



PUBLIC JUSTICE
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WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

April 30, 2026

The Honorable Abigail Spanberger
PO Box 1475
Richmond, VA 23218

VIA Electronic and First-Class Mail

Re: SB229/HB449 - Class Actions and Violations of the Virginia Consumer Protection Act

Dear Governor Spanberger:

The undersigned public interest, civil rights, and consumer organizations urge you to sign SB229/HB449, authorizing Virginia consumers to band together and seek accountability in class actions when they are harmed. Upon your signature, Virginia finally will join almost every other state in securing this well-established procedural protection for its residents. This timely bill will help to provide Virginia's residents with improved access to remedies at a time of rising costs and racial discrimination amid failures in corporate accountability.

For too long, Virginia consumers cheated by unfair and deceptive businesses have been unable to join their claims together to seek redress under their state's law. The absence of class actions closed the courthouse doors to groups of consumers

who have suffered similar losses, such as from illegal fees and charges, that are not large enough (under \$5 million, collectively) to meet federal court requirements. Consequently, corporate bad actors have been able to avoid responsibility in Virginia due to this missing protection. Signing this bill, SB229/HB449, will finally ensure that wrongdoers will be held accountable when they harm groups of Virginians.

On the other hand, a veto would deprive renters, shoppers, and workers of an effective and efficient means to vindicate their rights when corporate bad actors engage in misconduct, including racial and other forms of discrimination against Virginians, charging them abusive junk fees that drive up the cost of living and contribute to the affordability crisis, and invading Virginians' privacy with wrongful collection and sale of their data.

This bill also modernizes the Virginia Consumer Protection Act (VCPA). The VCPA is Virginia's key protection for its residents against deceptive business practices. SB229/HB449 makes modest but important amendments clarifying that damages may be recovered for every violation of the statute and that consumers can stop deceptive practices without having to meet the hurdle of proving in each case that they relied on a misleading representation or omission. The bill brings the VCPA in line with federal and numerous other state consumer laws. The new provisions ensure that Virginians will have better access to enforce the VCPA's rights and protections.

We urge you to stand up for ordinary Virginians against predatory businesses by signing SB229/HB449 into law.

I. Class Actions are a Critical Legal Tool that Should be Available to Everyone

For decades, the class action device has proven to be one of the most effective tools to halt systemic and widespread misconduct, deter risky behavior, and compensate injured people. When a bad actor's behavior is so pervasive that it harms a group or groups of individuals, individual dispute resolution often is insufficient to enforce consumer protection laws for all persons affected by the misconduct. Frequently, renters, borrowers, and workers lack the resources to take their cases to court individually. Class actions overcome this barrier by aggregating similar claims for losses that cannot effectively be filed on an individual basis. Class actions

provide redress for the injured class members and accountability to the company that has wronged them. They provide access to remedies for low-income Virginians who are able to join together to seek injunctive or other equitable remedies, such as restitution.

Every other state, except Mississippi, recognizes that the class action device is an essential legal procedure and provides this mechanism in their laws or rules of court for individuals to band together in legal actions.¹ The federal government also recognized that class actions are a sound economic and judicial policy when it expanded federal courts' ability to hear class cases in 2005 through the Class Action Fairness Act (CAFA). However, federal courts are courts of limited jurisdiction and, unless a violation of federal law is at issue, only hear class action cases where the amount in controversy exceeds \$5 million and where there is diversity of state or national citizenship between a class member and a defendant.² CAFA's restrictions mean that bad actors can avoid accountability when they cause individual injuries that total less than \$5 million in collective harm, or when they violate only Virginians' rights. Signing SB229/HB449 into law would close this gap, providing access to justice for all Virginians.

Additionally, providing for class actions in Virginia state courts will also empower Virginians to fight back against local bad actors, like predatory landlords that take advantage of low-income renters and employers that discriminate against workers. Denying fair wages or livable housing based on race or other protected classifications violates Virginia law, yet many people, particularly low-income consumers, impacted by these injustices do not have the resources to navigate the legal and administrative hurdles they must overcome to bring a claim. Allowing these Virginians to band together in class actions will help to open a path for them to protect themselves from discrimination.

Considerable obstacles exist that block consumers from banding together to seek redress. Increasingly, corporations use their fine-print contracts to prohibit renters, subscribers, and workers from going to court or joining their claims in class

¹ See National Consumer Law Center, *Consumer Class Actions*, Appendix C (11th ed. 2024), *updated at* www.nclc.org/library.

² 28 U.S.C. § 1332(d)(2).

or collective actions. Instead, corporations require claims to be resolved in private, secret arbitration proceedings on an individual basis. This bill will provide a much-needed procedural avenue for Virginians to seek justice when possible.

Not only will class actions in Virginia state courts provide redress for injured Virginians, they will also protect Virginians in the future by changing corporate behavior and deterring harmful and unlawful conduct. Class actions magnify the impact of private enforcement and disincentivize abuse in a way that individual suits often do not.

II. Clarifying the VCPA Will Make it Consistent with Federal and Other States' Consumer Protection Laws

The VCPA broadly prohibits using deception in connection with a consumer transaction and also prohibits specific deceptive practices.³ The modern concept of deception, as shaped by federal court interpretations of the Federal Trade Commission Act, does not require that consumers prove that they relied on a particular deceptive statement in order to bring a claim.⁴ Instead, the FTC presumes reliance whenever a seller widely disseminates material misrepresentations and consumers purchased the product or service in question. SB229/HB449 would bring the VCPA into accord with federal and many other states' consumer protection laws by clarifying that consumers are not required to prove that they relied on a prohibited practice or representation to establish that they suffered a loss.

Additionally, SB229/HB449 would clarify that the VCPA's statutory damages of \$500, or \$1,000 for willful violations, are available for each time a bad actor breaks the law. This clarification is necessary to ensure that habitual offenders cannot treat VCPA violations as a cost of doing business. This is a commonsense measure that will deter deceptive conduct.

We urge you to sign SB229/HB449 to make these straightforward improvements to Virginia's state deception law.

³ Va. Code Ann. § 59.1-200.

⁴ National Consumer Law Center, *Unfair and Deceptive Acts and Practices* § 4.2.12.2 (11th ed. 2025), *updated at* www.nclc.org/library.

III. Conclusion

The undersigned national civil rights and consumer advocacy organizations urge you to sign SB229/HB449. This important legislation will equip Virginia's working families with the legal tools they need to protect themselves in an era of rising costs and corporate impunity.

Sincerely,

National Consumer Law Center

National Association of Consumer Advocates

Center for Responsible Lending

Consumer Action

Consumer Federation of America

Consumer Reports

Legal Defense Fund

National Consumers League

Public Citizen

Public Justice

Washington Lawyers' Committee for Civil Rights and Urban Affairs