasing Representation in State Government Promoting in more Inclusive Communities” and prepared for the Virginia Executive Institute, are disappointing. While Latinos are 9.3 percent of all Virginians and expected to number 1.6 million people in 2030, Latinos made up just 2.1% of all classified employees, 1% of the Executive Branch (officials/administrators.), and 3.4% of the 2,557 individuals appointed to serve on Boards and Commissions in Virginia.

These numbers do not reflect a diverse and inclusive government. Underrepresented populations and communities of color need to be in leadership and at the decision-making table to influence, shape and implement policy that will increase access to government opportunities and have an impact on all Virginians. Second, the government workforce should be culturally competent so it can reach out and relate to all of its constituents. Third, outreach to underserved communities to educate, inform and connect them to state resources and opportunities should be a critical component of an accessible and open government. It is important that government representatives dedicate time to building relationships and trust with Latinx families, individuals, businesses and organizations by listening to their values, concerns, needs, interest areas, and learning about assets and resources within their communities. Culturally competent and linguistically appropriate outreach must target many different Latino sub-communities. Knowing that someone is “Latino” or “Hispanic” does not signify what language she/he speaks, what foods she/he eats, or where she/he was born.

To increase the diversity, equity and inclusiveness of state government, VLAB recommends that the Governor require all secretariats to prepare a Diversity, Equity, and Inclusion Action Plan with specific targeted goals to reach by 2022. This Plan should include goals and strategies to:

- Accelerate the hiring and appointment of qualified individuals from underrepresented groups at all levels of state government, particularly in management, leadership, board and commission roles.
- Increase the cultural competence of all employees, beginning with leadership and management. As a minimum, VLAB recommends that all new state employees be required to complete a basic level of cultural competency training.
- Create a network of Latinx state employees, with the aim to further develop the pipeline of the Latinx Community, with special focus on management and leadership opportunities, sponsorship, mentorship and structured internships.

- Assess, improve and expand outreach to Latinx communities by:
  - Identifying and training community promoters and volunteers in areas of largest Latino growth to promote individual and community wellbeing;
  - Increasing funding for culturally competent and linguistically appropriate media outreach;
  - Hiring more interpreters and translators to facilitate communication with providers; and
  - Thoroughly examining all government websites for culturally and linguistically appropriate content and navigation.

### **Strengthen state contract participation and procurement opportunities**

by charging the Virginia Department of Small Business and Supplier Diversity (SBSD) to develop a plan to increase Latinx businesses' participation in the State procurement process, to include assessing the extent of participation; reasons for the current level of participation; and strategies to increase participation.

The Commonwealth of Virginia enjoys the fruits of economic growth and low unemployment thus increasing the Commonwealth's tax base. Like all residents of the Commonwealth of Virginia, the Latinx community also contributes to this economic success story with business creation, economic purchasing power, and relevant and skilled labor force. However, there are obstacles that curtail the participation and success of Latinx businesses:

- increased federal immigration enforcement affects Latinx business growth;
- apparent limited participation by Latinx businesses in government contracts;
- policies on issuance of drivers' privileges; and
- wage theft restricts full participation and contribution of Latinx businesses and employees in Virginia.

The latter two topics have already been addressed as legislative priorities of VLAB. In discussions, Latinx community leaders and business owners have shared their concerns regarding heightened federal immigration enforcement and the direct impact this is having on their business operations, labor hiring, and customer retention, as well as production. Leaders have suggested that, to combat negative perceptions of Latinx communities, a greater focus should be given to the many positive contributions Latinx business owners are making to stimulate the Virginia economy. For example, according to a 2015 report from the Commonwealth Institute for Fiscal Analysis, there were over 24,500 Hispanic/Latino entrepreneurs in Virginia, representing approximately 7.7% of all Virginia entrepreneurs<sup>53</sup>. In addition, perhaps in part due to the higher concentration of Latinos in the working age bracket, 75% of foreign born and 68% of U.S. born Latinos are employed as compared to 62% of non-Latino Virginians.<sup>54</sup> In Virginia, foreign-born Latinos comprise over 25% of the workforce in the construction sector and over 15% of workers in the

<sup>53</sup> Goren, L. and Cassidy M. A closer look: the contributions of Hispanic and Latino immigrants to Virginia's economy. The Commonwealth Institute, June 2015.

