



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-330
<b>Regulation title</b>	Collection of Overpayments in the Refugee Other Assistance Program
<b>Action title</b>	Repeal obsolete overpayments regulation
<b>Document preparation date</b>	October 19, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

The action repeals 22 VAC 40-330, a regulation pertaining to a program that no longer exists under federal law.

### Legal basis

The Virginia Refugee Resettlement Program operates under (1) federal law created by Section 414 of the 1980 Immigration and Naturalization Act and subsequent amendments; (2) rules established by the Code of Federal Regulations, Part 400; and (3) a federally approved Refugee Resettlement State Plan. There are no state laws specifically governing the Virginia Refugee Resettlement Program.

The Governor designated the Virginia Department of Social Services to administer the Virginia Refugee Resettlement Program. The State Board of Social Services is authorized to promulgate this regulation under § 63.2-217 of the Code of Virginia.

### Substance

In 2004, the rules for the collection of overpayments were made part of a comprehensive TANF regulation, 22 VAC 40-295. At the same time, 22 VAC 40-330 was amended to remove references to Aid to Families with Dependent Children (AFDC) because the contents of this regulation were incorporated into the new TANF regulation. When references to AFDC were removed from 22 VAC 40-330, what remained was a rule regarding the collection of overpayments for participants in the Refugee Other

Assistance Program. The Refugee Other Assistance Program no longer exists. It was withdrawn from federal regulations in 1996.

### Alternatives

There are no alternatives to repealing this regulation. The regulation relates to a program no longer in existence.

### Family impact

There is no family impact. There are no clients served under the Refugee Other Assistance Program because the program no longer exists.