



FAIRFAX COUNTY
2023 LEGISLATIVE PROGRAM [DRAFT]
NOVEMBER 22, 2022

2023 Fairfax County Legislative Program [DRAFT]

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Fact Sheets To be added prior to program adoption

(Note: New language added after the November 1, 2022, 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 Opportunities
- Economic Opportunity
- Effective and Efficient Government
- Empowerment and Support for Residents Facing Vulnerability
- Environment
- Health
- 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 race, color, sex, nationality, sexual orientation, religion, disability, income or where they live. 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 before the GA.

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.

The Boards support:

- Continued efforts to address state funding formula imbalances and inadequacies, including addressing required local match provisions, particularly in high cost-of-living jurisdictions.
- Eliminating the support positions ratio cap, which has artificially lowered the state’s funding contributions for critical educational support positions by hundreds of millions of dollars annually since its adoption in 2009.
- Fully restoring funding for a Cost of Competing Adjustment (COCA) for support personnel, a factor used in the state K-12 funding formula recognizing the competitive salaries required in high cost-of-living regions to attract and retain high-quality personnel.
- 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).
- Addressing education funding shortfalls, including those due to reduced student population counts (or Average Daily Membership), resulting from the ongoing effects of the COVID-19 pandemic.
- Standards of Quality (SOQ) that reflect the true local costs of providing a high-quality public education, and that provide adequate and appropriate state funding to implement the Standards, including in high-cost-of-living areas like Northern Virginia. The current SOQs dramatically underestimate the actual costs of public education, as evidenced by the fact that localities spent approximately \$4 billion above state requirements in FY 2021.
- Rejecting the use of weighted averages and other estimators designed to reduce the state’s share of public education costs when calculating average teacher salaries and other education costs.
- Recognizing cost-of-living variations throughout the Commonwealth in state funding formulas, in order to more accurately determine a locality’s true ability to pay.
- Increasing state resources for early childhood education programs, which help young children enter kindergarten prepared to succeed.

The Boards oppose:

- Budget cuts that disproportionately target or affect Northern Virginia.
- Policies which divert K-12 education funding away from local public schools and toward non-public options.
- Structural cuts or formula/policy changes which impose unfunded mandates on localities, further weakening the partnership between the state and localities. *(Updates and reaffirms previous position.) (Position on full funding for K-12 costs and restoration of Cost of Competing Adjustment funding shared by region. *)*

**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.*

2) Regional Transportation Funding

The Commonwealth must fully restore the \$102 million of funding to the Northern Virginia Transportation Authority (NVTA) that was diverted to the Washington Metropolitan Area Transit Authority (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.

- 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.
- Oppose future diversions of existing Northern Virginia transportation revenues, which significantly disrupt regional transportation planning and long-standing regional priorities. *(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, snow removal, mowing in the right-of-way, and stormwater management), and continued state assistance for local and regional transit systems (including the Fairfax Connector, the Virginia Railway Express, and WMATA). However, while those actions moved the Commonwealth in the right direction, the impacts of the COVID-19 pandemic have changed transportation in unexpected ways and have led to additional transportation funding challenges that need to be addressed.

- Ensure that Northern Virginia continue 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.
- 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 food.
- Simplify the application and scoring processes for funding administered by the Commonwealth by making them simpler, more efficient, and more transparent, while addressing cost estimates that change dramatically during the state review process.
- Provide sufficient funding for programs that address multimodal mobility needs, including Revenue Sharing, which 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, 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 continued economic recovery – 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 in Virginia and Maryland to address American Legion Bridge capacity are a significant step forward.
- Support adequate state resources for localities to invest in electric vehicles (EVs) and related infrastructure.
- 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

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.

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.

Taxation

- The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized so that revenues can be diversified.
- State and local taxes should be updated to reflect changes in the economy or technology.
- New state mandates, diminution of current local taxing authority, and restrictions on local revenues should be avoided, while current requirements should be fully funded.

