FAIRFAX COUNTY, VA

2025 DRAFT LEGISLATIVE PROGRAM

November 26, 2024

2025 Draft Fairfax County Legislative Program

TABLE OF CONTENTS

Overarching Priorities **2**
Funding Core Services 2
1) K-12 Funding – Joint Position with the Fairfax County School Board 2
2) Washington Metropolitan Area Transit Authority (WMATA) and Regional Transportation Funding 3
3) Transportation Funding 3
Governance 4
4) Local Authority 4
Initiatives/Budget Priorities **6**
Initiatives 6
Public Safety – Street Takeover and Stunt Driving *(pending final decision on November 26, 2024)* 6
Budget Priorities 6
Position Statements **8**
Early Childhood 8
Child Care 8
Early Intervention Services for Infants and Toddlers with Disabilities/Part C 8
School Readiness 8
Environment 8
Global Climate Change/Environmental Sustainability Initiatives 8
Land Conservation 9
Funding 9
Children's Services Act (CSA) 9
Courts 10
Economic Development and Diversification 10
Jails 11
Libraries 12
Medicaid Waivers 12
Water Quality Funding 13
General Laws 13
Elections 13
Paid Family and Medical Leave 13
Healthy Communities 14
Accessibility 14
Behavioral Health 14
Long-Term Care (LTC) Workforce Needs 15
Substance Use Disorder 15
Housing 15
Affordable Housing 15
Human Services 16
Adult Protective Services (APS) 16
Independence and Self-Sufficiency for Older Adults and People with Disabilities 16
Temporary Assistance for Needy Families (TANF) 16
Land Use 16

Proffers....16
Wireless Telecommunications Facilities....17
Public Safety....17
Dangerous Weapons....17
Domestic and Sexual Violence....17
Safety-Sensitive Positions....17
Transportation....18
Transportation Safety and Coordination....18
Secondary Road Devolution....18

(Note: New language added after the November 19, 2024, Board of Supervisors public hearing is highlighted)

Introduction

"Protecting and enriching our quality of life for people, neighborhoods, and diverse communities."

Fairfax County's Strategic Plan was adopted by the Board of Supervisors on October 5, 2021, and includes Ten Community Outcome Areas, which ensure a focus on the priorities of our community, including:

- Cultural and Recreational Opportunity
- Economic Opportunity
- Effective and Efficient Government
- Empowerment and Support for Residents Facing Vulnerability
- Environment and Energy
- Healthy Communities
- Housing and Neighborhood Livability
- Lifelong Education and Learning
- Mobility and Transportation
- Safety and Security

To address the racial and social inequities that remain in our community, Fairfax County has embraced a vision of One Fairfax: a declaration that all residents deserve an equitable opportunity to succeed, regardless of their age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socioeconomic status, neighborhood of residence, or other characteristics. As the Countywide Strategic Plan is implemented, we will focus on transforming islands of disadvantage – areas where residents face economic, educational, health, housing, and other challenges – into communities of opportunity.

Because Virginia is a Dillon Rule state, local governments are restricted in their authority and may only engage in those activities that are explicitly sanctioned by the General Assembly (GA). Fairfax County's Legislative Program is key to ensuring that the County has the authority and funding needed to implement the vision outlined in our Strategic Plan.

The Legislative Program is organized into four sections: Overarching Priorities, Initiatives/Budget Priorities, Position Statements, and Fact Sheets.

Overarching Priorities outline the key perennial challenges in the relationship between the Commonwealth and the County: persistent underfunding of core services and lack of local authority. These perennial challenges affect every aspect of governance in Fairfax County.

Initiatives/Budget Priorities include specific and targeted legislative and budget priorities that the County intends to focus on in the upcoming session. On these items, County legislative staff will work closely and proactively with the GA delegation in advance of the session.

Position Statements include the County's current positions on key issues that are likely to be before the GA in the upcoming session. They reflect input from County agencies; Boards, Authorities, and Commissions; and members of the community.

Fact Sheets are produced as needed to provide the GA with up-to-date information on key issues.

In addition to the Legislative Program, the Board of Supervisors meets weekly during the GA session to review specific legislation and consider positions on legislation with an impact on the County.

Overarching Priorities

Funding Core Services

1) K-12 Funding – Joint Position with the Fairfax County School Board

Public education funding in the Commonwealth is enshrined in the Virginia Constitution as a joint responsibility of both state and local governments, so it is essential that the state fully and appropriately meet its Constitutional responsibility to adequately fund K-12 education. Unfortunately, the Commonwealth continues to allow the gap between state funding and the actual costs of providing a high-quality education, particularly in high cost-of-living jurisdictions like Fairfax County, to expand.

A watershed report by the Joint Legislative Audit and Review Commission (JLARC) in 2023 outlined both the inadequacy of state funding and the substantial flaws in current state funding formulas. The findings of the report are striking:

- Virginia school divisions receive less K-12 funding per pupil than the 50-state average and the regional average, which equates to approximately $1,900 per pupil in state underfunding of the Commonwealth's students (Virginia schools receive less state funding than most neighboring states including West Virginia and Kentucky). In Fiscal Year (FY) 2025, Fairfax County provided $14,223 per pupil, while the state only provided $5,484 (federal funding per pupil not included).
- The state Standards of Quality (SOQ) formula dramatically underestimates the actual costs of public education, as evidenced by the fact that the SOQ formula provided $6.6 billion less than what was spent by local school divisions in FY 2021. In FY 2023, Fairfax County Public Schools (FCPS) spent $1.2 billion above the SOQ formula's calculated required local effort.
- The SOQ formula systematically underestimates school division costs and continues to use cost reduction measures implemented during the Great Recession (including the support positions ratio cap), artificially lowering the state's funding contributions by hundreds of millions of dollars annually since its adoption in 2009.
- The formula does not adequately account for higher needs students, using a methodology for at-risk students that underestimates the impact of large numbers of students in poverty and schools with a high concentration of poverty.
- The formula fails to account for local labor costs, including competitive salaries required in high cost-of-living regions to attract and retain high-quality personnel.

