



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Karin Clark
Virginia Department of Social Services

FROM: Jennifer C. Williamson
Senior Assistant Attorney General

DATE: July 6, 2015

SUBJECT: Periodic Review of 22 VAC 40-680
Virginia Energy Assistance Program – Low Income Home Energy Assistance
Program (LIHEAP)

I have reviewed the above-referenced regulation, which is undergoing a periodic review, to determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate the specified regulations and whether the specified regulations comport with applicable state law.

Pursuant to Va. Code § 63.2-217, the State Board is required to promulgate regulations as may be necessary or desirable to carry out the purposes of Va. Code § 63.2-500 *et seq.* Consequently, it is my opinion that the State Board has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Orders 17 (2014) and 58 (1999) and has not exceeded that authority.

If you have any questions, please feel free to call me at 225-3197.