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Periodic Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-35
Regulation title	Virginia Independence Program
Date this document prepared	April 17, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

TANF Temporary Assistance to Needy Families
VIEW Virginia Initiative for Employment Not Welfare
FEP Full Employment Program

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the authority and responsibility to promulgate regulations for the administration of social services in the Commonwealth

under Chapter 15 (63.2-1500 et seq.) of title 63.2 of the Code of Virginia. Sections 63.2-600 through 63.2-620 and 58.1-439.9 provide authority to administer the Virginia Independence Program.

The federal authority is Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended by the Deficit Reduction Act of 2005.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

There are no alternatives to achieving the purpose of this regulation. This regulation was promulgated in 1996 and amended in 2005 to do the following:

- Create a work program for abled bodied TANF participants.
- Promote school attendance and prevented truancy.
- Ensure the safety and welfare of minor parents and their children.
- Create the requirement to cooperate with state officials in identifying and locating absent parents of any child for whom TANF was requested.
- Place a cap on benefits for children born to a TANF family.
- Require current immunizations.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

There were no comments received during the public comment period that ended on November 5, 2018.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 14, as amended. The regulation is necessary for the protection of public health, safety, and welfare of the citizens of the Commonwealth who are eligible for temporary assistance for needy families. The regulation is short, clearly written, and easily understandable.

Decision

Please explain the basis for the rulemaking entity’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

While no public comments were received during the periodic review, the agency recommends that the regulation be amended in a separate, future action, based on review by agency staff.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is necessary to govern the Virginia Independence Program and protection of public welfare. No public complaints or comments were received. The regulation is concise and understandable. The regulation does not overlap or duplicate any other federal or state regulations. The regulation was last reviewed in 2013. There are no changes in technology or other factors that impact this regulation. The regulation has no impact on small businesses, as it does not include any language that prescribes limitations or requirements on small businesses.