The Boards support addressing the deficiencies and underfunding cited by the report including:

- A sizeable and ongoing increase in state funding for K-12.
- Substantial and permanent structural changes so the SOQs reflect the actual costs of funding public education, including elimination of Great Recession-era changes.
- Recognizing cost-of-living variations throughout the Commonwealth in state funding formulas, particularly in high cost-of-living areas like Northern Virginia, while ensuring that the local ability to pay is fairly and equitably represented.
- Increasing state funding support for school divisions with high numbers or concentrations of English learners (approximately 30 percent higher costs than general education), students living in economically disadvantaged households (approximately 10 percent higher costs than general education), and students receiving special education and mental health services (approximately 100 percent higher costs than general education).
- Increasing state resources for early childhood education programs which help young children enter kindergarten prepared to succeed.

- The Boards oppose changes that disproportionately target or affect Northern Virginia, policies which impose unfunded mandates on localities, and policies which divert K-12 funding away from local public schools and toward non-public options.

These changes are essential to providing the education Virginia's students need to be successful in a global community and economy. The JLARC study provides an opportunity for generational change in state funding for public education. There can simply be no higher priority for the Commonwealth. *(Updates and reaffirms previous position.)* *(Position on full funding for K-12 costs, restoration of Cost of Competing Adjustment funding, and addressing the JLARC study findings shared by region.)*

2) Washington Metropolitan Area Transit Authority (WMATA) and Regional Transportation Funding

The Commonwealth must fully restore the $102 million of regional funding to the Northern Virginia Transportation Authority (NVTA) that was previously diverted to WMATA in 2018, to ensure that transportation projects continue to advance in Northern Virginia after decades of state underfunding (approximately $63.5 million has been restored thus far). Though the GA provided additional, vital funding in last year's budget to address some of WMATA's shortfall in both FY 2025 and FY 2026, the Commonwealth must continue working with regional and local partners to provide dedicated and sustainable funding for WMATA – putting the agency on sound financial footing without diverting resources from other transportation needs in Northern Virginia and the Commonwealth.

- Maintain regional and local transportation funding created by HB 2313 (2013), HB 1414/SB 890 (2020), and other legislation as originally intended. Major transportation improvements that provide benefits beyond Northern Virginia – such as WMATA state of good repair, projects related to possible relocations of federal facilities, and projects that create additional capacity across the Potomac River – should primarily be funded by the Commonwealth and the federal government.
- Metrorail is vital to the transportation networks and economic growth of Northern Virginia and the Commonwealth. Unlike Maryland, in Virginia, local jurisdictions have historically provided substantial funding for WMATA, though the benefits are shared by the entire Commonwealth (Fairfax County has provided approximately $170 million annually in support of transit – including WMATA, the Virginia Railway Express (VRE) and the Fairfax Connector – primarily through revenues derived from local property tax revenues). A 2023 analysis by the Northern Virginia Transportation Commission (NVTC) indicates that Northern Virginia's transit network generates $1.5 billion in annual personal income and sales tax revenue for Virginia (approximately $1 billion attributed to the Metrorail system), which translates to nearly five percent of Virginia's General Fund and support for over 311,000 jobs (including nearly 41,000 outside of Northern Virginia). Further, the system is integral to the functioning of the federal government, carrying thousands of federal workers to their posts every day. *(Updates and reaffirms previous position.)* *(Regional position.)*

3) Transportation Funding

The Commonwealth should build upon the successful enactment of significant transportation revenues by the 2013 and 2020 GAs to ensure sufficient funding for transportation needs, which include new projects, state road maintenance (encompassing improved repaving, sidewalk maintenance, snow removal, mowing in the right-of-way, and stormwater management), safety improvements, and continued state assistance for local and regional transit systems (including the Fairfax Connector, VRE, and WMATA).

- Ensure that Northern Virginia continues to receive its fair share of statewide revenues, as required by HB 2313, particularly in light of the various programs and allocation processes created in recent years.

**The region generally consists of the localities comprising Planning District 8 – the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.*

- Provide sufficient resources for secondary road maintenance.
- Fully replace the dedicated revenue to transportation lost due to the elimination of the state sales tax on groceries (eliminated effective January 1, 2023).
- Simplify the application and scoring processes for funding administered by the Commonwealth by making them more efficient and transparent, addressing the continued increase in required project-level specificity and cost estimates that change dramatically during the state review process.
- Provide sufficient funding for programs that address multimodal mobility needs, including:
    - Revenue Sharing, a state program that leverages state transportation funds by encouraging local governments to spend their own money on transportation projects;
    - Funding for the construction and maintenance of bicycle and pedestrian facilities, as well as access to transit, which is vital to moving people while improving energy efficiency;
    - Funding directed to safety-related roadway projects and programs; and,
    - A reasonable vegetation maintenance schedule that does not rely on local funding to maintain safety, including clear zone and sight distance requirements.
- Provide funding assistance for the transportation needs of major activity centers to lay the groundwork for economic growth – Fairfax County contains a number of major activity centers (such as Tysons, Springfield, Seven Corners, Centreville, Reston, and the Richmond Highway Corridor) that generate public benefit for the County and the Commonwealth, and must be sustainable, transit-oriented, and walkable communities to remain successful and accommodate predicted growth.
- Address the capacity needs at the Potomac River, including the American Legion Bridge and Rosslyn Tunnel, to alleviate the existing congestion and ensure the movement of people and goods throughout the region. The continued efforts to address American Legion Bridge capacity are a significant step forward.
- Ensure the Commonwealth works with the County and other localities in determining which programs and projects will benefit from federal funding created through the substantial infrastructure package passed in 2021. *(Updates and reaffirms previous position.)*

Governance

A strong state and local partnership is essential to Virginia's success and to the ability of both levels of government to respond to the needs of their residents. As the form of government closest to the people, local government must have the flexibility to serve the needs of residents, which vary across the Commonwealth.

4) Local Authority

Each level of government has unique strengths. However, because Virginia is a Dillon Rule state, local governments are significantly restricted in their authority, which impedes their ability to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia, limiting the ability of local governments to respond to community standards and priorities.

Existing local government authority must be preserved and expanded, particularly in such key areas as taxation, land use, and the protection of public health, safety, and welfare. Further, local authority should be enhanced to provide localities additional flexibility in the administration of local government. Finally, local government representatives should be included on all commissions or bodies established by the state for the purpose of changing or reviewing local revenue authority or governance.

