



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-35
VAC Chapter title(s)	Virginia Independence Program
Action title	Remove TANF Family Cap Provision
Final agency action date	8/19/2020
Date this document prepared	8/19/2020

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

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 purpose of this action is to amend 22VAC40-35-40, Diversionary Assistance Program Eligibility Criteria, and 22VAC40-70, Limitation on AFDC Benefits. Chapter 1159 of the 2020 Acts of Assembly repealed the prohibition on increasing the amount of Temporary Assistance for Needy Families (TANF) that a family receives upon the birth of a child during the period of TANF eligibility, or during the period in which the family or adult recipient is ineligible for TANF pursuant to a penalty for failure to comply with benefit eligibility or child support requirements.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or

board decision). "Mandate" is defined as "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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

Chapter 550 (HB690) of the 2020 Acts of Assembly amended § 63.2-609 and 63.2-1908 to eliminate the family cap provision of TANF. Regulatory changes are needed to conform to the legislation.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Board of Social Services acted to amend 22VAC40-35, Virginia Independence Program, on 8/19/2020.