



Periodic Review / Retain Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-41
Regulation title	Neighborhood Assistance Tax Credit Program
Document preparation date	August 17, 2011

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

Article 13.2 (Section 58.1-439.18 et seq.) of Chapter 3 of Title 58.1 authorizes the State Board of Social Services to adopt regulations for the operation of the Neighborhood Assistance Program (NAP).

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

No alternatives to the existing regulation were considered because the Code of Virginia requires that the State Board adopt regulations for the operation of the program.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Mr. Bryan Mesh, Beth Sholom Village	All residents of a nursing home receiving Medicaid should be deemed impoverished. The percentage of impoverished people a NAP project must serve should be lowered from 50% to 40%.	The State Code defines impoverished for NAP as having income at or below 200% of the poverty level and requires that at least 50% of the people served by a neighborhood organization be impoverished.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The existing regulation meets the criteria set out in Executive Order 36 and is necessary for the protection of public health, safety, and welfare. This regulation is clearly and concisely written and easily understandable.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The State Board of Social Services recommends that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) 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, include a discussion of the agency’s determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

The regulation is necessary to ensure effective operation of NAP as authorized by the Code of Virginia, and does not overlap or conflict with federal or state law or regulation. The regulation was last reviewed on September 1, 2007. The use of NAP is voluntary for neighborhood organizations and business, and

does not have a negative impact on small business. A business can receive a state tax credit for making donations to approved NAP projects.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

The NAP has no direct impact on families and family stability. The regulation impacts nonprofit organizations and their donors. The services provided by these nonprofit organizations have a positive impact on the institution of the family and family stability.