Taxation

- Virgina's tax structure, which is outdated and regressive (requiring those with lower incomes to pay a greater share of their income to taxes), must be reformed to ensure sustainable revenue streams to fund core services that reflect a 21st century economy.

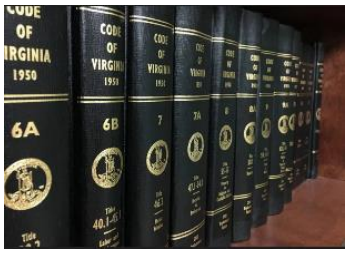
- Localities must have the revenue diversification necessary to adequately support vital programs and services. Any expansion of property tax exemptions should be a local option, to avoid creating significant impacts on local resources.
- Further restrictions on local taxing authority and revenues should be prevented, as they move the Commonwealth in the wrong direction.

Land Use

- Local land use authority must be preserved, and the GA must avoid one-size-fits-all mandates that eliminate or reduce local flexibility.
- Communities should be empowered to act through their locally elected governments to ensure orderly and balanced growth and development, allowing direct public participation in this critical process.
- Further restrictions on, and additional procedural hurdles for, local use of eminent domain are unnecessary and increase the cost to local taxpayers. Fairfax County continues to be extremely judicious in its selective use of eminent domain.

Local Flexibility

- The state should provide localities with increased flexibility to explore initiatives that promote clean air, energy efficiency, conservation, new investment in green construction, tree preservation, reduced waste, recycling management, active transportation and other critical measures that could spur the development of innovative approaches to address the impact of global climate change on health and the environment, and increase sustainability throughout the Commonwealth.
- The state should modernize state building codes by adopting the International Green Construction Code (IgCC), the full provisions of the International Energy Conservation Code (IECC), and the energy provisions of the International Residential Code (IRC) without weakening amendments. Additionally, the state should provide localities more flexibility to increase energy efficiency and improve resilience to climate change impacts by adopting stronger local standards and implementing energy efficiency and utilization disclosure/benchmarking.
- Localities should be granted additional authority to increase their own minimum tree canopy, tree coverage percentages, and overall tree preservation during the zoning and development process to assist in reducing urban heat island impacts on residents, achieving environmental goals, increasing flood resiliency, and meeting water quality permit requirements.



- Localities should be granted additional authority to manage solid waste collection. Onerous requirements should be removed from state law to address community needs comprehensively and in a timely manner, ensure good public sanitation, protect the environment, and enhance quality of life. Additionally, consumer protection laws should be strengthened to provide additional remedies to residents when ongoing issues are not resolved in this critical area.
- Localities should be granted additional authority to address the environmental and community impacts of data centers.
- Localities should be granted additional authority to allow for increased opportunities for members of public bodies to participate in and attend public meetings remotely while ensuring that public service is available to individuals with a wide array of backgrounds and maintaining the transparency required for the conduct of public business.

- The state should empower localities to solve their own problems – providing increased authority for services that have no compelling priority or impact for the Commonwealth, and eliminating the need for localities to seek permission for ministerial matters each year.
- Requiring that all bills with a local fiscal impact be filed by the first day of the GA session would allow localities the maximum time possible to highlight potential impacts as new legislation is considered. *(Updates and reaffirms previous position.)*

Initiatives/Budget Priorities

Initiatives

Public Safety – Street Takeover and Stunt Driving *(pending final decision on November 26, 2024)*

Initiate legislation to amend Virginia Code to add street takeovers and stunt driving to reckless driving infractions. Street takeovers and stunt driving typically involve careless or uncontrolled behavior on roads and in parking lots, as groups of individuals meet to engage in illegal and dangerous driving maneuvers, including racing and perilous vehicle actions designed to attract attention. These alarming events have become a growing national problem in recent years, and their frequency has substantially increased throughout Fairfax County and the National Capital Region, creating an unsafe environment for the community. This initiative seeks to provide localities with additional tools to combat these behaviors, addressing public safety impacts as they occur while discouraging future events. Transportation safety has long been a County priority, and addressing this growing hazard is critical to those efforts.

Budget Priorities

The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia. State established standards for locally delivered services must be accompanied by adequate state funding to successfully provide those services and reciprocal accountability for successes and failures, ensuring both the state and localities accept responsibility commensurate with their respective roles.

Recently, state revenues have been described as being in "surplus." However, until the state has fully met its funding commitment to core services, including shared state and local services, there cannot really be a state surplus, because all of the Commonwealth's bills have not yet been paid. In addition to increasing funding for the County priorities of K-12 and transportation, the 2025 GA should:

- Support addressing state deficiencies and underfunding cited by the watershed JLARC report on state K-12 funding, including SOQs that reflect the true local costs of providing a high-quality public education, eliminating Great Recession-era changes in the SOQ funding formula, recognizing cost-of-living variations throughout the Commonwealth (particularly in high cost-of-living areas like Northern Virginia), and increasing state funding support for school divisions with high numbers or concentrations of higher needs students *(see also pages 2-3). (Regional position.)*
- At a minimum, fully eliminate the funding cap on K-12 support positions. Full repeal of the support cap would result in approximately $10 million in additional revenue to FCPS *(see also pages 2-3). (Regional position.)*
- Ensure promised K-12 funding continues to be provided to localities in lieu of dedicated K-12 funds generated from the state sales tax on groceries (eliminated effective January 1, 2023). This funding was guaranteed to localities as part of the deal to eliminate the tax. FCPS estimates it will receive $25.3 million in FY 2025 alone. Additionally, the state should fully replace the dedicated revenue to transportation that was lost due to the elimination of this tax.
- Provide dedicated and sustainable funding for WMATA needs, without diverting resources from other transportation needs in Northern Virgina and the Commonwealth. Further, fully restore regional and local

transportation revenues diverted in 2018 to fund WMATA's state of good repair and critical capital *(see also page 3).* *(Regional position.)*