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, and other critical measures that could spur the development of innovative approaches that address the impact of global climate change on health and the environment and increase sustainability throughout the Commonwealth.
- The state should adopt the International Green Construction Code (IgCC), and adopt the International Energy Conservation Code (IECC) and energy provisions of the International Residential Code (IRC) without weakening amendments.
- 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 achieving environmental goals, increasing flood resiliency, and meeting water quality permit requirements.
- Localities should be granted additional authority to manage solid waste collection and onerous requirements should be removed from state law, in order to address community needs comprehensively and in a timely manner, ensuring good public sanitation, protecting the environment, and enhancing 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 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, eliminating the need 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

Transportation – Illegal Signs in the Right-of-Way

Initiate legislation to allow Fairfax County to use contractors to remove illegal signs from the right-of-way, which in Virginia includes property along a roadway on either side and in the median. Unfortunately, illegal signs in the right-of-way have been an issue throughout the Commonwealth for many years, creating dangerous hazards as well as a negative effect on the appearance of highways. As a result, state law prohibits such signs and allows the Virginia Department of Transportation (VDOT) to remove signs in violation of state code. VDOT can and has entered into an agreement with Fairfax County for the purpose of removing and disposing of illegal signs from the VDOT rights-of-way and collecting allowable civil penalties and costs. However, the County can perform that function only with local law-enforcement agencies, other local governmental entities, or with its own staff or volunteers, not contractors, limiting the County’s flexibility to address this safety issue in the most efficient, cost-effective manner. This initiative will provide Fairfax County an additional tool for removing illegal signs, improving the safety and appearance of the County.

Transportation – Roadway and Pedestrian Safety

Initiate legislation to clarify that localities in Northern Virginia are authorized to post appropriate and clear signage requiring motorists to stop for pedestrians in crosswalks at unsignalized intersections. Further, initiate legislation to clarify that counties that do not maintain their own roads are authorized to reduce speed limits to less than 25 miles per hour, but not less than 15 miles per hour, on highways within their boundaries within business or residential districts, as is currently allowed for localities that maintain their own roads. Transportation safety is a critically important issue for all Virginians, and in the last few years the GA provided localities with additional, common-sense tools to help address these issues. Unfortunately, it seems the law needs to be clarified to ensure VDOT implements the new laws the way it was understood they would be when they were being considered by the GA.

- In 2020, the GA passed legislation that clarified the duties of vehicle drivers to stop when yielding to pedestrians, but following enactment of the legislation, VDOT stated that while this legislation updated state law to clarify that “yield” meant to “stop” for pedestrians, “Stop for Pedestrians” signage could not be utilized.
- In 2021, the GA passed legislation authorizing local governments to reduce speed limits to less than 25 miles per hour, but not less than 15 miles per hour, in business or residential districts. Following enactment of that legislation, VDOT stated that the legislation does not apply to streets in the state highway system, which essentially includes all roads within Fairfax County, as well as other counties that do not maintain their own roads.

The urgency surrounding this issue in Fairfax County has been highlighted in recent months, as a number of tragic accidents have heightened the community’s concerns about the need to implement measures to protect drivers, bicyclists, and pedestrians throughout the area. If enacted, this initiative will provide localities with tools to further improve transportation safety.

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 2023 GA should:

- Fully eliminate the funding cap on K-12 support positions – the 2022 GA made some progress on this issue by removing approximately one-third of the state cap on funding for support positions implemented in FY 2010 (prior to FY 2023, the cap cost FCPS approximately \$36 million annually, and approximately \$10.2 million of those revenues will be restored). Though this is an important step, the state must fully eliminate the support position cap (*see also page 2*).
- Fully restore COCA funding for K-12 support positions in the 2022-2024 biennium budget (*see also page 2*). (*Regional position.*)
- Fully restore regional transportation revenues that were diverted to fund WMATA’s state of good repair and critical capital needs (*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 \$95.3 million in additional funding over the past 13 years.
- Provide sufficient funding for the salaries of court personnel, including clerks, Commonwealth’s Attorneys, public defenders, district court employees, and probation office employees – Fairfax County provides over \$98 million for additional personnel and salary supplements for state positions. State funding formulas often fail to account for the needs of large localities in particular. (*see also pages 8-9*).
- 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, particularly in high cost-of-living areas like Northern Virginia, and to mitigate evictions resulting from the economic impacts of the COVID-19 pandemic. (*see also page 13*).
- Support full, uninterrupted funding for implementation of STEP-VA (System Transformation, Excellence and Performance in Virginia), the Commonwealth’s behavioral health transformation plan (*see also page 12*).
- Support increased state resources for early childhood education programs, including the Virginia Preschool Initiative (VPI), to allow localities to expand these critical programs. 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 7*).
- Provide additional state funding to increase Medicaid waiver rates and slots for individuals with developmental disabilities, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement (*see also pages 10-11*).
- 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 2021 to 49.5 percent in FY 2022.
- Provide state income tax incentives and rebates for businesses and residents to transition to more efficient or alternative fuel vehicles, like EVs (including new and used options), as well as flexibility to determine rebate eligibility in high cost-of-living areas like Northern Virginia (*see also pages 7-8*). (*Updates and reaffirms previous position.*)

