



## Periodic Review / Retain Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Social Services (VDSS)
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-680
<b>Regulation title</b>	Virginia Energy Assistance Program – Low-Income Home Energy Assistance Program (LIHEAP)
<b>Document preparation date</b>	

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 36 (2006) 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 responsibility to make rules and regulations to carry out the purposes of social services programs. The Virginia Energy Assistance Program, administered by the Virginia Department of Social Services, was established in accordance with the federal Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35) as amended through August 1999. The LIHEAP statute was amended in 2005 by the Energy Policy Act (Public Law 109-58).

### 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 VDSS offers the Commonwealth's largest energy assistance programs. Each year, through the Low-Income Home Energy Assistance Program (LIHEAP) block grant, the VDSS receives an annual federal appropriation of approximately \$38

million to provide heating, crisis, cooling and weatherization assistance to low-income households. The annual block grant is often supplemented with the release of LIHEAP contingency funds. Other energy assistance programs in the Commonwealth are funded through various sources and provide assistance on a much smaller scale.

**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.*

---

The regulation was published for public comment on March 19, 2007; the comment period expired April 9, 2007. No comments were received.

The current regulation provides sufficient definitions and operating procedures for the Virginia Energy Assistance Program. The existing regulation was created to offer programs that provide benefits to supplement the energy needs of low-income households.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 36, 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 forth in Executive Order 36 and is necessary for the protection of public health, safety and welfare. The regulation is clear and concise and written in a manner easily understood.

**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.

**Family impact**

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

---

Drastic increases in home energy costs have created additional hardship for many low-income, vulnerable individuals and families in the Commonwealth. Almost 60 percent of all households served by the Energy Assistance Program have family incomes less than \$10,000, which is well below the federal poverty line. These families have little room in their budgets to absorb even modest increases in energy costs, making the need for energy assistance services even more critical. While energy benefits have a

positive impact on recipient's households by reducing their energy burden, low-income Virginians are still faced with significant challenges in meeting their immediate home energy needs while maintaining other basic necessities. Energy subsidies cover approximately 25 percent of a household's energy costs.