- Fully restore HB 599 law enforcement funding – this funding, which is provided to localities with police departments, is crucial in meeting public safety needs. The distribution formula in the Code of Virginia has been superseded by the GA in recent years, and if state funding had consistently increased with state revenues, as is required, Fairfax County would have received approximately $118.8 million in additional funding over the past 15 years. Also, funding must be distributed to all localities with police departments in accordance with current funding formulas, ensuring that localities investing substantial local dollars in public safety or with low crime rates are treated equitably in state funding distribution.
- Provide sufficient funding for salaries of court personnel, including clerks, Commonwealth's Attorneys, public defenders, district court employees, and probation office employees – Fairfax County provides over $114 million for additional personnel and salary supplements for state positions. State funding formulas fail to account for the needs of large localities *(see also page 10).*
- Replace the current state model for funding jails with a model that reflects actual costs *(see also page 11).*
- Support state funding and actions (including enhancing and creating more state-funded housing tax credits and rental assistance programs) to increase the availability of affordable, accessible, and integrated housing options and to mitigate evictions, particularly in high cost-of-living areas like Northern Virginia *(see also pages 15-16).*
- Support full, uninterrupted funding for implementation of System Transformation, Excellence and Performance in Virginia (STEP-VA), the Commonwealth's behavioral health transformation plan, particularly as the state seeks to build on STEP-VA and transition to the national Certified Community Behavioral Health Clinics (CCBHCs) model, designed to ensure access to coordinated comprehensive mental health and substance use services. Also provide funding to ensure Medicaid reimbursement rates for behavioral health services cover the full cost of care, including a Northern Virginia differential to account for the region's higher service delivery costs *(see also pages 14-15).*
- Support early childhood workforce investments and substantially increased state funding for early childhood education programs, including the Virginia Preschool Initiative (VPI), to allow localities flexibility to expand these critical programs to meet community needs. Research has increasingly shown the importance of high-quality early childhood education programs to children's cognitive and social-emotional development and their school success *(see also page 8).*
- Provide additional state funding to increase Medicaid waiver rates and slots for individuals with developmental disabilities to deliver appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. Adequate waiver reimbursement rates are needed to ensure availability of high-quality, person-centered community care for those receiving waiver services. Current rates often fail to cover the true cost of services, leading to provider shortages and reduced access to critical supports for individuals with intensive behavioral health needs and complex medical conditions *(see also pages 12-13).*
- Increase state funding for car tax relief – the Personal Property Tax Relief Act (PPTRA) of 1998 only provides a state subsidy for the taxes owed on the first $20,000 of a personal vehicle's assessed value, and the state has capped the amount of funding it provides at $950 million statewide. When combined with Fairfax County's increased car assessment base over the years, the funding County taxpayers receive in relief has declined from 70 percent in FY 2007 to 57.5 percent in FY 2022 to 50 percent in FY 2025.
- Provide state income tax incentives and rebates for businesses and residents to transition to more efficient or alternative fuel vehicles, like electric vehicles (EVs) (including new and used options), as well as flexibility to determine rebate eligibility in high cost-of-living areas like Northern Virginia. Also incentivize and reduce barriers to the installation of EV charging infrastructure and increase local authority to require EV charging stations in new high-density developments *(see also pages 8-9).* *(Updates and reaffirms previous position.)*

Position Statements

Early Childhood

Child Care

Support increased state child care funding for economically disadvantaged families not participating in Temporary Assistance for Needy Families (TANF)/Virginia Initiative for Education and Work (VIEW), and support an increase in child care service rates. Also support maintaining Fairfax County's local permitting process for family child care providers serving four or fewer non-resident children.

- Ensure updates to the state's maximum reimbursement rates for child care subsidy vendors are made on a regular basis to reflect the cost of care in Fairfax County and continue to assess the family copayment scale to support child care access and affordability. *(Updates and reaffirms previous position.)*

Early Intervention Services for Infants and Toddlers with Disabilities/Part C

Support increased and sustainable funding and infrastructure for Part C Early Intervention, which is a state/federal entitlement program that provides services for Virginia's infants and toddlers with developmental delays. Also support continued consistent rate increases for early intervention services to reflect current costs. *(Reaffirms previous position.)*

School Readiness

Support early childhood workforce investments and substantially increased state funding and operational flexibility for early childhood education programs, including the VPI, in order to eliminate barriers and allow localities to expand these critical programs.

- Continue to allow flexibility to provide VPI services in community early childhood programs, including centers and family child care homes, to address capacity challenges in public school settings (if Fairfax County were to use all available slots to serve four-year-old children in only public school classrooms, approximately 72 additional classrooms would be needed, creating a substantial capacity challenge).
- Continue to have an additional verification window to confirm VPI eligibility for families enrolling after the initial fall verification date, which allows improved access to this important program. (*Updates and reaffirms previous position*.)

Environment

Global Climate Change/Environmental Sustainability Initiatives

Support efforts to reduce the County's greenhouse gas emissions and operational demand for energy through efficiency, conservation, renewable energy, education, and other measures.

- Advance legislation that expands opportunities for net metering programs, which allow eligible customers to offset their power consumption by selling self-generated renewable power back to the energy grid.
- Eliminate caps on Power Purchase Agreements (PPAs), which can facilitate the adoption of renewable energy by reducing or eliminating the up-front costs of such projects, thus assisting in reducing greenhouse gas emissions and other forms of pollution.
- Expand the availability of shared solar programs by increasing or eliminating program caps and establishing customer safeguards to ensure community members can take advantage of such programs, which provide residents and businesses the opportunity to participate in the renewable energy market by purchasing solar-

generated electricity and receiving renewable energy credits associated with their subscription to a shared solar facility.

- Provide incentives to encourage solar energy on existing buildings, sites with existing impervious surface, and brownfields. Also ensure the fair allocation of interconnection fees between utilities and solar developers (such fees include equipment costs from the site of the solar installation to the utility's substation). At present, solar developers are required to pay the full cost of connecting their projects to the larger electric grid, including any upgrades the utility says are necessary, threatening the economic viability of such solar installations.
- Support legislation requiring electric utilities to first reduce demand for electricity through energy efficiency, thereby decreasing the need for new fossil-fueled generation resources.
- Support rejoining the Regional Greenhouse Gas Initiative (RGGI) (a regional limit on CO2 emissions from regulated power plants), which has been proven to be impactful in helping the Commonwealth and County reduce flood risks, lower energy bills for low-income residents, and increase air quality.
- Incentivize and reduce barriers to the installation of EV charging infrastructure to expand EV infrastructure and increase local authority to require EV charging stations in new high-density developments where practicable.
- Support state income tax incentives, funding, and rebates for businesses or residents to defray the cost of new construction, building improvements, and the transition to more efficient or alternative fuel vehicles (including the purchase of new and used EVs and the purchase of new electric micromobility devices such as e-bikes and scooters), as well as flexibility in determining rebate eligibility in high cost-of-living areas like Northern Virginia. Also support programs like the mileage choice program (a voluntary program for drivers of fuel-efficient vehicles and EVs that allows drivers to pay the highway use fee on a per-mile basis based on actual usage), that incentivize the use of EVs while also ensuring all drivers make fair contributions to support the Commonwealth Transportation Fund.
- Support adequate state resources for localities to invest in EVs (including electric micromobility) and related infrastructure.
- Fund renewable energy grant programs and incentives to assist the development and growth of energy businesses and technologies, such as renewable distributed energy generation. *(Updates and reaffirms previous position.)*

