



VIRGINIA
LGBTQ+
ADVISORY
BOARD

Annual Report

October 2022

Prepared by Members of the Virginia LGBTQ+ Advisory Board

Virginia LGBTQ+ Advisory Board Members

❖ Matt Banfield (he/him)	Ed. & Workforce Cmte. Chair	2021–2022
❖ Michael Berlucchi (he/him)		2021–
❖ Demas Boudreaux (he/him)	Housing Cmte. Chair	2021–
❖ Evelyn BruMar (she/her)		2021–
❖ Charley Burton (he/him)	Safety Cmte. Chair (1st)	2021–
❖ Jonathan Dromgoole (he/him)		2021–
❖ Amanda Goehring (ze/hir)	Secretary	2021–2022
❖ Kevin Han (he/him)		2021–
❖ Aurora Higgs (she/her or they/them)	Vice Chair (1st)	2021–2022
❖ Phil Kazmierczak		2022–
❖ Rob Keeling (he/him)		2021–2022
❖ Joanna Keller (she/her)	Chair (3rd)	2021–
❖ Preston Main		2022–
❖ Kyle Mason (they/them)	Chair (1st)	2021–2022
❖ N. McKeller Crosby (they/them)		2022
❖ Stephanie Merlo (she/her)	Vice Chair (3rd)	2021–
	Safety Cmte. Chair (2nd)	
❖ Tracy Monegain (she/her)		2021–
❖ Monica Motley (she/her or they/them)	Health Cmte. Chair	2021–
❖ Karen Mullen McPhail (she/her)		2021
❖ Bryan Price (he/him)		2021–
❖ Jes Simmons (she/her)		2021–
❖ Patty Smith (she/her)		2021–
❖ Michael Thorne–Begland (he/him)	Vice Chair (2nd)	2021–2022
❖ Lisa Turner (she/her)	Chair (2nd)	2021–2022
❖ Thomas N. Turner		2022–

Ex Officio Members

Northam Administration

- ❖ Kelly Thomasson, Sec. of the Commonwealth
- ❖ Dan Carey, Sec. of Health and Human Resources
- ❖ Brian Ball, Sec. of Commerce and Trade
- ❖ Atif Qarni, Sec. of Education
- ❖ Brian J. Moran, Sec. of Public Safety and Homeland Security

Youngkin Administration

- ❖ Kay Cole James, Sec. of the Commonwealth
- ❖ John Littel, Sec. of Health and Human Resources
- ❖ Caren Merrick, Sec. of Commerce and Trade
- ❖ Aimee Guidera, Sec. of Education
- ❖ Robert Mosier, Sec. of Public Safety and Homeland Security

Contents

Executive Summary	4
Introduction	5
Recommendations	6
Education & Workforce	6
Recommendation 1: Create Educational Environments Where Students are Empowered to Live and Learn Authentically	7
Recommendation 2: Empower an Equitable and Diverse Workforce	10
Health	13
Recommendation 3: Bring Care to the People	15
Recommendation 4: Expand Healthcare Access	15
Housing & Infrastructure	16
Recommendation 5: Increase Support for Affordable Housing at All Levels in All Regions of Virginia	16
Recommendation 6: Increase Housing and Support Services for LGBTQ+ Virginians, Particularly Youth and Young Adults	17
Recommendation 7: Increase Transportation Access for All Virginians, Particularly in Rural Areas	17
Safety	18
Recommendation 8: Show support for LGBTQ+ Virginians through Executive Action	18
Recommendation 9: Eliminate Unnecessarily Gendered Language in Virginia's systematic, service, and operational documents	19
Recommendation 10: Support Removal of Obsolete Discriminatory Laws and Protection of Human Rights	19

Executive Summary

In its inaugural year, the Virginia LGBTQ+ Advisory Board held five meetings, including one at the University of Virginia in Charlottesville. The Board presented Governor Northam with two recommendations in 2021, but this is its first Annual Report.

In its first year, the Board established procedures and structure, including creating four standing committees: Education & Workforce, Health, Housing & Infrastructure, and Safety. The committees all held multiple meetings to gather facts and prepare recommendations.

The Board has prepared ten recommendations to address both longstanding disparities facing the LGBTQ+ community as well as emerging issues surrounding the increasingly intolerant and at times violent rhetoric targeting our community, particularly transgender, nonbinary, and gender non-conforming youth.

Recommendations

1. Create Identity-Affirming Educational Environments Where Students, Faculty, and Staff are Empowered to Live and Learn Authentically
2. Empower an Equitable and Diverse Workforce
3. Bring Care to the People
4. Expand Healthcare Access
5. Increase Support for Affordable Housing at All Levels in All Regions of Virginia
6. Increase Housing and Support Services for LGBTQ+ Virginians, Particularly Youth and Young Adults
7. Increase Transportation Access for All Virginians, Particularly in Rural Areas
8. Show support for LGBTQ+ Virginians through Executive Action
9. Eliminate Unnecessarily Gendered Language
10. Support Removal of Obsolete Discriminatory Laws and Protection of Human Rights

Introduction

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

It has been an honor for the members of this board to serve in this capacity, continuing and supporting the work already being done by the Virginia Council on Women, the Virginia African American Advisory Board, the Virginia Hispanic and Latino Advisory Board, and the Virginia Asian American Advisory Board. Especially because of Virginia's historical significance as the site of the first British colony, displacing the indigenous peoples already living there, as well as the site of the first arrival of enslaved people in what would become the United States, we recognize how important it is our state actively work to dismantle any legacy of prejudice and bigotry and aspire to actually make true the ideals written in our Declaration of Rights.