<sup>54</sup> Goren, L. and Mejia, F. Stitches in the Economic Fabric: Latino Virginians and the State Economy. The Commonwealth Institute for Fiscal Analysis. Accessed at [https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018\\_final.pdf](https://www.vlab.virginia.gov/media/governorvirginiagov/vlab/documents/vlab-meetings/LatinoVirginiansSept2018_final.pdf)



entertainment, accommodation and food service sector.<sup>55</sup> While these signify the significant contributions of Latinos to the Virginia economy, there are still important questions to research: What are the underlying drivers of Latinx business development? How are Latinx businesses contributing to the total economic growth in Virginia? What industries will gain the most through Latinx business growth?

Members of the Latinx Business Community have voiced the need for greater access to data to understand Latinx businesses participation in the competition for and awarding of state-level contracts. In 2018, members of the Business Committee held meetings with the Virginia Department of Small Business and Supplier Diversity (DSBSD) to initiate dialogue on accessing these data. This dialogue continues and the Business Committee is grateful for the collaboration with DSBSD in producing the requested data. For example, preliminary data indicated that of the total Virginia government expenditures of \$5,603,932,241, expenditures on minority businesses totaled \$299,374,835 (5.3% of total) of which approximately \$76,370,000 (1.4% of total Virginia government expenditures) were for Hispanic-owned minority businesses.<sup>56</sup> This percentage (1.4%) is well below the Latino share of entrepreneurs in Virginia.

In order to better understand and increase Latino business participation in Virginia state contracts, VLAB recommends charging the Virginia Department of Small Business and Supplier Diversity (SBSB) and the Department of General Services (DGS) to develop a plan to track and increase Latinx businesses' participation in the State procurement process, to include assessing the extent of participation; reasons for the current level of participation; and strategies to increase participation.

### **Increase civic engagement**

by charging the Secretaries of Administration and Education to develop a Strategic Plan for Civic Engagement Education/Voter Registration Education. The Plan would identify underrepresented communities; increase community organizing; increase voter registration and participation; establish networks; and identify best practices to increase participation and access by marginalized communities.

VLAB envisions a highly engaged Latino population with a strong voice in the democratic process through community organizing, public service, policy making, and voting. There are 329,000 eligible Latino voters in Virginia, 5% of the state's voter population.<sup>57</sup> However, voter turnout rates reflect that only 30%-50% of the Latino population are making it to the polls.<sup>58</sup> Furthermore, a full 94% of Latinos under the age of 18 in our country are born here, meaning it is more important than ever to develop strategies for Latinos to become more engaged in their communities and civic life.<sup>59</sup> There are a variety of reasons for lesser engagement: language, time and money, transportation, cultural inhibitions, and unfamiliarity with the American political system.<sup>60</sup> In

<sup>55</sup> Ibid.

<sup>56</sup> Commonwealth of Virginia SpeedCompass - Dashboard. Minority spend by ethnicity Accessed at <https://portal.bfountain.com/virginia/index.jsp> on July 9, 2018.

<sup>57</sup> <http://www.pewhispanic.org/fact-sheet/latinos-in-the-2016-election-virginia>

<sup>58</sup> <https://www.vpap.org/visuals/vamaps/precincts-by-demog/latino-influence/?performance=turnout>

<sup>59</sup> <https://www.aspeninstitute.org/blog-posts/latino-youth-americas-future/>

<sup>60</sup> Birnback, L., Chavez, M., Friedman, W and Rowlett, I. Public engagement and America's growing Latino population. Center for Advances in Public Engagement Working Paper. Summer, 2009.

order to address these needs, in 2015 The Aspen Institute convened a diverse group of scholars, experts and leaders and identified low levels of civic participation in the Latino community and their subsequent report entitled, “*Unlocking Latino Civic Potential: 2016 and Beyond*,” highlighted future challenges to the health of our democracy without full participation by all citizens, particularly Latinos. Since then, organizations throughout the nation and our Commonwealth have sought to encourage their Latinx communities to become more civically engaged in their communities and their state.

In Virginia, staff for the Secretary of the Commonwealth is responding to this challenge by having conversations with residents of areas with low levels of participation about joining state boards and commissions. Conference calls with the Secretary that identify the application process for state boards have also allowed citizens to learn more about how to participate.