Land Conservation

Support the conservation of open space and environmentally sensitive areas, which protects vital ecological resources and the environment; enhances natural resilience; provides health and recreational opportunities; and improves quality of life.

- Support state incentives that promote donations to park authorities or associated foundations and the preservation of land for public use through the Virginia Land Preservation Tax Credit.
- Increase funding for the development and rehabilitation of park infrastructure.
- Increase education about environmentally sensitive land, including Resource Protection Areas, to property owners or purchasers, which can help protect water quality, mitigate climate change, support greenhouse gas reduction, prevent erosion, reduce the urban heat island effect, and perform other important biological and ecological functions. *(Reaffirms previous position.)*

Funding

Children's Services Act (CSA)

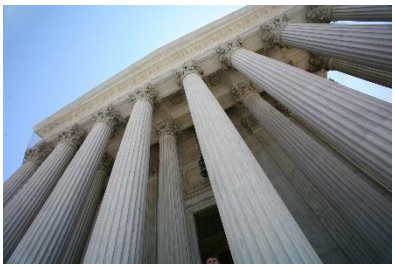
Support continued state responsibility for funding mandated CSA services on a sum sufficient basis. Oppose changes to CSA that shift costs to local governments, disrupt the responsibilities and authorities assigned to the County by CSA, or alter current funding formulas and increase costs to Fairfax County (where the aggregate local match is currently about 46 percent). Also support the current structure, which requires

that service decisions are made at the local level and are based on the needs of each child, ensuring that service expenditures are approved through local processes. *(Updates and reaffirms previous position.)*

Courts

The Commonwealth should adequately fund Virginia's courts to ensure a well-functioning judicial branch, as the overall underfunding of Virginia's court system continues to place additional burdens on localities and the judicial system.

- The state should provide sufficient funding for the salaries of court personnel, but for years the Commonwealth has ignored this obligation and failed to adequately fund court personnel in Fairfax County, instead relying on the County to ensure the efficient and appropriate administration of justice.
- Continue to make progress on reducing the deficits in the Supreme Court's District Court Staffing Model – the County's General District Court (GDC) no longer has a position deficit, and the Juvenile and Domestic Relations District Court's (JDRDC) deficit has been reduced to two positions, but additional County funding will be required to supplement the salaries for those additional positions in a high cost-of-living area like Northern Virginia.



- When reevaluating the need for judgeships and state funding for each court, the GA should consider the quantity of filed cases and qualitative factors, including interpreters, complexity of litigation type, increases in population and commercial development, and cost of living.
- Adopt a new state funding formula for Commonwealth's Attorneys' offices, replacing the current outdated approach focused on felony indictments and sentencing events in Circuit Court, which is antithetical to the goal of increasing diversion programs and utilizing specialty dockets (such as the ones used in Fairfax courts for mental health and veterans) that are aimed at keeping people out of the criminal justice system or keeping them from felony sentencing consequences.
- Begin to allocate additional resources to Commonwealth's Attorneys' offices prosecuting misdemeanor cases. Funding for these Constitutional officers is primarily a state responsibility, and localities should not be expected to supplement critical state functions (creating situations where police officers are essentially carrying their own misdemeanor cases in court).
- Ensuring cooperation with localities before any new state mandates are considered is essential – for example, the passage of legislation in 2021 to streamline the process for expungements and record sealings of some criminal records, including those for certain low-level marijuana-related offenses, is a policy goal that the County supports. However, the implementation process has revealed that approximately 400,000 charges statewide will require sealing, but very few of these files are currently kept in digital format (Fairfax County Circuit Court staff estimates at least 45,000 of these charges are in the County and it could take up to one hour to process and seal a single charge). Given this, the logistics and costs of doing such work in a timely manner will impose significant costs and workload issues on localities, including IT investments and manual redaction of paper files, that could be alleviated through appropriate consultation throughout the legislative process. *(Updates and reaffirms previous position.)* *(See also the Behavioral Health position on pages 13-14.)* *(Position on state underfunding of courts shared by region.)*

Economic Development and Diversification

Support prioritizing reinvestment in economic development during the current period of post-pandemic transition. Fairfax County is a global technology hub with a thriving and diverse business community, and this requires a strong partnership with the Commonwealth. The most significant needs include technology and research commercialization; innovation and entrepreneurship; workforce development; smart infrastructure; and vibrant communities.

- Fund statewide technology, research, and innovation commercialization assistance activities, including mentorship programs and Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) federal grant application support.

- Provide early seed funding to high-growth tech start-ups, with a focus on business founders that traditionally receive less venture capital (including women, veterans, and people of color).
- Support initiatives to stimulate the start-up and early-stage capital ecosystem, including events such as the Accelerate Breakfast Series to connect and educate investors and entrepreneurs.
- Explore opportunities to fund programs or facilities that enable business growth across all sectors (for example, blockchain, space-related, quantum computing, geospatial intelligence, financial technology, and artificial intelligence (AI)).
- Support local programs that help employers utilize innovative talent attraction and retention strategies as well as connect with non-traditional work candidates, including individuals with disabilities. Reskill and upskill workers for in-demand jobs and jobs of the future, including in trades and emerging sectors.
- Lead initiatives to prepare for an AI-ready workforce, ensuring workers at every level are experts at capitalizing on AI for innovation. Prepare businesses and workers for the AI transformation.
- Support efforts to put guardrails on the use of AI to protect residents from scams and misuse of the technology, and ensure it is not used in a discriminatory manner – striking the right balance of protecting residents and their data while allowing for innovation and positive use of this technology.
- Advance the GO Virginia program to ensure successful alignment between application and approval processes, evaluation criteria, and program goals. Provide sufficient and comparable administrative support.
- Fully fund the Commonwealth's Development Opportunity Fund (which provides state funding to secure a company's location or expansion in Virginia) and resources for the Virginia Jobs Investment Program's (VJIP) initiatives (which provide state funding to companies creating new jobs, retraining employees, and expanding or newly locating Virginia companies).
- Provide business infrastructure and funding for smart community technology, including targeting state investments in broadband infrastructure (to ensure access to reliable, affordable, high-speed service).
- Support investment that contributes to vibrant commercial districts and communities with amenities, more attainable housing, and connected transportation modes.
- Support retention, expansion, and relocation of federal facilities, including leveraging opportunities to augment facilities at Fort Belvoir and at the General Services Administration (GSA) Springfield facility. *(Updates and reaffirms previous position.)*

