



townhall.virginia.gov

Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22 VAC 40 - 411
Regulation title(s)	General Relief Program
Action title	Amend the General Relief Program
Date this document prepared	

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Brief Summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The General Relief program is an optional program that, until 2011 legislative action, provided assistance to individuals who were not eligible for other forms of assistance at the local level and included various components. The General Relief program is still an optional program, but is restricted to assistance for unattached children (children living with unrelated adults). The proposed regulatory changes remove references to program components no longer offered; aligns the amount of assistance that can be received with TANF guidelines; clarifies the application process; adds definition of "Assistance Unit," and adds eligibility criteria.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

GR - General Relief

TANF – Temporary Assistance for Needy Families

Mandate and Impetus

Please identify the mandate for this regulatory change, and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, petition for rulemaking, periodic review, board decision, etc.). For purposes of executive branch review, "mandate" has the same meaning as defined in Executive Order 14 (as amended, July 16, 2018), "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The regulatory changes are a result of a periodic review.

Legal Basis

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

Section 63.2-802 of the Code of Virginia grants authority to the State Board of Social Services to promulgate rules and regulations to operate assistance programs in Virginia. Section 63.2-217 authorizes the State Board of Social Services to adopt regulations necessary to carry out Title 63.2.

Purpose

Please explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety or welfare of citizens, and (3) the goals of the regulatory change and the problems it's intended to solve.

The proposed regulatory changes update and clarify the regulation by removing references to program components no longer offered; aligning the amount of assistance that can be received with TANF guidelines; clarifying the application process; adding a definition of "Assistance Unit" and adding eligibility criteria. The regulation serves as a framework for this optional program and the proposed changes will provide clarity for local departments that choose to operate the program. General Relief provides assistance to children in need and can be essential to their welfare.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

Changes to existing sections:

20: This section requires that agencies submit a plan that outlines the components of their General Relief Plan. Reference to components are being removed, as General Relief assistance is only available to

children less than 18 years of age whom do not meet the relationship requirement for TANF, also referred to as the unattached child.

70: The amount of General Relief assistance that could be received in a 12-month period has been redefined. The current regulation is based on old AFDC guidelines. The intent of this change is to align the regulation with current TANF guidelines, as the amount of assistance that could be received in a 12-month consecutive period cannot exceed the amount of assistance that would be received for TANF.

120: Entitlement will begin the first day of the application month, provided all eligibility conditions are met at that time. The intent of this change is to make the regulation clear regarding the processing of General Relief applications.

New Sections

31: The definition of an Assistance Unit has been added for clarity. Currently, no information is available regarding the composition of an assistance unit for the General Relief Unattached Child program. The intent of this addition is to provide clarity and consistency regarding application processing. .

40: Income eligibility criteria has been added for clarity. Currently, no information is available regarding Income Eligibility criteria for the General Relief Unattached Child program.

Issues

Please identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

The primary advantage to the public is a better understanding of the program requirements. The primary advantage to local departments is an updated regulation that reflects the current program parameters. There are no disadvantages to the public.

Requirements More Restrictive than Federal

Please identify and describe any requirement of the regulatory change which is more restrictive than applicable federal requirements. Include a specific citation for each applicable federal requirement, and a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements, or no requirements that exceed applicable federal requirements, include a specific statement to that effect.

There are no federal requirements for operating a General Relief program.

Agencies, Localities, and Other Entities Particularly Affected

Please identify any other state agencies, localities, or other entities particularly affected by the regulatory change. "Particularly affected" are those that are likely to bear any identified disproportionate material impact which would not be experienced by other agencies, localities, or entities. "Locality" can refer to either local governments or the locations in the Commonwealth where the activities relevant to the regulation or regulatory change are most likely to occur. If no agency, locality, or entity is particularly affected, include a specific statement to that effect.

Other State Agencies Particularly Affected

The regulatory changes do not affect other State agencies.

Localities Particularly Affected

The regulatory changes affect the following localities: Albemarle County, Augusta County, Campbell County, Chesterfield County, Fairfax County, Fauquier County, Fluvanna County, Henrico County, Isle Of Wight County, James City County, King and Queen County, King William County, Sussex County, York County, Alexandria, Charlottesville, Colonial Heights, Hampton Newport News, Norfolk, Portsmouth, Richmond, Staunton, Virginia Beach and Waynesboro.

Other Entities Particularly Affected

The regulatory changes do not affect other entities.

Economic Impact

Pursuant to § 2.2-4007.04 of the Code of Virginia, please identify all specific economic impacts (costs and/or benefits), anticipated to result from the regulatory change. When describing a particular economic impact, specify which new requirement or change in requirement creates the anticipated economic impact. Please keep in mind that this is change versus the status quo.

Impact on State Agencies

<i>For your agency:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including: a) fund source / fund detail; b) delineation of one-time versus on-going expenditures; and c) whether any costs or revenue loss can be absorbed within existing resources	No impact.
<i>For other state agencies:</i> projected costs, savings, fees or revenues resulting from the regulatory change, including a delineation of one-time versus on-going expenditures.	No impact.
<i>For all agencies:</i> Benefits the regulatory change is designed to produce.	A regulation that is updated to reflect the current program parameters.