The Secretariat of Administration, which oversees the Department of Elections, offers online voting information in Spanish and focuses on registering new voters, high school and college students as well as supporting outside registration groups. The High School Voter Registration Challenge awards high schools with the highest registration percentage: Virginia high schools that achieve at least 65% registration of their eligible senior class will earn the award. Students who are 17 or 18 years of age can register online and submit their school’s unique URL code so the registration counts towards the challenge. The Department of Elections also works with public universities and colleges and community colleges to remind students of voting deadlines.

The Commonwealth should help reduce coverage gaps where registrars are failing Latino voters. Poll observers in the recent 2018 midterm elections observed that many Latinx members of our community need to learn about voting practices: understanding how and when to register, where to vote, voter deadlines, and where to find voting information in other languages, like voter registration cards and precinct information.

VLAB therefore recommends that the Governor charge the Secretaries of Administration and the Secretaries of Education to develop a Strategic Plan for Civic Engagement Education/Voter Registration Education. The Plan would identify underrepresented communities; increase community organizing; increase voter registration and participation; establish networks; and identify best practices to increase participation and access by marginalized communities.

### **Improve the success of English Language Learners (ELLs)**

by instituting a systematic and multipronged approach to the preparation of English Language Learner (ELL) students.

As a forward-thinking, globally-oriented state, Virginia should recognize the importance of multilingualism as an asset for its citizenry and similarly stress the vital importance of acquisition of multiple languages and development of multicultural understanding by Virginia students. This philosophy of promoting multilingual fluency and multicultural practices should originate from the top levels of leadership and permeate classrooms throughout Virginia. In promoting the Seal of Biliteracy, the Board of Education has taken an important step:

“The Board of Education’s Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school student in one or more languages in addition to English.”<sup>61</sup>

In the classroom, multilingualism should be perceived as a pivotal pedagogical skill. English as a Second Language (ESL) teachers and multilingual educators should possess and be given opportunities to cultivate a holistic understanding of language, culture, and content. Furthermore, these educators must be in a position, and be encouraged, to showcase their multilingual abilities, identities, and multicultural awareness through their teaching practices in order to foster and promote students’ multilingual and multicultural identities. Lastly, family engagement in the classroom and school is also intricately linked to students’ academic and emotional success.

During the 2018-19 school year, out of nearly 1.3 million students in Virginia public schools K-12, about 208,000 (16%) were Hispanic. Among Hispanic students, over one-third (about 73,100 or 35%) are considered to have Limited English Proficiency (LEP).<sup>62</sup> Whereas the all-student cohort<sup>63</sup> and the Hispanic non-ELL cohort have similar dropout, on-time graduation, and advanced/IB degrees rates, the rates for the Hispanic ELL cohort are worse. This relationship has remained constant for the past six years. For example, in 2017, 93.3% of the non-ELL Hispanic cohort and 91.2% of the all-student cohort graduated on time, compared to only 64.7% of Hispanic ELL cohort. Similarly, 59.8% of the non-ELL Hispanic cohort and 57.2% of all-student cohort graduated with an advanced or International Baccalaureate (IB) diploma, compared to only 24.0% of the Hispanic ELL cohort.<sup>64</sup> Nationally, ELL students in magnet, AP, IB, gifted programs are also underrepresented.<sup>65</sup>

Newcomers are required to pass state-mandated tests in order to graduate. Research shows these tests tend to assess language knowledge rather than content knowledge.<sup>66</sup> According to researcher James Cumming, language for academic purposes often takes 5 to 10 years to acquire, yet high school ELLs are required to pass the state-mandated test a year after arrival.<sup>67</sup>

There may be numerous factors affecting the academic success of Hispanic ELL students: the students’ or families’ residency or citizenship status or risk of deportation; length of time in the U.S.; students’ needs to

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<sup>61</sup> Virginia Department of Education. Seal of Biliteracy. Accessed on 3/5/2019 at [http://www.doe.virginia.gov/instruction/graduation/diploma\\_seals/seal\\_of\\_biliteracy/index.shtml](http://www.doe.virginia.gov/instruction/graduation/diploma_seals/seal_of_biliteracy/index.shtml)

<sup>62</sup> Virginia Department of Education. Title III: Language instruction for English learners and immigrant students. EL population by language, September 2018, Accessed on 3/11/2019 at [http://www.doe.virginia.gov/federal\\_programs/esea/title3/index.shtml](http://www.doe.virginia.gov/federal_programs/esea/title3/index.shtml)

<sup>63</sup> A cohort refers to students who entered the ninth-grade for the first time together and were scheduled to graduate four years later.