Our Board is founded on the values of Equality, Diversity, Service, and Integrity. The LGBTQ+ community wears its diversity in its name, and our members can be found everywhere, of every age, race, nationality, religion, and ability. Through our treatment of each other as equals, our dedication to serving our community above our own interests, and our integrity in our actions, we are able to fully leverage the full rainbow of the many experiences embodied in our members.

In its first year, the Virginia LGBTQ+ Advisory Board held five meetings, including one at the University of Virginia in Charlottesville. Through these meetings, the Board was able to hear from many expert witnesses and members of the public. The Board presented Governor Northam with two recommendations in 2021, but this is its first Annual Report.

The Board established procedures and structure, including creating four standing committees: Education & Workforce, Health, Housing & Infrastructure, and Safety. The committees all held multiple meetings to gather facts and prepare recommendations. Individual members also engaged in outreach to let people know of the Board's existence and to gather information about the issues facing the Commonwealth's LGBTQ+ residents.

It has been a tough year for the LGBTQ+ community, with an increase in proposed laws seeking to target particularly LGBTQ+ youth. Transgender youth have seen actions to ban them from participating in regular activities of childhood such as sports, outlaw their healthcare, and even have their parents investigated on the basis that allowing them to be their authentic selves is a form of "child abuse." Harassment, including some rising to the level of hate crimes, has been on the rise as well. The Commonwealth is no exception, from threats made against school board members across the state to an incident targeting a committee of this very board. This moment is a precarious one for our community, and one that calls for leadership and action. It is with that awareness that we present our recommendations for 2022.

Recommendations

Education & Workforce

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

To remain a state with power and prestige and money, Virginia needs its LGBTQ+ citizens, whose diversity and complexity also represents all ethnicities. A June 2021 article from Forbes.com, noted, “The LGBTQ+ market is currently the fastest- growing consumer market in the U.S. and is on target to grow by millions in the U.S. in the next few years as GenZennials and Millennials identify as LGBTQ+ in more significant numbers than previous generations.” The article also cites current statistics showing that **31% of those born after 1997 identify as LGBTQ, and millions more consider themselves LGBTQ allies.**¹

These LGBTQ+ citizens of the Commonwealth are workers and consumers and neighbors who are now an integral part of Virginia's success. More and more are becoming the new movers and shakers who are and will be leading and influencing Virginia's businesses and cultural communities for decades to come. But they will not be spending their money at businesses that discriminate against them; they will not be working for companies that discriminate; they will not be attending schools that discriminate, and they will not be buying homes and remaining in states that discriminate against them. Virginia risks losing their talents, ideas, and creativity, as well as their significant buying power.

Virginia benefits culturally, educationally, and financially from its citizens, who are a rich and diverse spectrum of ages, ethnicities, gender expressions, and sexualities. To help ensure that public education in Virginia enables these citizens to become knowledgeable, open-minded, and compassionate, public schools must ensure that we are all equitably acknowledged and valued and

¹ Gillian Oakenfull. “Representing Fifty Shades of Gay in the LGBTQ+ Marketplace.” *Forbes.com*. 1 June 2021. <https://forbes.com/sites/gillianoakenfull/2021/06/01/representing-fifty-shades-of-gay-in-the-lgbtq-marketplace/?sh=3573fa474d9f>

that our stories are told authentically. To this end, the spectrum of gender expressions and sexualities of our citizens should also be reflected and seen—and even celebrated—without distortion. Additionally, students come to school with a wide variety of needs, whether they are gifted and talented, on the autism spectrum, speak another language other than English at home, or are LGBTQ+. It is up to schools to meet those various needs.

Recommendation 1: Create Educational Environments Where Students are Empowered to Live and Learn Authentically

A. Direct the VDOE to provide resources to school districts related to and encouraging:

- **The implementation of model policies for transgender students as directed by HB 145 and SB 161.**
- **Comprehensive anti-bullying policies that mention LGBTQ+ students specifically.**

In 2020, the Virginia General Assembly passed HB 145 and SB 161, ensuring protection for trans and nonbinary students' access to an equal education. However, on October 19, 2021, Virginia Mercury reported that only two school boards had approved such policies and several others had explicitly refused to consider them.² While several school boards have subsequently approved the adoption of trans student policies, many others still have not, putting trans students further at risk.

According to the Trevor Project's 2022 survey 73% of LGBTQ+ youth report experiencing anxiety and 58% report experiencing symptoms of depression. Furthermore, **45% of LGBTQ youth seriously considered attempting suicide in the past year.** However, youth who found their school to be supportive of LGBTQ+ youth reported lower rates of attempted suicide.³ For that reason alone, it is crucial to support the proposed trans student guidelines as well as supportive policies geared towards LGBTQ+ youth.