Position Statements

Early Education

Child Care

Support 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.

- Support a waiver from the Virginia Department of Education allowing Fairfax County to permanently increase program income eligibility above the current 250 percent of the federal poverty level (FPL) for state subsidy, to help address some of the challenges families experience due to the high cost of living in Northern Virginia.
- 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 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 increasing rates for early intervention services to reflect current costs. *(Updates and reaffirms previous position.)*

School Readiness

Support increased state resources and operational flexibility for early childhood education programs, including the Virginia Preschool Initiative (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 68 additional classrooms would be needed, creating a substantial capacity challenge).
- Provide flexibility for teacher credentials and licensure in community early childhood programs, allowing grant funding to be used equitably across all programs participating in VPI.
- 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.

- 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 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, 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 and electric vehicles 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.
- Fund renewable energy grant programs and incentives to assist the development and growth of energy businesses and technologies, such as renewable distributed energy generation.
- Modernize state building codes by adopting the IgCC and the full provisions of the IECC and 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.
- Incentivize and reduce barriers to the installation of EV charging infrastructure to expand EV infrastructure where practicable. *(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.
- Support actions to discourage the sale of invasive species.
- 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. *(Updates and 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 approximately 46 percent). Also support the current structure, which requires that service decisions are made at the local level and are provided based on the needs of each child, ensuring that service expenditures are approved through local processes. *(Updates and reaffirms previous position.) (The GA directed the Secretaries of Education and Health and Human Resources to convene a workgroup to consider the administration and use of CSA funding for private special education day schools and residential facilities. A final report was due November 1, 2022, but has not yet been released.)*

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, 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 (potentially creating situations where police officers are essentially prosecuting their own misdemeanor cases).
- 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 worthy policy goal that the County supports. However, 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 page 12.) (The GA is conducting a study to assess the feasibility of creating a statewide system of public defender offices, potentially looking more holistically at the criminal justice system. The Commission on Youth is currently conducting a study on juvenile detention centers. Lastly, the GA is conducting a study to address the state's outdated funding formula for Commonwealth's Attorneys' offices, and a final report was due November 1, 2022, but has not yet been released.) (Position on state underfunding of courts shared by the region.)*

Economic Development and Diversification

Fairfax County is a global technology hub with a thriving, inclusive business community of innovators and leaders in a wide range of sectors, and needs a strong partnership with the Commonwealth to adapt to a changing economic landscape, stimulate high-growth sectors, and support small businesses. Support for commercializing academic research, building upon private sector technological and research investments, supporting local entrepreneurs, and cultivating local talent and connections with employers will help the County continue to be a national leader in economic development.

- Explore opportunities for innovative technologies that enable business growth across all sectors, including blockchain technology, new electronic payment methods, electronic wallets, artificial intelligence, robotics, automation, and others.
- Provide business infrastructure and funding for smart community technology, particularly mobility technology, sustainability, urban tech, and data analytics, as well as street access and design to support smart cities/communities.
- Fully fund the Commonwealth's Development Opportunity Fund and resources for the Virginia Jobs Investment Program (VJIP)'s Small Business New Jobs and Workforce Retraining initiatives.
- Advance the GO Virginia program to ensure successful alignment between application and approval processes, evaluation criteria, and program goals. Particular emphasis should be on the specific evaluation criteria for Region 7 applications and consideration of unique criteria for regions to improve program processes, simplify the application process, and lead to more impactful program outcomes.