<sup>64</sup> Virginia Department of Education. Hispanic and ELL Graduation Cohort Data.

<sup>65</sup> U.S. Department of Education: National Center for Research on Gifted Education (2016). Effective Practices for Identifying and Serving English Learners in Gifted Education: A Systematic Review of the Literature

<sup>66</sup> Aukerman, M. (2007). A culpable CALP: Rethinking the conversational/academic language proficiency distinction in early literacy instruction. *Reading Teacher*, 60 (7), 626-635

<sup>67</sup> Cummins, J. (1986). *Schooling and language of minority students: A theoretical framework*. Evaluation, Dissemination, and Assessment Center California State University, Los Angeles, California.

work; or personal reasons. A 2017 NPR report found that several issues conflate to exacerbate this issue: teacher shortages, properly identifying ELL students, and segregated programs to name a few.<sup>68</sup>

The structure of the ELL system impacts students' success. More often than not, and depending on district resources, teachers in Virginia K-12 classrooms take ELL students out of the classroom and students have access to an ELL teacher for 20 minutes a day, three times a week. This is called the ELL pull-out method. In some classrooms, ELL students are not allowed to use the language spoken at home. According to World-class Instructional and Design Assessment (WIDA), home language use is an excellent support learning strategy.

ELL students receive limited services, and content area teachers are not able, nor do they have the time, to appropriately modify their lessons to meet students' needs. Consequently, ELL students are missing instructional time across content-areas.

There are not enough teachers to meet the increased demand and needs of ELL students. State regulations do not require Virginia teacher preparation programs to offer ELL courses as part of their mainstream curriculum and ELL teachers/content area teachers do not have a curriculum in place to specifically target students' cultural, academic, and linguistic needs. Consequently, pre-service teachers<sup>69</sup> often leave their programs feeling ill-equipped to serve the academic, cultural, and linguistic needs of ELL populations.<sup>70</sup>

In order to obtain ESL certification, Virginia teachers are only required to pass the ESL praxis test without having to pursue any content coursework related to the area of second language acquisition (SLA) and/or in educating students with different languages. A passing test score does not reflect an ability, among ESL professionals, to implement equitable instructional practices.

Furthermore, while there is a growth in the representation of students of color in Virginia's public schools, there is a tremendous need to improve the representation of diverse educators in the state's classrooms. A 2017 Report From The Task Force On Diversifying Virginia's Educator Pipeline found that "non-white students make up 48.7 percent of Virginia's student population, but only 21.4 percent of the state's teachers are non-white." The data analyzing 2014-2015 figures reveals that Latinos were 14 percent of Virginia's students but just 2 percent of the state's teachers.<sup>71</sup> As Virginia's student population becomes increasingly diverse, this disparity is becoming even more stark.

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<sup>68</sup> English Language Learners: How Your State Is Doing Claudio Sanchez:

<https://www.npr.org/sections/ed/2017/02/23/512451228/5-million-english-language-learners-a-vast-pool-of-talent-at-risk>

<sup>69</sup> Pre-service teachers are college students in a period of guided, supervised teaching. They are gradually introduced into the teaching role for a particular class by a mentor or cooperating teacher. The pre-service teacher begins as an observer and finishes the pre-service teaching experience as a competent professional.

<sup>70</sup> de Jong, E.J. & Harper, C.A. (2005). Preparing mainstream teachers for English-language learners: Is being a good teacher good enough? *Teacher Education Quarterly*, 32 (2), 101-124.