Impact on Localities

Projected costs, savings, fees or revenues resulting from the regulatory change.	There are no additional costs, fees or revenues expected as a result of the proposed amended regulations. The General Relief program is financed through the state (62.5%) and local (37.5%) funding. Assistance for unattached children has assisted caretakers in securing financial help for children that may otherwise not be eligible for other state, local or federal programs. Savings may be achieved, as General Relief provides financial assistance for children that may otherwise be placed in Foster Care.
Benefits the regulatory change is designed to produce.	A regulation that is updated to reflect the current program parameters.

Impact on Other Entities

Description of the individuals, businesses, or other entities likely to be affected by the regulatory change. If no other entities will be affected, include a specific statement to that effect.	No impact.
Agency's best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	No impact.
All projected costs for affected individuals, businesses, or other entities resulting from the regulatory change. Please be specific and include all costs including, but not limited to: a) projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the regulatory change; c) fees; d) purchases of equipment or services; and e) time required to comply with the requirements.	No impact.
Benefits the regulatory change is designed to produce.	No impact.

Alternatives

Please describe any viable alternatives to the regulatory change that were considered, and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the regulatory change. 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 regulatory change.

An alternative would be to rely on updated guidance rather than regulation. However, the regulation is necessary in order to assist in ensuring the proper oversight of the General Relief Assistance program in the Commonwealth. No comments were received on the NOIRA and the agency believes the proposed regulation is the least intrusive and costly alternative.

Regulatory Flexibility Analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) establishing less stringent compliance or reporting requirements; 2) establishing less stringent schedules or deadlines for compliance or reporting requirements; 3) consolidation or simplification of compliance or reporting requirements; 4) establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the regulatory change.

There is no impact on small businesses. There are no other alternative regulatory methods that will accomplish the objectives of the programs.

Public Comment

Please summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. If no comment was received, enter a specific statement to that effect.

No comments were received.

Public Participation

Please include a statement that in addition to any other comments on the regulatory change, the agency is seeking comments on the costs and benefits of the regulatory change and the impacts of the regulated community. Also, indicate whether a public hearing will be held to receive comments.

In addition to any other comments, the State Board of Social Services is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the Board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: 1) projected reporting, recordkeeping and other administrative costs; 2)

probable effect of the regulation on affected small businesses; and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so through the Public Comment Forums feature of the Virginia Regulatory Town Hall web site at: <https://townhall.virginia.gov>. Written comments must include the name and address of the commenter. Comments may also be submitted by mail, email or fax to Monique Majeus, Department of Social Services, 801 E. Main Street, Richmond VA 23219, 804-726-7459, fax 804-726-7357, or Monique.majeus@dss.virginia.gov. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

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

Detail of Changes

Please list all regulatory changes and the consequences of the changes. Explain the new requirements and what they mean rather than merely quoting the text of the regulation.

If the regulatory change will be a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory change. Delete inapplicable tables.

If the regulatory change is intended to replace an emergency regulation, please follow the instructions in the text following the three chart templates below. Please include citations to the specific section(s) of the regulation that are changing.

For changes to existing regulation(s), please use the following chart:

Current section number	New section number, if applicable	Current requirement	Change, intent, rationale, and likely impact of new requirements
20		The current section specifies the types of assistance that can be provided and requires localities to identify the specific components offered in their General Relief Plan.	References to components were removed. The General Relief program only provides assistance for unattached children not residing with relatives. Over 10 years ago, the program eliminated assistance for other components such as help with prescriptions, and burial and utility expenses. The intent of this change is to make the regulation clear regarding whom the agencies can serve using General Relief funds. The impact should be minimal, given that local departments already only serve the intended individuals.
	31	N/A	The definition of an Assistance Unit has been added. Currently, no information is available regarding the composition of an assistance unit for the General Relief Unattached Child program. The intent of this addition is to provide clarity and consistency for local

			departments and families caring for unattached children who participate in General Relief.
	41	N/A	Income eligibility criteria has been added for clarity purposes. Currently, no information is available regarding Income Eligibility criteria for the General Relief Unattached Child program. The intent of this addition is to provide clarity and consistency regarding the processing of General Relief Unattached Child applications. The only impact is clearly defined guidelines.
70		The current regulation outlines the amount of General Relief assistance that could be received in a 12-month consecutive period.	The amount of General Relief assistance that could be received in a 12-month period has been redefined. The current regulation is based on old AFDC guidelines. The intent of this change is to align the regulation with current TANF guidelines, as the amount of assistance that could be received in a 12-month consecutive period cannot exceed the amount of assistance that would be received for TANF. The only impacts are clarity and consistency regarding the amount of assistance that could be received.
120		The current regulation outlines the actions to be taken when processing applications.	Entitlement will begin the first day of the application month provided all eligibility conditions are met at that time. The intent of this change is to make the regulation clear regarding the processing of General Relief applications. The only impacts are clarity and consistency regarding application processing.