- Support retention of existing federal facilities within the County and encourage additional federal facilities and expansions – including leveraging opportunities to augment facilities at Fort Belvoir and at the GSA Springfield facility.
- Encourage regional and state collaboration on cross-regional initiatives, such as the recently created Northern Virginia Economic Development Alliance.
- Provide early-stage firms with technical assistance and resources to scale, emphasizing business founders not traditionally receiving venture capital, including women, veterans, and people of color.
- Target state investments in broadband infrastructure, an increasingly critical utility, to ensure access to reliable, affordable, high-speed service. Even in areas well-served by broadband service, many residents have limited access due to cost.
- Support programs that connect non-traditional work candidates with work-based learning opportunities, while supporting employers engaging in innovative talent attraction and retention strategies.
- Support vibrant commercial districts and communities that provide amenities to attract workers, residents, and visitors through place-led economic development efforts.
- Support structures and policies to encourage and incentivize disadvantaged businesses to more fully participate in local procurement and business development opportunities, including by providing state-level leadership in disparity study data and analysis for local jurisdictions. *(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 – \$4 per day for local-responsible inmates and \$15 per day for state-responsible inmates – far less than the actual daily cost of housing an inmate of approximately \$386. A percentage model that adjusts for inflation would accurately reflect the state’s funding responsibilities.
- The state should also provide additional funding to support behavioral health care for inmates – in FY 2022, Fairfax County provided approximately \$1.7 million to support behavioral healthcare at the Adult Detention Center, while the state provided only approximately \$134,000. *(Updates and reaffirms previous position.)*

Libraries

Support increased state aid to public libraries, which provide communities with critical services such as student homework support, research assistance, and public internet access. 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 waivers and slots, to provide appropriate community services and ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement.

Fairfax County supports the following adjustments in Medicaid waivers:

- An increased number of DD Medicaid waiver slots to meet, at a minimum, the Priority One waiting list, which averages over 3,000 annually in Virginia.
- Automatic rate increases, including an increase in the Northern Virginia rate differential.
- 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.

- Expansion of home and community-based services by incorporating the Community First Choice (CFC) option into Virginia’s 2023 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 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. Respite care allows caregivers to better manage crises, such as the COVID-19 pandemic (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.
- 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. *(Updates and reaffirms previous position.) (The 2022 GA directed the Department of Medical Assistance Services to convene a workgroup to study the development of a Medicaid waiver for individuals with brain injury and neuro-cognitive disorders. A report was released November 1, 2022.)*

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 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 (CSOs), and sanitary sewer overflows (SSOs).
- 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. *(Updates and 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 regarding 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 procurement 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 all employees in the Commonwealth, which improves the health of mothers, infants, children, and adults managing health conditions while improving business productivity by boosting morale and increasing retention of skilled workers. *(Updates and reaffirms previous position.)*

Health and Wellness

Behavioral Health

Support sustainable 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 intensive community resources – such as Assertive Community Treatment and Discharge Assistance Planning – and intensive residential services, to alleviate the state hospital bed crisis and allow individuals to transition safely and expediently from psychiatric hospitals to community care. Oppose any state actions which disproportionately rely on local funding for service implementation.

- Provide full funding, commensurate with the size of the population served, and flexibility for the Commonwealth's System Transformation, Excellence and Performance in Virginia (STEP-VA) Crisis Services and for Marcus Alert implementation. Unfortunately, the Commonwealth has not provided adequate funding to implement the newly mandated services.
- Ensure that any future mandates are fully funded by the state, include flexibility for implementation, and are coordinated with Community Services Boards (CSBs).
- 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 community-based crisis services, community residential capacity for early intervention to prevent hospitalization, and 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.**
- Remove the barriers that exist in alternative transportation and alternative custody options for individuals in need of psychiatric hospitalization.
- 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 health information of individuals among law enforcement, the court system, CSBs, health care providers, and families and guardians.
- Provide 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.
- **Support additional state funding to ensure affordable and equitable access to the full range of behavioral health services for youth, from prevention through intensive and residential treatment, including programs that reduce risk factors leading to youth violence, gang participation, alcohol/drug use, and mental health issues.**
- **Address workforce shortages through a multi-pronged approach, including increased enforcement of parity between mental and physical health services, payment restructuring, and streamlining licensure requirements for providers.** *(Updates and reaffirms previous position. See also the Courts position on pages 8-9.) (Position on STEP-VA and the state hospital bed crisis shared by the region.)*

