



townhall.virginia.gov

Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-293
VAC Chapter title(s)	Locality Groupings
Date this document prepared	October 30, 2024

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.

TANF – Temporary Assistance for Needy Families

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.

Pursuant to § 63.2-217 of the Code of Virginia, the State Board of Social Services has authority to

promulgate rules and regulations necessary for operation of all assistance programs. The federal authority is the Personal Responsibility and Work Opportunity Reconciliation Act 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.

Temporary Assistance for Needy Families (TANF) payment levels are determined by the income of the family, the size of the family, and the residence of the recipient. Localities are divided into two payment groupings and this regulation provides a method for changing the locality grouping, and therefore the TANF payment level, of a locality. Other methods of changing locality groupings were examined. However, the current method was chosen because it relies on available data that is updated annually and is locality specific.

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.

Commenter	Comment	Agency response
	No comments were received.	

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 is clearly written and easily understandable. The TANF Program and regulation are essential to protecting the welfare of vulnerable citizens. The regulation is necessary as it provides a mechanism for a locality to switch grouping when there is evidence to support that need. This regulation will protect families by allowing them access to greater resources in certain situations. This regulation establishes criteria using data that is easily obtainable and readily available. This results in a system that is more equitable to families across the Commonwealth.

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 continues to be necessary and should stay in effect without change. Without it there would be no means of reviewing or changing the TANF payment level for a specific locality. Since this regulation has been in effect, twelve localities have switched to higher paying locality groupings, directly benefitting the citizens of those areas.

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.

The regulation needs to be retained because it provides a mechanism for a locality to switch grouping when there is evidence to support that need. No comments have been received in the past concerning this regulation. This regulation is clearly written and easily understandable. This regulation does not overlap, duplicate, or conflict with any federal or state law or regulation. While economic conditions as well as local cost of living standards continue to change, this regulation provides a means for a locality to change locality groupings as a result of such changes. This regulation was last reviewed in 2020. It has no impact on small businesses.