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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-411
Regulation title(s)	General Relief Program
Action title	Amend the General Relief Program
Date this document prepared	December 13, 2017

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Subject matter and intent

Please describe briefly the subject matter, intent, and goals of the planned regulatory action.

General Relief is a program that provides assistance to certain children who are not eligible for other forms of assistance and is an optional program at the local level. More specifically, the program provides assistance to children not related to the adult with whom they reside, do not qualify for Temporary Assistance for Needy Families (TANF) and are not in foster care. The General Relief regulation provides minimal information regarding how income and resources are determined and the process of determining eligibility. The goal of the proposed action is to amend the General Relief regulation (22 VAC 40-411) by adding details regarding the eligibility determination process, the amount of assistance provided, and timeframes for which assistance can be provided. Other changes may be necessary, based on public comments received.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should 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's overall regulatory authority.

Pursuant to § 63.2-217 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. The Code of Virginia, § 63.2-802, provides for the establishment of a General Relief program.

Purpose

Please describe the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, please explain any potential issues that may need to be addressed as the regulation is developed.

The General Relief Program is essential to protecting the welfare of the enrolled children, who are not otherwise eligible for other forms of assistance. This regulatory action, by adding details regarding the eligibility determination process, the amount of assistance provided, and timeframes for which assistance can be provided, will assist in enhancing administration of the program.

Substance

Please briefly identify and explain the new substantive provisions that are being considered, the substantive changes to existing sections that are being considered, or both.

Currently the section of the regulation regarding assistance for unattached children, 22VAC40-411-70, provides guidelines for the amount of assistance that can be received and the timeframes for which assistance can be received. A local department of social services electing to provide General Relief will specify the amount of assistance that can be received by an assistance unit within a 12-consecutive month timeframe. To allow flexibility, the regulation will be amended to eliminate the option of four prescribed plans. Needy children under 18, who would be eligible for TANF except for the relationship requirement, may be eligible for this component. The income and resources of the child will be taken into consideration when determining the need and maximum reimbursable standard of assistance. All factors of eligibility must be redetermined at least every 12 months. Payments will continue as long as all eligibility criteria are met until the local board opts to no longer administer the program.

Currently the section regarding the entitlement date, 22VAC40-411-120, provides eligibility guidelines for General Relief. The regulation will be amended to provide clarity to this section by adding specific details regarding the application process. Action is to be taken on every application for General Relief within 30 days following the date the application was filed, but at no time should the application remain pending beyond 60 days. Each applicant must be notified in writing when action is taken to approve or deny the application.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

This particular regulation change is an effort to provide clarification to the General Relief Program regarding the application and eligibility determination process. This action will foster clarity and continuity, and is the least alternative approach.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments. Please include one of the following choices: 1) a panel will be appointed and the agency’s contact if you’re interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

The agency is seeking comments on this regulatory action, including but not limited to: ideas to be considered in the development of this proposal, the costs and benefits of the alternatives stated in this background document or other alternatives, and the potential impacts of the regulation.

The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: projected reporting, recordkeeping, and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Monique Majeus, 801 E. Main Street, Richmond, VA 23219, 804-726-7459, FAX 804-726-7357, or Monique.majeus@dss.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

A public hearing will not be held following the publication of the proposed stage of this regulatory action.

Periodic review and small business impact review report of findings

If this NOIRA is the result of a periodic review/small business impact review, use this NOIRA to report the agency’s findings. Please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review and (2) indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable. In addition, as required by 2.2-4007.1 E and F, please 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.

No comments were received during the periodic review. The regulation was last amended in July 2013, when certain components of the program were eliminated. Upon review, it was determined that this regulation remains necessary to protect the welfare of citizens that are in need of General Relief assistance. However, the regulation omits critical information in the eligibility determination process and, therefore, it is necessary to amend the regulation. As this is a state and local program, there are no overarching federal regulations.