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Regulatory
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Periodic Review Including Small Business Impact Findings Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-400
Regulation title	Funding Limitations for the Refugee Resettlement Program
Document preparation date	October 15, 2014

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.

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the authority and responsibility to promulgate regulations for the administration of social services in the Commonwealth.

The federal authority for this regulation is 45 C.F.R Part 400, Subpart J, § 400.200, which provides that cash and medical assistance to refugees is available to the extent that funds are appropriated by Congress.

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.

There are no alternatives to achieving the purpose of this regulation. This regulation was promulgated in 1986 for the purpose of limiting cash and medical assistance to refugees to the amount allocated annually by Congress

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.

No comments were received on this regulation during the public comment period.

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.

This regulation meets the criteria set out in Executive Order 17 (2014). The regulation is necessary for the protection of public health, safety, and welfare refugees newly arrived who are eligible for temporary cash and medical assistance while becoming self-sufficient in their new community. The regulation is brief, clearly 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 this regulation remain 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 nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) 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.

This regulation has no impact on existing or potential Virginia employers' ability to maintain and increase the number of jobs in the Commonwealth. There is no cost of compliance to the general public.

- (1) The regulation was reviewed by the Attorney General's Office in 2013 and determined to be needed.
- (2) No public complaints were received.
- (3) The regulation is concise and understandable.
- (4) The regulation does not overlap or duplicate any other federal or state rule.
- (5) A periodic review of this regulation was conducted in 2010. A review by the Department of Social Services and Attorney

General's office, conducted in 2013 found the regulation to be needed. No technology or economic conditions were found to have changed the need for this regulation.

Family impact

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

This regulation does not impact family stability because it does not address either the method of service delivery or eligibility for services. This regulation defines the federal limitation of funding for refugee cash and medical assistance services.