Jails

The Commonwealth should adequately compensate localities at a level commensurate with the state's responsibility for local jail operations.

- Replace the current state model for funding jails with a model that reflects actual costs. The current formula uses a per diem rate of dollars per day – $5 per day for local-responsible inmates and $15 per day for state-responsible inmates – far less than the actual daily cost of approximately $371 to house an inmate. A percentage model that adjusts for inflation would accurately reflect the state's funding responsibilities.
- Support a more robust state-local partnership in funding local jails, including a requirement for the Virginia Department of Corrections (VADOC) to accept state-responsible inmates into the state correctional system unless they are participating in a local program of rehabilitation.
- The state should also provide additional funding to support behavioral health care for inmates – in FY 2025, Fairfax County provided approximately $2.1 million to support behavioral healthcare at the Adult Detention Center, while the state provided only approximately $157,000. *(Updates and reaffirms previous position.)*

Libraries

Support continued increases in state aid to public libraries, which provide communities with critical services such as student homework support, research assistance, and public internet access – the GA has made a multiyear commitment to fully funding the current formula, which is an important step towards achieving adequate state funding for this vital resource. Also support reducing barriers to libraries acquiring eMaterials under reasonable terms and costs, as public libraries often pay prices substantially higher than what a consumer would pay for the same digital item (some publishing companies refuse outright to sell digital materials to libraries). *(Updates and reaffirms previous position.)*

Medicaid Waivers

Support state funding and expansion for Virginia's Medicaid waivers that provide critical home and community-based services for qualified individuals. Also support increased funding for Developmental Disability (DD) Medicaid waiver rates and slots, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement.

Addressing the Priority One waitlist has been a longstanding County priority. The 2024 GA made significant progress by providing 3,440 waiver slots over the biennium with the goal of eliminating the Priority One waitlist. However, it is critical that the GA take additional actions to help build CSB and provider capacity to ensure individuals are connected with services in a timely manner. To that end, Fairfax County supports the following actions:

- Support coordination and case management rate increases, which are crucial to helping CSBs effectively manage caseloads and coordinate critical services for waiver recipients. While support coordination is a state-mandated service, Medicaid reimbursement rates cover only 48 percent of the cost of the County's support coordinators, leaving a projected $14.5 million funding gap.
- DD Medicaid waiver reimbursement rate increases to reflect the true cost of providing high-quality, person-centered community care, including implementing automatic rate increases and increasing the Northern Virginia rate differential.
- Sustained funding for new waiver slots each fiscal year to ensure access to essential supports for individuals with DD and prevent a future waitlist backlog, particularly in highly populated areas like Fairfax County with historically high demand for DD services.

Fairfax County also supports the following adjustments in Medicaid waivers:

- Expansion of Regional Education Assessment Crisis Services and Habilitation (REACH) in-home crisis supports, access to appropriate intensive residential support options, and community-based crisis services for individuals with disabilities.
- Improvements to the process for negotiating the approval and re-approval of customized rates for individuals with intensive behavioral and health needs who cannot be adequately served through the standard DD waiver rate structure – this will ensure that increased rates are consistently available for people in need of high levels of care.
- Expansion of home- and community-based services by incorporating the Community First Choice (CFC) option (a policy designed to help with this expansion) into Virginia's 2025 Medicaid state plan.
- Enforcement of Olmstead rights for people with disabilities and older adults to remain in the community following hospitalization for medical crises, including COVID-19 and related conditions.
- Ensuring a living wage for personal care attendants, consumer-directed personal assistants, respite care workers, and other caregiving roles that are funded through Medicaid waivers.
- Enhancement and preservation of the Commonwealth Coordinated Care (CCC) Plus Waiver, and elimination of the weekly 56-hour cap on personal care services.

- Restoration of respite hours that were reduced from 720 to 480 per year in 2011, and allowance of respite to children who have parents as paid waiver caregivers (currently, children lose access to respite if a parent is a paid caregiver). Respite care allows caregivers to better manage crises (if unused, there is no cost to the state).
- Fully funded reimbursements for nursing and behavioral consultation, training, monitoring, and supports.
- Increased state funding to support a sustainable, well-trained workforce in residential, employment, and day support settings – including higher reimbursement rates to hire and retain professional nurses. *(Updates and reaffirms previous position.)*

Water Quality Funding

Support budget action providing adequate state appropriations to the Water Quality Improvement Fund (WQIF) in order to ensure full and timely payments under point source upgrade contracts with local governments. Also continue to support increased funding to the Stormwater Local Assistance Fund (SLAF).

- Provide additional state assistance for urban stormwater needs to meet federal Chesapeake Bay requirements. In 2017, the Senate Finance Committee estimated these costs to be $19.7 billion by 2025, particularly in light of the ambitious goals set forth in the Chesapeake Bay Total Maximum Daily Load (TMDL) Phase III Watershed Implementation Plan. Local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows, and sanitary sewer overflows.
- As the state continues to assign increased local stream TMDLs and the County is required to complete additional water quality projects, the state must partner with localities to meet federal mandates to ensure the success of this effort. *(Reaffirms previous position.)* *(Position on SLAF funding shared by the region.)*

General Laws

Elections

Support legislation to promote equitable and efficient participation in elections, such as continuing to facilitate voting by mail, providing for extended polling hours statewide, and expanding the use of drop boxes. Adequate state funding for election administration, voting equipment, and systems modernization and security is essential to this effort. Also support efforts to provide expanded flexibility during emergencies, allowing local election officials to prevent any potential disruptions to election administration.