Nationwide, according to GLSEN, "LGBTQ+ young people who are transgender; nonbinary; Black, Indigenous, people of color (BIPOC); and people with disabilities experience starker disparities and intersecting marginalization. For example, at least two in five LGBTQ+ young people of color report bullying based on both their sexual orientation and their race; those who experience both racist and anti-LGBTQ+ victimization are most likely to skip school due to feeling unsafe, report the lowest levels of school belonging, and experience the highest levels of depression, compared to those who experience one or neither form of victimization."⁴

Yet, in 2022, the following proposed bills—SB 766, HB 988, HB 1126, and SB 20—directly targeted the safety of trans youth in schools. If those bills had passed, trans youth who are

² Kate Masters. "In 2020, the legislature passed a transgender students rights law. It largely hasn't been enforced." *Virginia Mercury*. October 29, 2021. <https://www.virginiamercury.com/2021/10/29/in-2020-th1>. In 2020, the legislature passed a transgender students rights law. It largely hasn't been enforced.e-legislature-passed-a-transgender-students-rights-law-it-largely-hasnt-been-enforced/

³ The Trevor Project. "2022 National Survey on LGBTQ Youth Mental Health." <https://www.thetrevorproject.org/survey-2022/>

⁴ Washick, B., Ridings, A., & Juste, T. (2022). *LGBTQ+ Data Inclusion: Advancing Intersectional Equity in K-12 Education Systems*. Washington, DC: GLSEN. Available at: <https://www.glsen.org/LGBTQ-data-inclusion>.

already marginalized in school would have found themselves at even greater risk for depression, anxiety, and, frankly, suicide.

Several legislators have expressed their opinions that such policies should be left up to individual school Boards. However, doing so would mean an inequitable treatment of students throughout the Commonwealth. We cannot allow some students to receive a quality education while not only holding others back but also by causing them real harm. Without much leverage to ensure the enactment of the proposed trans student policies, the Governor's word would go a long way to help sway School Boards reluctant to adopt them.

Furthermore, it is the *law*.

In Virginia specifically, according to GLSEN's 2019 School Climate report for LGBTQ students in Virginia, over half of Virginia's LGBTQ+ students report discriminatory practices at their school. MOST LGBTQ students in Virginia report experiencing some kind of "anti-LGBTQ victimization" at school and only 11% report a "comprehensive anti-bullying policy that included specific protections based on sexual orientation and gender identity/expression."⁵

We know that students are not able to do their best work at school when they are worried for their safety, or when they fear ridicule from peers or teachers and staff, or when they are depressed and anxious. When students feel as though they have to hide who they are, if they're convinced their identity must be kept a secret, if they are afraid of being targeted and bullied, they cannot focus on learning. Furthermore, as educators, it is our job to teach every child in our classrooms--not only the children who look like us or dress like us or believe what we believe.

In the VDOE May 2022 report "Our Commitment to Virginians,"⁶ and Governor Youngkin's May 19, 2022 release of the report, both documents emphasize "zero-tolerance for discrimination in education and beyond" and encourage "transparency and accountability so that each child is seen and receives what they need to succeed."⁷ We are in complete agreement with those ideals.

All students should receive what they need to succeed. As GLSEN states in its Virginia report card: "A school that is safer and more inclusive for a Black transgender girl is safer and more inclusive **for all young people**."⁸

Students cannot learn if they do not feel safe, validated, seen for who they are. GLSEN has identified four supports that, when in place, help students thrive in school. Those supports are: comprehensive policies, supportive educators, GSAs, and inclusive curriculum.⁹

⁵ GLSEN. (2021). *School Climate for LGBTQ Students in Virginia (State Snapshot)*. New York: GLSEN.

⁶ Virginia Department of Education, *Our Commitment to Virginians: High Expectations and Excellence for All Students*. May 2022. https://www.doe.virginia.gov/statistics_reports/our-commitment-to-virginians.pdf

⁷ Macauley Porter. Press Release. "Governor Youngkin Releases Education Report Finding Sliding Education Performance and Lowered Standards in Virginia" May 19, 2022.

<https://www.governor.virginia.gov/newsroom/news-releases/2022/may/name-933341-en.html>

⁸ GLSEN, *State Policy Score Card. Virginia*. PDF

⁹ GLSEN. *GLSEN'S Four Supports*. <https://www.glsen.org/activity/glsens-four-supports>

If the administration does, indeed, support “zero-tolerance for discrimination in education and beyond,” then it is crucial to also support trans student and anti-bullying policies that specifically mention LGBTQ+ students.

In addition, the VDOE report advocates “advanc[ing] parent and teacher empowerment to best serve students in partnership.”¹⁰ LGBTQ+ parents should have the same parental rights as other parents. These parents, too, are at risk of removing their children from Virginia public schools and homeschooling them, putting their children in private schools, or moving out of the Commonwealth.

B. Issue an Executive Order to prohibit divisive practices in K-12 schools that intentionally erase any grade-appropriate expression of sexuality and gender identity as well as literature and histories of the spectrum of gender history.

