

Regulatory Review Checklist

Agency Department of Social Services

Regulation title 22 VAC 40-560-10 et seq.
Monthly Reporting in the Food Stamp Program

Purpose of the regulation To define which households receiving food stamp benefits must file monthly report forms as a condition of continued eligibility for food stamp benefits.

Summary of items attached:

Item 1: An explanation of the specific reason for the proposed regulation.

Monthly reporting was a federal requirement imposed on states by the Omnibus Budget Reconciliation Act of 1981 that required applicants and recipients of the Aid to Families with Dependent Children (AFDC) and Food Stamp Programs submit a monthly report of household circumstances. Recognizing the enormous workload imposed by this requirement on states and the poor results of the requirement in reducing errors, the federal mandate that clients report monthly was lifted by the Omnibus Budget Reconciliation Act of 1990, making monthly reporting optional to all states. In January 1991, the State Board of Social Services eliminated the monthly reporting requirement in the Food Stamp Program for all cases except those required to report month for the AFDC Program. Subsequently, in February 1991, the State Board of Social Services eliminated monthly reporting in the AFDC Program, thereby, effectively eliminating monthly reporting in the Food Stamp Program. The State Board of Social Services formally eliminated the monthly reporting requirement in the Food Stamp Program at its August 1996 meeting.

Item 2: A statement identifying the source of the agency legal authority to promulgate the contemplated regulations and a statement as to whether the contemplated regulation is mandated by state law or federal law or regulation, and, if mandated in whole or in part, a succinct statement of the source (including legal citation) and scope of the mandate.

The department's legal authority to promulgate this regulation is found at § 2015 of the Food Stamp Act of 1977, as amended, and federal regulation at Title 7 of the Code of Federal Regulations at § 273.21(b), both of which grant states the option of requiring that recipients report monthly as a condition of eligibility for food stamp assistance. State statutory authority to operate a food stamp program is found at § 63.1-25.2 of the Code of Virginia (1950), as amended.

Item 3: A statement setting forth the reasoning by which the agency has concluded that the contemplated regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important governmental function.

Through the periodic review process of existing regulations it is determined that the repeal of the food stamp monthly reporting regulation was never promulgated. The AFDC monthly reporting requirement was repealed by final regulation dated March 23, 1992. While there will be no savings realized by the formal elimination of this regulation, projected savings in 1992 were \$228,000 annually. The basis for the elimination of the monthly reporting requirement at the time was to simplify and streamline local administrative workloads as well as reduce state costs. Additionally, this regulation supports self-sufficiency and independence as it hold the client totally responsible for reporting all changes in the family's circumstances to the local agency.

Item 4: A statement describing the process by which the agency has considered, or will consider, less burdensome and less intrusive alternatives for achieving the essential purpose, the alternatives considered or to be considered(to the extent known), and the reasoning by which the agency has rejected any of the alternatives considered.

Pursuant to the public participation requirement of the Administrative Process Act, the department will consider and respond to all comments received from interested groups and individuals during the public comment period. The elimination of the monthly reporting requirement is the least intrusive alternative available and eliminates a significant workload on local social services agency staff.

Item 5: A statement describing the impact that the proposed regulation is likely to have on family formation, stability and autonomy.

This regulation is not likely to impact the formation of families nor impact the stability or autonomy of families.

Signature of Agency head

Date forwarded to
DPB & Secretary