- Legislation intended to enhance security of elections must be carefully analyzed to ensure that it strikes a balance between maintaining the integrity of elections while not discouraging the exercise of the franchise.
- Support increased state investments in voting equipment, systems modernization/security, and election administration – including training for local electoral board members, registrars, and elections officials.
- Local input in the design and implementation of the new state election system is critical to ensuring its success. *(Updates and reaffirms previous position.)*

Paid Family and Medical Leave

Support paid family and medical leave for eligible employees in the Commonwealth, which improves the health of parents/caregivers, infants, children, and adults managing health conditions for themselves and family members while improving business productivity by boosting morale and increasing retention of skilled workers. *(Reaffirms previous position.)*

Healthy Communities

Accessibility

Support the inclusion of people with disabilities and older adults throughout the Commonwealth by increasing accessibility to public places and activities, employment opportunities, housing, and transportation services (including transportation network companies) – strengthening the protections offered by the Americans with Disabilities Act.

- Ensure continued access to affordable, accessible transit.
- Increase the stock of fully accessible units available to renters and buyers at all socioeconomic levels in order to advance housing equity.
- Provide additional affordable, accessible, integrated housing and transportation options and support Universal Design initiatives to facilitate opportunities for people with disabilities to remain active, contributing members of their communities; retain their independence and proximity to family and friends; and prevent unnecessary institutionalization based on disability. *(Updates and reaffirms previous position.)*

Behavioral Health

Support substantially increased and ongoing funding, allocated based on localities' needs and population size, for public safety and mental health services that connect people who come into contact with the criminal justice system for non-violent offenses to treatment. Also support sufficient state funding for early prevention and treatment programs like Turning Point (which aids youth at risk of first-episode psychosis), and for intensive community resources like Assertive Community Treatment, Discharge Assistance Planning, and residential services. These programs are vital in alleviating the state hospital bed crisis by preventing crisis escalation and reducing hospitalizations. Oppose any state actions which disproportionately rely on local funding for service implementation.

- Provide funding to ensure Medicaid reimbursement rates for behavioral health services cover the full cost of care, including a Northern Virginia differential to account for the region's higher service delivery costs.
- Ensure that any future mandates are fully funded by the state, include flexibility for implementation, and are coordinated with CSBs and public safety agencies involved in behavioral health crisis response.
- Oppose the use of a local ability-to-pay factor in the distribution of CSB funds and funding for related behavioral health programs like Marcus Alert, which would penalize localities that make funding behavioral health programs with local dollars a priority.
- Increase the availability of early prevention and treatment programs, community-based crisis services, community residential capacity, and other alternatives to prevent hospitalization, as well as local psychiatric beds for people with behavioral health issues.
- Explore all clinical and administrative opportunities to improve the psychiatric hospitalization process and/or minimize the use of hospital beds.
- Pursue state application and approval of a federal 1115 mental health community waiver, which would allow for greater flexibility and effectiveness in the provision of community behavioral health services.
- Remove the barriers that exist in alternative transportation and alternative custody options for individuals in need of psychiatric hospitalization.
- Support additional state funding to ensure affordable and equitable access to the full range of behavioral health services for youth – from prevention through intensive community and residential treatment – including programs that reduce risk factors leading to youth violence, gang participation, alcohol/drug use, and mental health issues.
- Enhance reintegration and discharge planning services for youth and adults at high-risk of rapid re-hospitalization or re-offending.
- Increase funding for mental health services and substance use treatment for individuals incarcerated for offenses that make diversion programs unavailable to them.

- Remove barriers to the exchange of individuals' health information among law enforcement, the court system, CSBs, health care providers, and families and guardians.
- Provide funding for Crisis Intervention Team (CIT) and Mental Health First Aid training to law enforcement personnel, dispatchers, fire and rescue, jail personnel, and health and human services staff to educate those interacting with individuals with developmental disabilities, substance use disorder, and mental illness.
- Provide adequate funding for forensic discharge planning and post-incarceration services to remove the barriers to community reentry.
- Provide additional service navigation assistance, including requiring health insurance companies to update their provider registries regularly, to connect young people and families to appropriate services.
- Address workforce shortages through payment restructuring, streamlining licensure requirements for providers, and improving workforce development by formalizing relationships and creating a pipeline from high school and community college to undergraduate and graduate school. *(Updates and reaffirms previous position.)* *(See also the Courts position on page 10.)* *(Position on STEP-VA and the state hospital bed crisis shared by the region.)*

Long-Term Care (LTC) Workforce Needs

Support state actions and funding that build workforce capacity and quality services across the long-term care system, including state funding for medical training programs and other career development opportunities (such as in community college settings) as well as workforce supports. The ability to attract and retain highly qualified, well-trained staff is a key component of the quality of LTC, ensuring better health outcomes for medically frail individuals, including older adults and individuals with disabilities. *(Updates and reaffirms previous position.)*

Substance Use Disorder

Support increased capacity to address the Commonwealth's ongoing substance use disorder epidemic through community-based treatment (including detoxification, medication-assisted, residential, and intensive outpatient programs) and innovative efforts to limit the supply of opioids, particularly fentanyl which is involved in nearly all fatal overdoses in Fairfax County and the Commonwealth. Reduce barriers to improve access and facilitate the expansion of treatment programs, while supporting coordinated strategies that target high-risk age groups, including youth. Support strategies to reduce nicotine use and addiction among youth and young adults, including innovative approaches to treatment, prevention, and cessation, such as increasing County cigarette taxing authority and expanding it to include e-cigarettes as well as other tobacco and nicotine products. *(Updates and reaffirms previous position.)*

Housing

Affordable Housing

Support state funding and actions to increase the availability of affordable, accessible, integrated housing and prevent homelessness, including expanded investments in tools and programs to address affordable housing needs (particularly in high cost-of-living areas like Northern Virginia) and to strengthen tenant protections against evictions. Also support retaining existing local land use authority, allowing localities to craft innovative solutions that are appropriate for their communities, which require the flexibility and agility to respond to changing conditions.