The VDOE’s May report outlined falling rates of literacy and reading proficiency.¹⁰ We know that students thrive when the curriculum provides both mirrors and windows, when students see themselves reflected in the books they read and the stories they hear AND when they learn about people different from themselves. Student interest and retention improve when students are engaged with the material they are learning. Students learn empathy when they read about people and experiences different from what they know. And yet The Richmond-Times Dispatch reports that “43 School Districts have removed books from their shelves in the past two years,”¹¹ many of them books dealing with LGBTQ+ identity, a story also reported by VPM.¹² The continued banning of these materials harms ALL students. LGBTQ+ students do not see themselves reflected in any of the materials they read at school, and non-LGBTQ+ students lose the opportunity to learn about someone different from themselves and to develop empathy.

C. Issue an Executive Order to prohibit employment retaliation against teachers, administrators or staff members for ensuring that the gender expressions and sexualities of all students, teachers, administrators, and staff members are treated with dignity and respect --supporting the Virginia Values Act signed into law in 2021.¹³

Just as students struggle in school if they feel as though they have to hide an integral part of themselves, imagine having to teach while doing the same. No one can teach effectively if they have to hide who they are or if they have to go through their work day feeling as though they need to keep a secret.

¹⁰ Virginia Department of Education. *Our Commitment to Virginians: High Expectations and Excellence for All Students*, May, 2022.

¹¹ Jessica Nocera and Sean McGoey. “23 VA school districts have taken books off shelves in past two years” *Richmond Times Dispatch*. May 7, 2022.

https://richmond.com/news/local/education/23-va-school-districts-have-taken-books-off-shelves-in-past-two-years/article_7ce0f31d-dbab-55f0-9576-cb4ae93e14eb.html

¹² Megan Pauley. “Virginia Schools Pull Books From Libraries.”

<https://vpm.org/news/articles/32092/virginia-schools-pull-books-from-libraries>

¹³ Nick Morrow. “Virginia Values Act Signed Into Law--Extending Long-delayed, Critical Protections to LGBTQ Virginians.” *Human Rights Campaign Fund*.

<https://www.hrc.org/news/virginia-values-act-signed-into-law-extends-protections-to-lgbtq-virginians>

We need to ensure that Virginia public schools are safe for ALL teachers, students, staff. When schools are safe for everyone, when the curriculum reflects all our stories, when everyone feels validated and included, then we all win. If our goal is the excellence of public schools, then we need to ensure that all students are being given the tools they need to succeed and all teachers are empowered to teach every student.

According to the global consulting firm Kearney, “If the global LGBTQ+ community were a country, it would be the fourth-largest economy in the world—an economy that insists on doing business on its own terms.”¹⁴ Let’s consider that statistic as we go forward with our plans for Virginia’s businesses and schools.¹⁵

Recommendation 2: Empower an Equitable and Diverse Workforce

Thanks to a strong workforce and one of the best education systems in the nation, Virginia once again rose to the top in 2021 and was named the best state for business.¹⁶ In order for the Commonwealth to have reached this recognition, it was scored on ten broad categories one of those being “*life, health, and inclusion*” replacing the broad category of Quality of Life. On this, Virginia ranked number 11 in the nation behind states like Vermont, Hawaii, and Maine which ranked 42nd, 49th, and 48th respectively overall. Unfortunately, in 2022 Virginia fell to third place, with a particularly sharp drop in the workforce category measuring the Commonwealth’s ability to attract skilled workers.¹⁷ An inclusive workforce that celebrates and encourages diversity is critical to ensure Virginia continues to be a top choice for companies that want to do business.

Leading companies say that choosing an environment that supports diversity for their work sites is key to giving them an edge in hiring and retaining top talent.¹⁸ The Virginia state government must be a model employer to bolster credibility when competing to attract those businesses to the Commonwealth. Unfortunately, LGBTQ+ state employees still lack basic benefits that would bring them to parity with their colleagues.

¹⁴ Corey Chafin. “Purchasing with pride what LGBTQ+ Consumers demand from retailers and brands” *Kearney.com* <https://www.kenarney.com/consumer-retail/article/-/insights/purchasing-with-pride-what-lgbtq-consumers-demand-from-retailers-and-brands>

¹⁵ For further information, see:

- Schneider, John and David Auten. “The \$1 Trillion Marketing Executives Are Ignoring” *Forbes.com*, 14 Aug 2018. <https://www.forbes.com/sites/debtfreeguys/2018/08/14/the-1-trillion-marketing-executives-are-ignoring/?sh=45bd43b8a97f>
- Wolny, Nick. “The LGBTQ+ Community Has \$3.7 Trillion In Purchasing Power; Here’s How We Want You to Sell to Us.” *Entrepreneur*. 10 June 2019. <https://www.entrepreneur.com/article/334983>
- *It’s Elementary!*, the 1996 documentary film, and *It’s Still Elementary!*, filmed ten years later.
- *Schools in Transition: A Guide to Supporting Transgender Students in K-12 Schools*

¹⁶ <https://www.cnbc.com/2021/07/13/americas-top-states-for-business.html>

¹⁷ https://richmond.com/news/state-and-regional/govt-and-politics/virginia-slips-from-first-to-third-among-cnbc-s-best-states-for-business/article_c22e5749-5e56-5e90-8db1-db7e392ed4b4.html

¹⁸ <https://www.hrc.org/resources/business-statement-on-anti-lgbtq-state-legislation>

