

HOME of Virginia's 2021 Legislative Agenda



Preserving the American Dream Act: Strengthening Foreclosure Protections for Homeowners

The 2008 economic crisis severely impacted homeowners. Close to 10 million Americans lost their home either through foreclosure or bank-approved short sales. A little over a decade later, the market is significantly stronger, and borrowers tend to be in a better position, but COVID-19 has led to significant job loss and therefore an increase in borrowers relying on government and private sector forbearance programs. The 2008 housing crisis taught us that foreclosures often hit Black and Latino communities the hardest. Nationally, mostly Black and mostly Latino neighborhoods lost homes at rates about three times higher than white areas. According to researchers from Cornell University, the typical neighborhood experienced 4.5 foreclosures per 100 homes during the crisis, but the figure rose to 8.1 and 6.2 homes in predominately Black and Latino areas, respectively, while white neighborhoods lost only 2.3 homes on average. Recognizing that homeownership is the number one way to build generational wealth, HOME of VA supports comprehensive foreclosure legislation that strengthens protections for individuals and families at risk of losing their home to foreclosure.

Sustaining Virginia's Affordable Housing Trust Fund

Access to safe and affordable housing continues to be a challenge throughout the Commonwealth of Virginia. During the 2020 General Assembly, legislators were able to secure an historic appropriation for Virginia's Housing Trust Fund (VHTF) over the biennium (2020-2022). This included \$53 million in new funds dedicated to **creating, preserving, and rehabilitating affordable housing** throughout the Commonwealth. Unfortunately, despite the great need for affordable housing throughout the Commonwealth, the VHTF continues to be burdened. During the COVID-19 crisis, the Governor unallotted \$23 million from FY21 and FY22. Additionally, while funding was reallocated to the VHTF during the 2020 Special Session, an additional \$12.5 million of FY21 funding was allocated to the Virginia Rent and Mortgage Relief Program (RMRP). HOME of Virginia opposes any future cuts to the Virginia Housing Trust Fund, as this is an important tool for developing affordable housing throughout Virginia.

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Anti-NIMBYism - Combatting Anti-Discrimination in Local Land-Use Ordinance and/or Guidance¹

Historically, land-use policies have been utilized to maintain racially and socioeconomically homogeneous communities. These policies play a significant role in perpetuating housing segregation. According to a study by the American Political Science Review, “whiter communities are more likely to support restrictive land-use policies increase racial segregation” (Trounstein, 2020). This increased segregation works to further limit housing opportunities for Virginians that desire to live in communities of their choice.

Automatic Expungement of Records for Misdemeanor and Nonviolent Felony Convictions²

Housing is a key component of criminal justice reform. Having a criminal record serves as a significant barrier to accessing housing as well as other public resources. Racial disparities are stark within the criminal justice system – Blacks and Hispanics represent about 13% and 18% of the U.S. population, respectively. Yet, they comprise 37% and 22% of the nation’s prison population (National Low-Income Housing Coalition). Expunging one’s criminal record is significant to accessing housing opportunity, reducing homelessness and recidivism, and most importantly providing those with criminal records the opportunity to start over.

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¹Prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land-use ordinances or guidelines, or in the permitting of housing developments, on the basis of race, color, religion, national origin, sexual orientation, gender identity, sex, elderliness, familial status, handicap, sexual orientation, gender identity, veteran status, or lawful source of funds or (ii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80% of the median income of the area where the housing development is located or is proposed to be located, unless at the time of the municipal decision, a proposed development will be located in a census tract wherein more than 50% of the units serve families or individuals at or below 80% of the median income of the area. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action.

²This bill was introduced during the 2020 Special Session and will be introduced during the 2021 Regular Session; Automatic expungement of criminal records. Establishes a process for the automatic expungement of criminal records for certain convictions, deferred dispositions, acquittals, and for offenses that have been nolle prossed or otherwise dismissed. The bill also provides a process for the automatic expungement of criminal records for charges arising from mistaken identity or the unauthorized use of identifying information. The bill has staggered delayed effective dates in order to develop systems for implementing the provisions of the bill. As introduced, this bill was a recommendation of the Virginia State Crime Commission