Affordable housing is the foundation of all human services programs – improving physical and mental health, reducing stress, and improving nutrition, educational outcomes, and family stability. It also provides vital

benefits to communities from helping to attract and retain employees to reducing congestion, improving the environment, and stimulating economic growth.

- Support substantially increasing funding for the Virginia Housing Trust Fund to $300 million over the biennium, as well as increasing the funding cap that each development can request. This is essential to create and preserve affordable housing and reduce homelessness in Northern Virginia, where housing affordability poses substantial challenges for the economic competitiveness of the region.
- Expand resources to ensure legal assistance and aid in plain language to tenants facing eviction, including outreach and prevention services for potential beneficiaries.
- Expand the pool of resources available for down payment assistance, as down payment costs are a major barrier to homeownership for low- and moderate-income earners.
- Enhance and create additional state-funded housing tax credits and rental assistance programs for individuals with disabilities and people experiencing homelessness, such as the Livable Homes Tax Credit, State Rental Assistance Program, and Virginia Homeless Solutions Program.
- Increase funding for permanent supportive housing units, operating expenses, and wraparound behavioral health services to ensure individuals with severe mental illness, substance use disorder, and developmental disabilities are successful in the housing.
- Seek further protections for residents of manufactured housing and sustainability of manufactured housing communities, including more assistance with relocations, expanded notification requirements by property owners to both tenants and localities with longer timelines, and right of first refusal to localities or their assignees for sales of manufactured housing. *(Updates and reaffirms previous position.)*

Human Services

Adult Protective Services (APS)

Support state funding for additional APS social workers. As the older adult population has increased in Virginia, so has the demand for APS services, but state funding has remained stagnant (in FY 2024, Fairfax County APS received over 3,700 reports of adult abuse, neglect, and exploitation). *(Updates and reaffirms previous position.)*

Independence and Self-Sufficiency for Older Adults and People with Disabilities

Support funding for programs that promote the independence, self-sufficiency, and community engagement of older adults and people with disabilities. Also support additional funding for home care workers and resources for family caregivers. *(Reaffirms previous position.)*

Temporary Assistance for Needy Families (TANF)

Support a continued increase in TANF reimbursement rates, as current Virginia TANF benefit levels remain at or below 32 percent of the Federal Poverty Level for all family household sizes. Also support continued TANF funding of programs which meet the needs of low-income families. *(Reaffirms previous position.)*

Land Use

Proffers

Local authority to accept cash and in-kind proffers from developers must be preserved. Such proffers assist with providing necessary capital facilities and infrastructure to serve new development and maintain local community standards, in order to maintain and improve quality of life and spur economic development.

- Land use decisions must remain at the local level, allowing localities, developers, and communities to work together collaboratively to address issues related to new development.
- The GA must avoid further restrictions on local land use authority, and proposals for replacing proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

Wireless Telecommunications Facilities

The siting of telecommunications facilities is an important component of local land use authority. Support restoration of local land use authority to determine the appropriate location of wireless telecommunications facilities and balance the need for wireless service with the community's needs. Support restoration of independent local authority to set reasonable fees for wireless facility permits and to set fair compensation for access to public rights-of-way and government-owned structures, to the extent that those fees and compensation are permitted by federal law. *(Reaffirms previous position.)*

Public Safety

Dangerous Weapons

Support legislation to address gun violence in Virginia through common sense gun safety measures that will help ensure a safe and resilient community, building on the landmark changes enacted in 2020.

- Ban assault weapons, high-capacity magazines, and armor piercing ammunition, with appropriate exemptions for law enforcement and military personnel.
- Provide authority for localities to ban the possession of pneumatic guns on school grounds, with an exemption for school-sponsored activities. Pneumatic guns use pump action or carbon dioxide gas cartridges to fire a projectile by means of pneumatic pressure, often resemble firearms, and can cause serious injury or death.
- Provide support for community violence intervention programs.
- Increase the age limit for buying certain weapons.
- Regulate ghost gun parts, ensuring that they cannot be sold without serial numbers and a background check.
- Strengthen local authority to allow counties, cities, and towns to enact their own gun safety policies. *(Updates and reaffirms previous position.)*

Domestic and Sexual Violence

Support additional state funding and efforts to increase the capacity for localities to implement culturally specific prevention and intervention services to eliminate domestic and sexual violence, including continued support for evidence-based, quality programs that provide education and rehabilitation for those who cause harm to help end the cycle of violence and provide victims more choice in addressing safety concerns and housing needs. Also support legislation to strengthen protective orders (POs), such as: requiring family abuse PO respondents to immediately surrender firearms directly to law enforcement; expanding the prohibition on knowingly possessing a firearm to include non-family abuse PO respondents; and providing judges with greater discretion to extend and/or increase the time period of POs. *(Reaffirms previous position.)*

Safety-Sensitive Positions

Support acceleration of Virginia's implementation of the Federal Bureau of Investigation's Record of Arrest and Prosecution Back (RapBack) service, which provides ongoing, real-time updates on arrests, convictions, or other relevant information about employees in safety-sensitive positions to help safeguard vulnerable populations and the community. RapBack is currently expected to go live by July 2025 and should be fully funded by the state to ensure all localities and school divisions have full access to this essential service. *(Updates and reaffirms previous position.)*

Transportation

Transportation Safety and Coordination

Support legislation to improve pedestrian and bicyclist safety, and maintenance of active transportation facilities. Also support increased coordination between localities and the Commonwealth in the process for considering speed limits and street standards. Finally, support adequate maintenance of sidewalks and trails in the County.

- Fairfax County supports greater coordination between the County and the Virginia Department of Transportation (VDOT) regarding the placement of stop signs, crosswalks, high visibility crosswalks, rapid flashing beacons, and restriping/signage for streets where such changes are made. Additional flexibility within VDOT project approval processes and design standards to be responsive to the County's specific needs is vital. While the Commonwealth has a process for considering some flexibility to existing standards, especially in activity centers and transit station areas, the process could be simplified, and more flexibility could be provided in all areas, especially school zones.
- Support state action to better regulate the sale and use of modified, loud exhaust systems in the Commonwealth, including through the vehicle inspection process and new technologies, as such systems continue to pose a safety and quality of life issue in Northern Virginia. *(Updates and reaffirms previous position.)*

Secondary Road Devolution

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. Also oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. *(Reaffirms previous position.)*