- A. Direct the Secretaries of Education, Administration, and Labor and other related secretariats to include LGBTQ+ cultural competencies in training for state employees, teacher preparation and licensure, and other licensed professions.**
- a. Helps establish a relationship of trust, confidence, and viability between government agencies that provide critical resources to the community, but specifically LGBTQ+ communities in Virginia.
 - b. Decrease potential disparities in care or services.
 - c. Take lessons from LGBTQ+ cultural competency practices implemented in healthcare to discuss how this can be used with other practice areas. This is a good way to focus on trans and nonbinary folks.
- B. Direct the Secretary of Administration to conduct a review of the state employee benefits within the next year for equity, with particular attention to healthcare for transgender employees.**
- a. The family leave policy for state employees limit “family” to parent, child, and spouse,¹⁹ which is not reflective of the reality of what "family" means to many Virginians. This is even more true for LGBTQ+ Virginians due to how many members of the community unfortunately face rejection from members of their families of origin when they come out. The Administration should not tell state employees that they cannot care for their family members when they are sick as though they love them less for the lack of a particular relationship on paper. Instead, state employees should be allowed to designate the members of their household.
 - b. The state employee health care plans are also not up to snuff. Thankfully, language barring coverage for transition-related care was removed from state employee health plans in July 2017,²⁰ and in 2020 House Bill (H.B.) 1429 amended Va. Code § 38.2-3449.1 to prohibit discrimination in health insurance coverage on the basis of gender identity.²¹ ²² This protection come with the catch, however, of only covering medical procedures for transgender patients if the same procedure would be covered for a cisgender patient. Many procedures transgender patients elect to pursue have traditionally been classified as “cosmetic,” a category specified as **not** covered under any of the 2022 state employee health plans.²³ None of the plan summaries mention the plan’s coverage of transition-related care or recognize it as a category at all.²⁴ Transition-related care is not only life-saving essential medical

¹⁹ https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol4_20fmla.pdf?sfvrsn=66ada94d_2

²⁰ <https://www.dhrm.virginia.gov/docs/default-source/benefitsdocuments/ohb/handbooks/covacareamendment2017.pdf?sfvrsn=0>

²¹ <https://equalityvirginia.org/what-we-do/make-equality-real/trans-health-insurance-protections/>

²² <https://law.lis.virginia.gov/vacode/title38.2/chapter34/section38.2-3449.1/>

²³ <https://www.dhrm.virginia.gov/employeebenefits/health-benefits/summary-of-benefits>

²⁴ *ibid.*

care, but whether or not it's covered can be the decisive factor in LGBTQ+ job seekers choosing one job over another.²⁵ A review of the same section of the plan summaries also shows that fertility assistance, which is a necessary service for many LGBTQ+ parents, is also **not** covered in all plans but one, with the one exception indicating coverage may be subject to "limitations."²⁶ Additionally, there is no analogue to H.B. 1429 for sexual orientation.²⁷ All of this together leaves LGBTQ+ state employees without affirmative care that would support their holistic health.

C. Direct the Secretary of Administration to conduct a review of equity in state contracting.

- a. In 2021, the Virginia General Assembly passed, and then later signed by the Governor, HB1993 which "requires state agencies to establish and maintain a comprehensive diversity, equity, and inclusion strategic plan in coordination with the Governor's Director of Diversity, Equity, and Inclusion²⁸". This bill outlines the need for agencies of the Commonwealth to maintain clear records and methodology behind the promotion, rank, pay, and demographic information of State employees and to ensure that they are complying with § 2.2-2900 of Virginia Code also known as the "*Virginia Personnel Act*".
- b. The "Virginia Personnel Act" states that "No state agency, institution, board, bureau, commission, council, or instrumentality of the Commonwealth shall discriminate in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity, or military status" making it the law to ensure the equity is an instrumental part of the Commonwealths hiring practices.
- c. Virginia has led the way in ensuring that contracting and subcontracting practices are equitable especially when it comes to minority and women-owned businesses. Ensuring equity is part of who we are and the Secretary of Administration should establish the process within the next 6 months to conduct a comprehensive review of equity in state contracting with a particular lense LGBTQ+ inclusivity.

²⁵ Jessamyn Bowling, Aleta Baldwin & Phillip W. Schnarrs (2019) Influences of health care access on resilience building among transgender and gender non-binary individuals, *International Journal of Transgenderism*, 20:2-3, 205-217, DOI: 10.1080/15532739.2019.1595807

²⁶ <https://www.dhrm.virginia.gov/employeebenefits/health-benefits/summary-of-benefits>

²⁷ https://www.lgbtmap.org/equality-maps/profile_state/VA

²⁸ <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0168>

Health

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

In the midst of an ongoing pandemic and extended Public Health Emergency (PHE), it is essential that Virginians have access to affordable health services and comprehensive coverage. The past two years have seen significant progress in expanding Medicaid coverage in Virginia, from expanding coverage to adults 19-64 and introducing new benefits like dental and doulas.²⁹ Yet the challenge for so many people is accessing these new benefits, because of language barriers or accessibility issues like technology.

