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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-411
VAC Chapter title(s)	General Relief Program
Date this document prepared	April 19, 2023

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

Code—Code of Virginia
Board—State Board of Social Services
LDSS—local department(s) of social services

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 63.2-217 of the Code of Virginia (Code) provides the authority for the State Board of Social Services (Board) to adopt regulations necessary for the operation of all assistance programs under Title 63.2. Virginia Code § 63.2-802, provides for the establishment of a General Relief program.

Alternatives to Regulation

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 other viable alternatives for achieving the purpose of this regulation. As a result of the periodic 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 making it necessary to amend the regulation. This regulation and all necessary amendments are the least burdensome alternative for achieving its purpose.

Public Comment

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

No comments were received during the public comment period, which ended on January 9, 2023. No advisory group was formed to assist in the review.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation governs the administration of General Relief assistance. This authority is essential in order to protect public health, safety and welfare. Amendments are needed to ensure that the regulation clearly articulates application and eligibility for those who seek the assistance.

Decision

Explain the basis for the promulgating agency’s decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

This regulation should be amended. It was determined that the regulation omits critical information for the General Relief program, including necessary information on the application process, the determination of eligibility, the amount of benefits, and the appeal process.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

This regulation is necessary because it governs the administration of General Relief assistance. There were no complaints and no comments received from the public concerning this regulation. This regulation does not conflict with federal or state law or regulations and there are no requirements that exceed applicable federal requirements, as General Relief assistance is a state and local program. This regulation was last amended in 2013. The regulation was reviewed as part of a periodic review in 2018 and amendments were necessary, but the regulatory action was withdrawn in 2022. There are no impacts on small businesses, as it does not include any language that prescribes limitations or requirements on small businesses.