



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-630
Regulation title	General Relief Disability Advocacy Project
Action title	Repeal General Relief Disability Advocacy Project
Date this document prepared	April 16, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

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.

General Relief is a program that provides assistance to individuals that are not eligible for other forms of assistance. General Relief is an optional program at the local level. The regulation offers or refers the recipients to advocacy providers for legal representation during the appeal process, providing information on how the appeal would affect their general relief benefits. The agency will advise the recipient that they have five days from the receipt of a letter from the agency to contact the agency requesting advocacy services.

Legal basis

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

Pursuit to § 63.2-217 the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of all assistance programs. Section § 63.2-802 of the Code of Virginia provides for the establishment of a General Relief program.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

General Relief provides assistance to vulnerable populations that cannot receive assistance in other programs. Some of the populations targeted by the General Relief program include children living with unrelated adults and single disabled adults. Providing a basic level of subsistence is important for the health, safety, and welfare of disadvantaged individuals in the Commonwealth.

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.

This regulation will be repealed. A new comprehensive General Relief regulation will be established. Any necessary language from this regulation will be included in the new comprehensive regulation.

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. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

Consideration was given to continuing the current regulatory structure of the General Relief program. In the past, separate regulations were established for each issue of the General Relief program. This creates difficulties for the management of the program, as the regulations are disjointed. It also makes access more difficult for the general public because multiple regulations have to be accessed to obtain an understanding of the General Relief program. This approach was rejected in favor of establishing a comprehensive General Relief regulation.

Family impact

The General Relief program provides assistance for vulnerable individuals and increases income to individuals and provides needed support. The General Relief program has no impact on the rights of parents. There is no family impact.

Periodic review

No public comment was received during the periodic review comment period from September 3 to September 24, 2007.

Regulatory Review

A comprehensive new General Relief regulation will be established. Separate regulations currently govern each issue of the General Relief program. This creates difficulties for the management of the program, as the regulations are disjointed. It also makes access more difficult for the general public because multiple regulations have to be accessed to obtain an understanding of the General Relief program. The repeal of this regulation and the establishment of the new regulation 22VAC40-411, General Relief Program, will enhance the regulatory process and the General Relief program.