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

Significance. Virginia's new biennial budget³⁰, which went into effect on July 1, includes significant investments in public health.³¹ It is notable, however, that most of the funding for public health services comes from federal funds.³² VDH's budget has remained flat in the past two decades, and that presents challenges because federal public health funding is unpredictable and may not match local needs.³³ Since federal funding is often disease or program specific, it can lead to underinvestment in "cross-cutting public health needs" like maintenance and digitization.³⁴

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

²⁹ <https://www.dmas.virginia.gov/about-us/medicaid-expansion/>

³⁰ <https://budget.lis.virginia.gov/bill/2022/2/HB30/Chapter/>

³¹ <https://vpha.wildapricot.org/resources/Documents/Key%20Public%20Health%20Takeaways%20from%20Virginia%e2%80%99s%20New%20Budget.pdf>

³² <https://vpha.wildapricot.org/resources/Documents/Virginia's%20Public%20Health%20Landscape%20-%20A%20Call%20to%20Action.pdf>

³³ *ibid.*

³⁴ *ibid.*

It is also imperative to expand health services both through innovative solutions and through our existing programs like Medicaid. For example, the Virginia Department of Health currently offers free HIV testing home kits for Virginia residents.³⁵ While that is a great resource, the administration can go further by including this preventative tool, as well as other resources, in Medicaid.

Health coverage comes with various barriers, including language access and proximity to care. In 2019, roughly 485,270 Virginians (6% of total state population) identified as Limited English Proficient (LEP), which is a 14% increase from 2010 and is only expected to increase further.³⁶ Although the Virginia Department of Medical Assistance Services (DMAS) provides translation and language assistance upon request, it is not clear how beneficiaries would make that request when they are LEP.³⁷ In rural communities, there are less hospitals and providers which makes it harder for LGBTQ+ folks to get the care they need.

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

Innovation. One innovative way to address the access of care is to bring care to the people. There are already examples in Virginia. The Inova health care system recently launched the Pride clinic, its first primary care clinic devoted to the LGBTQIA+ community.³⁸ The clinic is located in Falls Church and is open to patients 12 years old and up, and “provides primary care, including preventive care and health screenings, as well as pre-exposure prophylaxis (PrEP) for HIV prevention and gender-affirming care, including counseling for youths and adults about health, gender identity and sexuality.”³⁹

Another way is to weave Community Health Workers, or CHWs, into the mix. CHWs are invaluable to advancing health equity in the communities they serve, whether it is through vaccine outreach or culturally competent health education. Currently, Virginia Medicaid does not reimburse CHW services.⁴⁰ Virginia can follow other state models like California, where the Department of Health Care Services (DHCS) added CHW services as a Medi-Cal benefit.⁴¹ The Virginia Department of Health, in collaboration with the Virginia Community Health Worker Advisory Group and the Virginia Community Health Worker Association, developed a Certified Community Health Worker

³⁵ <https://redcap.vdh.virginia.gov/redcap/surveys/?s=77W7DKHHKJ>

³⁶ <http://hamkaecenter.org/wp-content/uploads/sites/69/2021/12/Hamkae-Center-2021-Language-Access-Report.pdf>

³⁷ *ibid.*

³⁸ <https://www.washingtonpost.com/dc-md-va/2022/06/08/pride-clinic-inova-northern-virginia/>

³⁹ *ibid.*

⁴⁰ <https://www.nashp.org/state-community-health-worker-models/#:~:text=Virginia%20does%20not%20reimburse%20for%20CHW%20services%20through%20its%20Medicaid%20program.&text=Washington%20reimburses%20for%20CHW%20services,of%20Medicaid%20value%2Dbased%20payment.>

⁴¹ <https://www.dhcs.ca.gov/community-health-workers>

Credential.⁴² The Credential training program should provide LGBTQ+ specific training so that future CHWs are well-equipped to serve folks with intersectional identities. Under the VDH LiveWell brand, the Virginia Department of Health Office of Family Health Services (OFHS) should create a new LGBTQIA+ program that provides resources.⁴³

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

Recommendation 3: Bring Care to the People

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

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

Recommendation 4: Expand Healthcare Access

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

- A. Include CHW services as a Medicaid benefit.**
- B. For CHW training, ensure culturally competent LGBTQ+ training.**
- C. Provide vital documents in threshold languages and alternative formats.**
- D. Use inclusive language (gender-neutral).⁴⁴**

⁴² <https://www.vdh.virginia.gov/vdhlivewell/certified-community-health-worker-cchw/>

⁴³ <https://www.vdh.virginia.gov/vdhlivewell/vdh-livewell-brand/>

⁴⁴ For more detailed information, please see the committee's full Fall 2022 Report "Health Equity for LGBTQIA+ Virginians"

Housing & Infrastructure

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

Affordable Housing is critical to the prosperity of our Commonwealth at all levels: Economic Development requires housing for new jobs brought to the state; workforce housing is necessary to attract and retain first responders, public safety professionals, and teachers to all communities; and when low-income Virginians have quality, safe, affordable places to call home, they and their children are healthier, safer, and contribute greater to the communities in which they live and work. Reliable and safe infrastructure, of which housing is part, including transportation, broadband, and access to clean water and sanitary sewerage is vital to the success and stability of Virginia both now and for future generations. The following recommendations reflect this vision to enhance the lives of LGBTQ+ and all Virginians.