<sup>71</sup> <https://www.education.virginia.gov/media/governorvirginiagov/secretary-of-education/pdf/final-tdvrep-report.pdf>

To improve ELL students' academic, emotional and social success, VLAB recommends that the Governor direct the Secretary of Education to collaborate with educators, ELL students, families and key community partners to develop and implement a systematic and multipronged approach to the preparation of ELL students, with the following goals:

**Strengthen the recruitment, retention and training of administrators and faculty, including ELL educators, Latino educators and educators of color.**

- The leadership and faculty should reflect the diversity of the students served.
- Provide incentives to recruit and retain teachers and to encourage those who are multilingual to become educators.
- Provide more culturally and linguistically diverse (CLD) training for administrators and staff.
- Initiate Bilingual/Multilingual Certification (certifying that our teachers have fluency of English and at least one other language) and ELL Certification.
- Strengthen the ELL curriculum by requiring that it be guided by Virginia Standards of Learning (VA SOLs) and incorporate WIDA “Can Do Descriptors/English Language Development Standards” and biography-driven instruction.<sup>72/73</sup>
- Provide support and flexibility to teachers working with ELL populations to create materials, design units, and collaborate with colleagues across content areas and access to instructional resources that foster truly multilingual environments, including but not limited to video, audio, textual resources, and professional development.

**Rethink state-mandated testing for ELLs.** For example, one possibility is to provide state-mandated assessments in multiple languages across content areas.

**Strengthen family engagement** There is a need to understand the complexity and barriers families face. For example: Do culturally and linguistically diverse parents know their educational rights? How can they advocate for their children? How can they become aware about different options their children have after high school to further their education? Do they feel comfortable approaching their school board representative? How are they represented at the school level? Are school initiatives tailored to meet parents' cultural and language needs?

**Reduce evictions**  
by improving tenant legal education and promoting the creation of a statewide pro bono housing law program.

To help reduce the number of evictions in the Commonwealth of Virginia, VLAB recommends improving tenant legal education and promoting the creation of a statewide pro bono housing law program. As suggested by CARE in their Eviction Reduction List of recommendations, to assist tenants and landlords overcome communication issues, VLAB recommends the development and distribution of:

<sup>72</sup> Herrera, S. G. (2016). Biography-driven culturally responsive teaching. New York, NY: Teachers College Press.

<sup>73</sup> See also: Lau v Nichols (1974) and Castañeda v Pickard (1978)

- **A bilingual list of tenants’ rights and responsibilities** for landlords to provide to tenants when parties are entering into a lease agreement
- **Bilingual single page explanations about the eviction process** to assist low-income Latinos who are more vulnerable to eviction. The single page document would be handed out to the tenants by local enforcement organizations when executing unlawful detainer summons. This could help address misunderstandings and provide guidance to the respective parties.

**A statewide pro bono housing law program** would provide same-day courthouse pro bono assistance to low-income Latino tenants on their first court date in eviction defense cases. Appearing before a court can be intimidating. Tenants who have been served with eviction papers normally face a brief meeting at court with the landlord’s counsel during which they may agree to a set of stringent terms – to vacate a property by a certain date, to pay outstanding fees in full by another – with no awareness of any recourse they might have to fight back. To address this imbalance, some pro bono organizations and law firms have worked to expand the right to counsel to also include eviction cases.<sup>74</sup> Additionally, some cities have done the same. For example, New York City has a law that guarantees counsel to any low-income tenant earning 200% of the federal poverty level or less.<sup>75</sup> This has led to evictions being reduced by 24% since 2014.<sup>76</sup> In May of 2017, the Washington, D.C. Council approved a program to offer free legal aid to tenants facing eviction.<sup>77</sup> In San Francisco, the city ran a pilot program from 2012 to 2013 to provide pro-bono attorneys in eviction case, preventing evictions for the 609 tenant cases assisted through the program.<sup>78</sup> This program led to approval by voters in 2018 of an initiative to provide city-funded legal representation for tenants facing eviction.<sup>79</sup>

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<sup>74</sup> <http://www.vsb.org/docs/probono/access-guide.pdf>

<sup>75</sup> Providing legal services for tenants who are subject to eviction proceedings, Law No. 2017/136, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80>

<sup>76</sup> New York City Guarantees a Lawyer to Every Resident Facing Eviction, Aug. 2017; <https://www.citylab.com/equity/2017/08/nyc-ensures-eviction-lawyer-for-every-tenant/536508/>

<sup>77</sup> Need A Lawyer To Fight An Eviction? A New D.C. Program Provides One For Free, WAMU, May 2017; <https://wamu.org/story/17/05/18/need-lawyer-fight-eviction-new-d-c-program-provide-one-free/>

<sup>78</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report, May 2014, John and Terry Levin Center for Public Service and Public Interest, Stanford Law School; <https://sfbos.org/sites/default/files/FileCenter/Documents/49157-San%20Francisco%20Right%20to%20Civil%20Counsel%20Pilot%20Program%20Documentation%20Report.pdf>

