



Virginia
Regulatory
Town Hall

townhall.state.va.us

Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40 -901
Regulation title	Community Services Block Grant Program
Action title	Criteria for the designation of a new community action agency
Document preparation date	June 16, 2004

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this regulatory action is to provide guidelines for the Virginia Department of Social Services (VDSS) to use in evaluating organizations for designation as a community action agency. The guidelines will be used by the VDSS in making its recommendations to the Governor for designation and funding of new community action agencies.

Most of Virginia's community action agencies have been in existence since the late 1960s and were "grandfathered" in when their funding was block granted to the states in 1982. The current network consists of 26 local community action agencies and three statewide community action organizations. Virginia is one of only a few states without statewide coverage. Currently there are 43 jurisdictions in Virginia that are not served by a community action agency. Interest has been expressed by individuals and groups from a few unserved localities, in finding an organization to be designated as a community action agency. This regulation is intended to provide guidance to ensure that the process used in the designation of any additional community action agencies in Virginia is consistent with federal and state requirements, takes advantage of the experience and lessons learned over the past twenty years, mitigates the impact on existing services to low-income communities, and supports the goals of the Community Services Block Grant Act. Those goals include: reducing poverty, revitalizing low-income communities and empowering low-income families to become fully self-sufficient.

Legal basis

Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Legal Authority for promulgation of this regulation is in §§ 63.2 – 217 and 2.2 – 5402 of the Code of Virginia.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

One or more new sections will be added to 20 VAC40-901 to provide a list of criteria the VDSS will consider in making recommendations to the Governor for the designation of a new community action agency in an unserved area. These criteria may include a minimum service area or low-income population, demonstrated success in human service and poverty programs, evidence of collaborative partnerships and other criteria to be determined.

In addition, the regulation will detail the requirements in state and federal law related to the designation of community action agencies including the federal preferences for types of entities considered.

This regulation is essential to protect the health, safety and welfare of citizens in that the designation of new community action agencies in areas currently unserved by community action impacts the funding of these programs across the Commonwealth and so indirectly impacts services to low-income families. It is important to have a well thought-out process for expanding the community action network statewide that will provide services based on local needs and ensure compliance with federal and state requirements.

Lack of new funding for potential expansion of community action throughout the Commonwealth will be an issue of concern to existing and potential community action agencies. These funding issues exist on the federal, state and local levels.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.

An alternative to this regulatory action would be to amend the Community Action Act in the Code of Virginia. This will be considered during the development of the regulation; however, it is unlikely that legislation will be pursued as regulations can provide a level of detail and flexibility inappropriate for statute. VDSS will be working with representatives from the community action network and other potentially impacted organizations or groups in the development of this regulation.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

This proposed regulatory action would not have a direct impact on the institution of the family or family stability. It deals with the criteria to be used in recommendations for designation of an organization as a community action agency in an area unserved by community action. Designating new community action agencies would expand the community action network and result in the redistribution of funding. Although this could cause a reduction of services provided by existing community action agencies, this reduction should be offset by the potential for new and increased services to low-income families provided by the new agencies. This regulation would not have a negative impact on the provision of services by other human service organizations.