Recommendation 5: Increase Support for Affordable Housing at All Levels in All Regions of Virginia

In January 2022, Virginia Housing and the Department of Housing & Community Development (DHCD) published the “HB854 Statewide Housing Study,”⁴⁵ a year-plus effort of a 39-member stakeholder advisory group of housing experts from throughout Virginia in both the private and public sectors to identify and assess the needs around affordable housing in Virginia. The report found that approximately 30,000 new homes have been built in Virginia annually in recent years, which is only about half the rate of annual production in the mid-2000s. Despite this, the population continues to grow statewide, and many thousands more units are needed to meet demand. The result is an estimated 150,000-unit shortage of homes for households earning 50% or less of Area Median Income, and four in five renters in this income bracket are cost burdened, meaning greater than 30% of their income goes to housing costs. The need is great and growing: a lack of supply in both the rental and homeownership markets exacerbates the inability of low and moderate income Virginians to obtain safe, secure housing.

- A. Increase support for the Virginia Housing Trust Fund.
- B. Implement a state-funded rental assistance program.
- C. Bolster energy efficiency measures to ease utility costs.
- D. Reduce property taxes for affordable housing.

⁴⁵ <https://housingforwardva.org/focused-initiatives/hb854-statewide-housing-study/>

- E. Support an increase in Federal programs that bring affordable housing to Virginia, including the Low Income Housing Tax Credit and Housing Choice Vouchers.
- F. Actively work to couple economic development incentives with the creation of new housing units.

Recommendation 6: Increase Housing and Support Services for LGBTQ+ Virginians, Particularly Youth and Young Adults

Homelessness and housing instability are higher among LGBTQ+ Virginians than the greater population. Organizations such as the Shenandoah LGBTQ Center and others throughout the state have established a model of housing, peer-to-peer support, employment assistance, and other services to meet the needs of this population. A 2017 Chapin Hall at the University of Chicago study estimates that 1 in 10 young adults (18-25) endure some form of homelessness in a year, and LGBT youth had a 120% higher risk of becoming homeless.⁴⁶ In Richmond alone, the January 7, 2022 Point-in-Time (PIT) Count, a one-day count of sheltered and unsheltered persons in Richmond conducted by Homeward, found that 33% of homeless youth identified as LGBTQ+ and estimated this number to be higher than reported.⁴⁷

- A. Identify groups such as the Shenandoah LGBTQ Center and share best practices throughout the state with other LGBTQ-serving organizations.
- B. Increase funding and support for such organizations.
- C. Direct the Department of Housing and Community Development to collect data on LGBTQ youth and adult homelessness to more accurately assess and devise strategies to address these issues.

Recommendation 7: Increase Transportation Access for All Virginians, Particularly in Rural Areas

Lack of public transportation hinders the ability of low-income Virginians to access jobs and healthcare. While less problematic in Virginia's urban centers, access to affordable, reliable transportation in rural areas hinders Virginians from working to better their current economic situations.

- A. Direct the Department of Rail and Public Transportation to identify needs and opportunities for public transportation in rural areas.
- B. Provide funding for regular bus or other service in rural areas.
- C. Maintain and increase state support of improvements of public transportation in urban areas.

⁴⁶ <https://voicesofyouthcount.org/brief/national-estimates-of-youth-homelessness/>

⁴⁷ <https://www.homewardva.org/data>

Safety

The Safety Committee will examine the safety trends and concerns of LGBTQ+ Virginians, and promote a safer Commonwealth for all people to live, work, and visit freely. The Safety Committee will collaborate with the LGBTQ+ community, subject matter experts, and federal, state, and local public safety agencies to facilitate dialogue and recommend policies to Virginia's Executive Branch that will advance long-term mutual trust, understanding, and respect for and within the Commonwealth. This effort will be executed with an intentional and critical equity lens that emphasizes the impacts on the most marginalized intersections of identity within the larger LGBTQ+ community.

LGBTQ+ Virginians are unfortunately facing increasing threats to our safety. Both 2021 and 2022 have seen record numbers of bills introduced around the country, including in the Commonwealth, targeting our communities and our human rights. According to an analysis done in March 2022 by NBC News, the number of anti-LGBTQ bills jumped from 41 in 2018 to 191 in 2021, with 238 having already been filed for 2022 at the time of the report.⁴⁸ Unfortunately, the effects on our community have not been limited to words. Political rhetoric that falsely smears LGBTQ+ people, particularly transgender people, as dangerous has incited violent extremist groups, including militias and neo-nazis, to harass, vandalize, and threaten LGBTQ+ groups and events.^{49 50} The fact of these events ripples out to affect the lives of all LGBTQ+ Virginians, as we must take precautions to attempt to protect ourselves and our communities from violence and perhaps must make difficult decisions about where it is safe for us to go and whether we must hide ourselves if we do. Protecting LGBTQ+ people's physical safety, freedom of movement, and human rights requires support from political and government figures, and especially allyship from conservative leaders who reject that LGBTQ+ individuals' freedom should be threatened or abridged based on hatred and bigotry against who they are.