Long-Term Care (LTC) Workforce Needs

Support legislation to improve the quality of LTC in Virginia’s skilled nursing facilities, in order to ensure better health outcomes and quality of care for medically frail individuals, including older adults and individuals with disabilities. Also support legislation that helps nursing homes and skilled nursing facilities to recruit and retain highly qualified, well-trained staff (which is currently difficult due to low wages, limited benefits, and stressful working conditions). (Updates and reaffirms previous position.) (The GA directed the Secretary of Health and Human Resources to study the current oversight and regulation of nursing homes, assisted living facilities, and other congregate living settings. A final report was due to the GA by October 1, 2022, but has not yet been released.)

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 most fatal overdoses in Fairfax County and the Commonwealth. Also support coordinated strategies to meet the growing need for substance use disorder services that target specific high-risk age groups, including youth. Innovative approaches to prevention, such as expanding county cigarette taxing authority to include e-cigarettes and nicotine addiction treatment, are necessary to address the vaping crisis that is affecting teens and young adults at an alarming rate. (Updates and reaffirms previous position.)

Housing

Affordable Housing

Support state funding and actions to increase the availability of affordable, accessible and integrated housing options 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 mitigate evictions resulting from the economic impacts of the COVID-19 pandemic. Also support retaining existing local land use authority, allowing localities to craft solutions that are appropriate for their communities, including innovative ideas and solutions that require the flexibility and agility to respond to changing conditions and circumstances as opportunities present themselves.

Affordable housing is the underpinning 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, 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 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 (SRAP), Virginia Homeless Solutions Program (VHSP), and previously provided Housing Choice Vouchers.
- Increase funding for permanent supportive housing units for individuals with severe mental illness, substance use disorder, and developmental disabilities.
- Consider changes to state law to protect residents of mobile home parks, including more assistance with relocations, expanded notification requirements for both tenants and localities, and longer timelines. (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 2022, Fairfax County APS received over 3,200 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. (Updates and 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 FPL for all family household sizes. (Updates and 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. *(Updates and 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 rights-of-way, to the extent that those fees and compensation are permitted by federal law. (Updates and reaffirms previous position.)

Public Safety

Accessibility

Support the inclusion of people with disabilities 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, as people with disabilities and older adults seek to return to work and other daily activities that were limited during the COVID-19 pandemic.
- Increase the stock of fully accessible units available to renters and buyers at all socio-economic levels, in order to advance housing equity for people with disabilities and older adults.
- Provide additional affordable, accessible, integrated housing and transportation options, as well as support for Universal Design initiatives, to facilitate opportunities for people with disabilities to remain active,

contributing members of their communities while retaining their independence and proximity to family and friends, and preventing unnecessary institutionalization based on disability. *(Updates and reaffirms previous position.)*

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.
- 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 explosives, 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. *(Updates and reaffirms previous position.)*

Safety-Sensitive Positions

Support closing gaps in the sharing of information about the arrest and/or conviction of people in safety-sensitive positions (including school employees and childcare workers) between jurisdictions within the Commonwealth and across state lines. Also support acceleration of Virginia’s implementation of the Federal Bureau of Investigation’s Record of Arrest and Prosecution Back (Rap Back) 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. Rap Back is currently expected to go live in July 2025 and should be accompanied by sufficient state funding to ensure localities and school divisions have full access to this essential service. *(New position.)*

Taxation

Local Property Tax Exemptions

Support legislation providing localities with local-option, flexible authority for enacting and implementing property tax exemptions. Also support ensuring that any expansion of property tax exemptions is a local option, as property taxes are one of Virginia localities’ few significant sources of revenue, and property tax exemptions can create significant impacts on local resources, which are used to fund core services like K-12 education, public safety, human services, the environment, and infrastructure. *(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.

- Improve coordination between the County and 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.
- Support state action to better regulate the sale and use of modified, loud exhaust systems in the Commonwealth, including through the vehicle inspection process, 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. *(Updates and reaffirms previous position.)*