



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*  
*Richmond 23219*

**Jerry W. Kilgore**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

**MEMORANDUM**

TO: L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

FROM: USHA KODURU  
Assistant Attorney General

DATE: November 22, 2004

SUBJECT: Proposed Regulation to Set Criteria for the Designation of a New Community Action Agency

I have reviewed the attached proposed regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state and federal law.

It appears that the State Board has the authority to promulgate the proposed regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002) and 58 (1999), and has not exceeded that authority. The authority for these regulations is found in Virginia Code § 63.2-217; § 2.2-5402, which allows the State Board to promulgate regulations to carry out the provisions of Title 63.2, including the administration of the Community Action Act. These amendments are in compliance with federal law, 42 U.S.C.A. § 9909, which describes the process for designating a new community action agency or expanding the service area of an existing agency.

The proposed regulations will provide guidelines for designating a new community action agency or expanding the service area of an existing agency to assist low-income individuals and families in areas that are not currently served by such agencies.

L. Richard Martin  
November 22, 2004  
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If you have any questions, please contact me at 225-2741.

Attachment

cc: Kim F. Piner