Recommendation 8: Show support for LGBTQ+ Virginians through Executive Action

- A. Issue an Executive order, proclamation, or public statement affirming the dignity of the LGBTQ+ community specifically.**
 - a. Lead by example. At our June Advisory Board meeting, Governor Youngkin said that hate speech and harassment is not who we are; it is important not just to condemn bad behavior, but model good behavior.
- B. Ensure staff such as Outreach Directors are named and available to communicate with the community.**

⁴⁸

<https://www.nbcnews.com/nbc-out/out-politics-and-policy/nearly-240-anti-lgbtq-bills-filed-2022-far-targeting-trans-people-rcna20418>

⁴⁹ <https://www.justsecurity.org/83597/violence-against-transgender-people-is-on-the-rise-stopping-it-requires-a-holistic-solution/>

⁵⁰ <https://www.washingtonpost.com/national-security/2022/06/17/lgbtq-pride-violence/>

- C. Ensure representation of LGBTQ+ individuals among gubernatorial appointments.
- D. Recognize LGBTQ+ events and commemorations such as Pride Month, LGBTQ History Month, Transgender Days of Visibility and of Remembrance, International Pronouns Day, Intersex Awareness Day, Asexual Awareness Week, Aromantic Spectrum Awareness Week, etc.

Recommendation 9: Eliminate Unnecessarily Gendered Language in Virginia’s systematic, service, and operational documents

- A. Review state government documents for gendered language that is not absolutely necessary (e.g., man/male, woman/female, mother/father, son/daughter, he/his, she/hers, chairman/woman, etc.) and replace with gender-neutral terminology (e.g., they/them, parent, child, chair, etc.).
 - a. Such phrasing definitionally excludes nonbinary people, making them feel like their government does not include them or even recognize their existence. It can prevent LGBTQ+ people from interacting with government agencies, especially in the area of health. Gendered language can exclude members of a population outreach is trying to target, such as aiming breast cancer awareness efforts only at women, and through correlations it can perpetuate assumptions of a male or heterosexual default. In the case that “both” gendered forms are printed instead of a single gender-neutral word, it also wastes space and ink.
 - b. Potential documents may include Budget language; Department of Human Resource Management (DHRM) state employee hiring directives and policy guidance; and Health, Human, and Social Services applications and documents; and others.

Recommendation 10: Support Removal of Obsolete Discriminatory Laws and Protection of Human Rights

- A. Marshall-Newman Amendment.
 - a. Section 15-A of Article I of the Constitution of Virginia⁵¹ banning same-sex marriage, known as the Marshall-Newman Amendment after the legislators who proposed it, remains as a blemish on our Bill of Rights despite being found unconstitutional in *Bostic v. Schaefer* (2014).⁵² This language should be amended to reflect the right to form personal relationships, especially through marriage, that

⁵¹ <https://law.lis.virginia.gov/constitutionfull/>

⁵² <https://www.metroweekly.com/2014/07/federal-appeals-court-rules-virginia-same-sex-marriage-ban-unconstitutional/>

are based on love, commitment, care, and mutual support regardless of the gender or sex of the individuals involved.

B. Equal Rights Amendment.

- a. The United States is one of only 28 countries that does not explicitly protect equal rights regardless of sex or gender, as opposed to 165 nations that do,⁵³ ⁵⁴ and the LGBTQ+ community is not exempt from the disparities this produces for women. A 2019 study by the UCLA School of Law's Williams Institute found that women of all sexual orientations were more likely to be in poverty than straight or gay cisgender men, with bisexual women faring worst among cisgender women.⁵⁵ Transgender people also were found to have a very high rate of poverty, 29.4%, compared to 21.6% for LGBT respondents overall and just 15.7% for cisgender straight respondents.⁵⁶ The Equal Rights Amendment (ERA) is a key step forward in addressing sex-based disparities. Following the U.S. Supreme Court decision in *Bostock v. Clayton County* (2020), sex-based discrimination includes discrimination based on sexual orientation or gender identity,⁵⁷ meaning that the ERA would also provide strong protections for LGBTQ+ people.
- b. According to a 2018 poll conducted by Christopher Newport University's Wason Center for Public Policy, 81% of Virginians are in favor of the Equal Rights Amendment.⁵⁸ In response to this overwhelming support across party affiliation and demographic groups, the General Assembly ratified the ERA in their 2020 session, making Virginia the 38th and final state needed for ratification.⁵⁹ While there are still legal questions that must be resolved about the status of the ERA, the Executive Branch should press for its publication to the utmost of its ability to protect the Commonwealth's sovereign right to contribute to the Constitution of the United States and to ensure the voices of Virginians are heard in the federal government.

⁵³ <https://www.cnn.com/2020/01/14/opinions/equal-rights-amendment-heyman-raub-sprague/index.html>

⁵⁴ <https://luskin.ucla.edu/u-s-lagging-on-constitutional-rights-study-finds>

⁵⁵ <https://williamsinstitute.law.ucla.edu/publications/lgbt-poverty-us/>

⁵⁶ *ibid.*

⁵⁷ <https://gender-sexuality.law.columbia.edu/content/equal-rights-amendment-and-lgbtq-rights-including-marriage-equality>

⁵⁸ <https://varatifyera.wordpress.com/polling-results/>

⁵⁹ <https://www.npr.org/2020/01/15/796754345/virginia-ratifies-the-equal-rights-amendment-decades-after-deadline>

