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## Periodic Review and Small Business Impact Review Report of Findings

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	22VAC40-35
<b>VAC Chapter title(s)</b>	Virginia Independence Program
<b>Date this document prepared</b>	August 16, 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  
FEP - Full Employment Program  
TANF - Temporary Assistance for Needy Families  
VIEW - Virginia Initiative for Education and Work

## 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 to carry out the purpose of Title 63.2, including the operation of assistance programs in Virginia. Title 63.2, Chapter 6 of the Code provides the Board the authority to administer the Virginia Independence Program. Additionally, the Board has the authority to administer the program pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, as amended by the Deficit Reduction Act of 2005.

### 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 alternatives to achieving the purpose of this regulation. This regulation was promulgated in 1996 and amended as recently as 2020 to do the following:

- Create a work program for abled bodied Temporary Assistance for Needy Families (TANF) participants.
- Promote school attendance and prevent 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.
- Require current immunizations.

### 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.*

There were no comments received during the public comment period that ended on June 12, 2023.

### 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.*

The regulation meets the criteria set out in the ORM procedures and is necessary for the protection of public health, safety, and welfare because it provides the framework for public assistance for the citizens of the Commonwealth who are eligible for TANF. The regulation is clearly written and easily understandable.

### 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.*

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Despite the fact that there were no comments received during the public comment period, the agency is recommending that the regulation be amended based on a thorough review of the regulation.

House Bill (HB) 2035 from the 2021 Session of the Virginia General Assembly amended the amount of the subsidy in the Full Employment Program (FEP). The subsidy amount must be amended in Section 100 of this regulation.

HB 484 from the 2022 Session of the Virginia General Assembly added an additional exemption from participation in the Virginia Initiative for Education and Work (VIEW) program. This new exemption must be added to Section 80 of this regulation.

### **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.*

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The regulation is necessary to govern the Virginia Independence Program and protect the health, safety and welfare of the public. No public complaints or comments have been received about this regulation. The regulation is concise and understandable. The regulation does not overlap or duplicate any other federal or state laws or regulations. The regulation was last reviewed in 2018 and subsequently amended in 2020. There are no changes in technology or other factors since that time 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.

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