<sup>79</sup> [https://ballotpedia.org/San\\_Francisco,\\_California,\\_Proposition\\_F,\\_City-Funded\\_Legal\\_Representation\\_for\\_Tenants\\_Facing\\_Eviction\\_\(June\\_2018\)](https://ballotpedia.org/San_Francisco,_California,_Proposition_F,_City-Funded_Legal_Representation_for_Tenants_Facing_Eviction_(June_2018))

## Increase the diversity in linguistic and cultural health care

by strengthening the pipeline for Latinx health care providers.

Access to linguistically and culturally competent healthcare delivery is limited in part by the lack of diversity in the healthcare force. In 2016, only 5% of dentists<sup>80</sup>; 4% of physicians<sup>81</sup> and licensed clinical psychologists<sup>82</sup>; and 3% of registered nurses<sup>83</sup>, licensed professional counselors<sup>84</sup>, and licensed clinical social workers<sup>85</sup> were Hispanic in Virginia. In 2017, only 2.3% of medical graduates in Virginia were Hispanic<sup>86</sup>. Increasing the diversity of health professionals is key to addressing health disparities. Minority physicians are typically willing to see more uninsured and Medicaid patients, and minority medical students have a greater commitment to work in underserved areas.<sup>87</sup> The health of the Hispanic community depends not only on policy change at the institutional level to ensure a diverse workforce, but also at the individual level by encouraging Latino students to pursue and succeed in the health field.

Language or cultural barriers affect access to health care. In a recent study, language and cultural barriers were a factor limiting communications with health care providers for nearly 6 in 10 Hispanic adults. Moreover, about half of these adults often look for outside help such as from a family member or other health care provider.<sup>88</sup> Many Hispanics depend on interpreters to communicate with their medical providers. While interpretation and translation are important to bridge communication gaps, they do not necessarily meet the clients' communication needs. Ideally, services should be provided that respect the culture of a client in a language, form and context that is comfortable for the client. Miscommunication and misunderstandings can result when these factors are not respected. The challenge is that "Not all languages have words for something

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<sup>80</sup> Virginia Department of Health Professions. Healthcare Workforce Data Center. *Virginia's Dentistry Workforce: 2017*. June 2017. Accessed at <https://www.dhp.virginia.gov/hwdc/findings.htm#Den>

<sup>81</sup> Virginia Department of Health Professions. Healthcare Workforce Data Center. *Virginia's Physician Workforce: 2016*. January 2017. Accessed at <https://www.dhp.virginia.gov/hwdc/docs/Medicine/0101Physician2016.pdf>

<sup>82</sup> Virginia Department of Health Professions. Healthcare Workforce Data Center. *Virginia's Licensed Clinical Psychologist Workforce: 2018*. August 2018. Accessed at <https://www.dhp.virginia.gov/hwdc/docs/BehSci/0810CP2018.pdf>

<sup>83</sup> Virginia Department of Health Professions. Healthcare Workforce Data Center. *Virginia's Registered Nurse Workforce: 2017*. October 2017. Accessed at <https://www.dhp.virginia.gov/hwdc/docs/Nursing/0001RN2017.pdf>

<sup>84</sup> Virginia Department of Health Professions. Healthcare Workforce Data Center. *Virginia's Licensed Professional Counselors Workforce: 2018*. July 2018. <https://www.dhp.virginia.gov/hwdc/docs/BehSci/0701LPC2018.pdf>

<sup>85</sup> Virginia Department of Health Professions. Healthcare Workforce Data Center. *Virginia's Licensed Clinical Social Worker Workforce: 2018*. August 2018. <https://www.dhp.virginia.gov/hwdc/docs/BehSci/0701LPC2018.pdf>

<sup>86</sup> Association of American Medical Colleges (AAMC), Data and Analysis, [Total Graduates by U.S. Medical School and Race and Ethnicity](https://www.aamc.org/data-and-analysis), 2016-2017. Accessed at <https://www.kff.org/other/state-indicator/distribution-by-race-ethnicity/>

<sup>87</sup> Walker, KO, Moreno, G, and Grumbach, K. The association among specialty, race, ethnicity, and practice location among California physicians in diverse specialties. *J Natl Med Assoc*, 2012, 104(0); 46-52. Accessed at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3978451/>

