



COMMONWEALTH of VIRGINIA
Office of the Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

Mark R. Herring
Attorney General

TO: **KARIN CLARK**
Virginia Department of Social Services

FROM: **MICHELLE A. L'HOMMEDIU** 
Assistant Attorney General

DATE: **July 27, 2015**

SUBJECT: **Periodic Review of Regulations for Community Services Block Grant Program; 22VAC40-901 et seq.**

I have reviewed the above-referenced regulations, which are undergoing a periodic review, to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the specified regulations and whether the specified regulations comport with applicable state law. As a result of the periodic review, the Department of Social Services intends to keep the regulations without modification.

Virginia Code § 2.2-5400 *et seq.* sets forth the Virginia Community Action Act. The Department of Social Services is the designated agency to administer the Community Action Act. *See* Va. Code § 2.2-5401 and the Virginia Community Services Block Grant State Plan. Virginia Code § 2.2-5408 authorizes the designated agency (DSS) to promulgate regulations to administer the Community Action Act. Pursuant to Virginia Code § 63.2-217, the State Board is the entity authorized to promulgate regulations for DSS. Consequently, it is my opinion that the State Board has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 17 (2014), and has not exceeded that authority.

If you have any questions or need additional information about these regulations, please contact me at 786-6005.

cc: Kim F. Piner, Esq.