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Periodic Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-400
Regulation title	Funding Limitation for the Refugee Resettlement Program
Date this document prepared	April 17, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

ORR Department of Health and Human Services Office of Refugee Resettlement
RCA Refugee Cash Assistance
RMA Refugee Medical Assistance
VDSS Virginia Department of Social Services

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

There are no state laws associated with this regulation. 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 is 45 C.F.R Part 400, Subpart J, 400.200, which provides that cash and medical assistance to refugee is available to the extent that Congress appropriates funds.

Alternatives

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

There are no alternatives to achieving the purpose of this regulation. This regulation was promulgated in 1986 for the purpose of limiting refugee cash and medical assistance 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. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments received.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 14, as amended. The regulation is necessary for the protection of public health, safety, and welfare of newly arrived refugees who are eligible for temporary cash and medical assistance while becoming self-sufficient in their new community. The regulation is short, clearly written, and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The State Board of Social Services recommends that this regulation remain in effect without change as there have been no changes to the federal law or regulation on which it is based.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include 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, discuss why the agency's decision, consistent with the stated objectives of applicable law, will 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 to the general public. (1) There has been no change in the federal law on which this regulation is based. (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) An Attorney General's review of the regulation in 2013 determined it to be needed.