<sup>88</sup> Swanson, E. & Contreras, R. AP-NORC Poll: Latinos see health care communication barriers. AP News. July 26, 2018. Accessed at: <https://apnews.com/cf37bb252b0c414ea2b23afb36899e6b>



that exists in other languages and cultures, and not all words and ideas can be easily translated into or explained in another language”.<sup>89</sup>

Several initiatives undertaken by Virginia institutions are working to improve the diversity of its health workforce and increase access to primary care. The Virginia Health Workforce Development Authority (VHWDA) recently launched the Area Health Education Centers (AHEC) Scholars Program and the Virginia General Assembly in 2018 authorized the Department of Medical Assistance Services (DMAS) to make supplemental payments toward up to 25 residency slots, beginning in 2019, with priority given to residencies in primary care specialties. In addition, Virginia’s AHECs have many local and regional initiatives. VLAB commends Governor Ralph Northam, George Washington School of Medicine and Health Sciences and the T.C. Williams High School in Alexandria on launching the new Health Sciences Academy, an initiative to encourage high school students to pursue healthcare careers and ultimately increase diversity in the health care workforce.<sup>90</sup>

VLAB recommends that the VHWDA and AHECs continue to expand initiatives to increase health workforce diversity, in particular to increase the number of healthcare providers of Latinx heritage, whose numbers have remained persistently low for several years. Promising initiatives for the Latinx communities can provide opportunities for young students to explore health careers; older students to receive scholarships to pursue a career; and foreign medical graduates to successfully navigate the complex licensing process in exchange for a commitment to practice primary care and in underserved areas.

- **Opportunities for young students to explore health careers:** Beginning with middle and high school, Virginia health care and educational institutions (Area Health Education Centers, community colleges and universities, NGOs, medical schools, the National Hispanic Medical Association and Virginia Secretariats of Education and Health and Human Resources) can collaborate to cultivate interest in STEM-H, particularly targeting areas with high enrollment of underrepresented students, including Latinos. Student Ambassador Programs<sup>91</sup>, that provide students with opportunities to shadow healthcare professionals, are a promising way to introduce young students to the daily experiences of healthcare professionals.
- **Older students to receive scholarships to pursue a career:** Expansion of scholarship opportunities in health careers, particularly for those committed to practicing in primary care and behavioral health.
- **Broaden the practice opportunities of foreign medical graduates:** A successful example is the [UCLA International Medical Graduate Program](#) in Los Angeles. The program provides guidance and tools to eligible International Medical Graduates to successfully navigate the licensing process in the U.S. in exchange for a commitment to pursue residency in family medicine and practice in underserved areas. This initiative has become one of the leading producers of Family Medicine physicians in California, matching the cultural and linguistic needs of the largely Hispanic patients and the communities they

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<sup>89</sup>Centers for Disease Control and Prevention. Tools for cross-cultural communication and language access can help organizations address health literacy and improve communication effectiveness. Accessed at <https://www.cdc.gov/healthliteracy/culture.html> on January 29, 2019.

<sup>90</sup> <https://gwtoday.gwu.edu/virginia-governor%E2%80%99s-health-sciences-academy-officially-launches>

<sup>91</sup> For examples, see <https://med.nyu.edu/education/md-degree/md-admissions/student-ambassador-program> and <https://www.baystatehealth.org/news/2018/05/student-ambassadors-at-bfmc>



serve. This type of program could be expanded to other professions, like nursing, dentistry and behavioral health professions.

Ready access to data and information on Latinx participation in the health workforce as well as information on their knowledge of languages other than English is important for the purpose of planning and evaluation. While there are data on Hispanic origin of health care providers in Virginia, access to this data would be improved by modifying the [Virginia Department of Health Professions Trends in Virginia Workforce data](#) portal to include data on health workforce of Latino/Hispanic origin in Virginia as well as the workforce's proficiency in primary foreign languages spoken by Virginia residents. This information would help authorities track and evaluate progress in increasing the diversity of Virginia's health workforce.

## CONCLUSION

VLAB thanks the Governor, the Office of the Governor, his Cabinet, and staff for their support and commitment to the Latino community. VLAB continues to look forward to making progress on issues of importance to Latinos throughout the Commonwealth. The issues discussed here are not only critical to Latinos but to all Virginians. We want to contribute to the continued growth, development and health of Virginia. To that end, VLAB strongly recommends action on increasing affordable housing; reducing eviction rates and wage theft; increasing driving privileges of immigrants; boosting the civic engagement of Latinos; improving access to quality education; stimulating Latino business development; improving access to quality health care; and assuring an open and accessible government to all. The recommendations herewith provide tools for the Governor and his administration to increase the contributions and prosperity of Latinos in the Commonwealth of Virginia.

## APPENDIX

### Recommendations by Campaign to Reduce Evictions (CARE) – Eviction Reduction List<sup>1</sup>

#### **1. Legislation**

- i. Introduce measures that will pull households out of poverty, such as increases to the minimum wage and increases to earned income tax credits
- ii. Change the Virginia Residential Landlord and Tenant Act to require landlords to offer tenants written leases and provide terms for any tenancy in which a written lease is not offered
- iii. Change the Virginia Code to require that the landlord affirm serving a termination notice to the tenant and that such termination notice was served by the sheriff and filed with the court
- iv. Change the Virginia Code to prevent landlords from filing multiple unlawful detainer actions for nonpayment of rent against the same defendant at the same time but allow for amendment of the amount due at the hearing.

#### **2. Eviction Prevention Services:**

- i. Review any recommendations made by the Virginia Housing Commission on eviction reduction legislation and support such legislation where appropriate
- ii. Compile and distribute educational information to rental managers and to tenants regarding available services for households that are late on rent.
- iii. Propose and advocate for State funding for a new, two-year pilot Eviction Prevention Program that provides rental assistance and stabilization services targeted to localities with the highest eviction rates.
- iv. Promote tenant education programs that focus on tenant rights and responsibilities.
- v. Highlight best practice eviction programs such as the one operated by Arlington County.

#### **3. Legal Recommendations**

##### **i. Court Practices and Procedure:**

- a. Create and make widely available a best practices manual on eviction cases for judges
- b. Create and advocate for the use of uniform appeal procedures and portable electronic devices policies
- c. Recommend that tenants defending unlawful detainer cases be given clear notice of their right to file a response and the consequences of not responding (i.e. eviction)
- d. Recommend to the Judicial Education Committee of the Supreme Court: annual poverty simulations and training on landlord-tenant cases for the General District Court judges
- e. Recommend to the Supreme Court that they include information on subsidized housing and fair housing in the General District Court judges' bench book
- f. Recommend all judges and lawyers get implicit bias and cultural competency training
- g. Recommend to the Supreme Court that they switch the heading and subheading of Form DC-421 from "Summons for Unlawful Detainer" to "Civil Action for Eviction"

- h. Create plain English forms available in different languages
- ii. Tenant Legal Education:**
- a. Partner with CARE to share and distribute information on eviction.
  - b. Develop and distribute a one-page explanation about the eviction process for sheriffs to attach to unlawful detainer summons.
  - c. Develop a "Know Your Rights and Responsibilities" move in packet for landlords to include with new leases
  - d. Continue to outreach across the state through CARE; hold Tenant kick-off events throughout the state, starting in Richmond and Hampton Roads and Fairfax County.
- iii. Pro Bono Services:**
- a. Work toward the creation of a statewide pro bono housing law program, modelled after the Legal Aid Justice Center housing law pro bono program in Richmond, beginning with a pilot replication of this program in another metro area of Virginia.
  - b. Create opportunities for same-day courthouse pro bono assistance, to include:
    - 1. A pre-docket call, tenant education program
    - 2. Same-day legal assistance, providing representation by a pro bono attorney for low-income tenants on their first court date in unlawful detainer cases
    - 3. Support for eviction diversion programs
  - c. Increase access to the housing listserv for pro bono attorneys handling eviction defense cases
  - d. Create a volunteer role in the current pro bono recruitment program in which an experienced attorney can self-designate to serve as a resource for newer attorneys

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<sup>1</sup>As reported on September 26, 2018, the [Campaign to Reduce Evictions](https://ideastations.org/radio/news/coalition-presents-more-30-ideas-curbing-evictions-va), an arm of the Virginia Poverty Law Center, outlined more than 30 ideas for curbing evictions. <https://ideastations.org/radio/news/coalition-presents-more-30-ideas-curbing-evictions-va>.