



Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-630
Regulation title	General Relief Program Disability Advocacy Project
Action title	Repeal General Relief Disability Advocacy Project
Date this document prepared	October 15, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

General Relief is a program that provides assistance to individuals that are not eligible for other forms of assistance and is an optional program at the local level. The regulation provides procedures for referring recipients to legal representation during an appeal of a Supplemental Security Income (SSI) disability determination process and providing information on how the appeal may affect their General Relief benefits. This regulation will be repealed and its provisions will be included in a new comprehensive General Relief Program regulation (22VAC40-411).

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Pursuant to § 63.2-217 the Code of Virginia (Code), the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of all assistance programs. Section 63.2-803 of the Code provides for the establishment of an advocacy project for recipients of General Relief.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

General Relief is a program that provides assistance to individuals that are not eligible for other forms of assistance. General Relief is an optional program at the local level. The regulation provides for procedures for referring recipients to legal representation during an appeal of a SSI disability determination process and providing information on how the appeal may affect their General Relief benefits. The agency will advise recipients that they have five days from the receipt of a letter from the Social Security agency to contact the social services agency requesting advocacy services. Since the provisions of this regulation will be contained in 22VAC40-411, General Relief Program, the welfare of citizens will not be impacted. This regulatory action promotes a more efficient administration of state and local government.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)

This regulation will be repealed. A new comprehensive General Relief regulation will be established. Any necessary language from this regulation will be included in the new comprehensive regulation.

Issues

Please identify the issues associated with the proposed regulatory action, including:
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
3) *other pertinent matters of interest to the regulated community, government officials, and the public.*

If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.

The Disability Advocacy regulation will be an advantage to the vulnerable and disadvantaged population who cannot receive assistance in other programs. General Relief is often the only

means to support those individuals. Legal representation will provide information and support to these individuals regarding the SSI appeal process and provide an explanation of how receiving SSI will affect their General Relief benefits. The regulatory action poses no disadvantages to the public or the Commonwealth. It promotes a more efficient state and local government.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

The regulation contains no applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

General Relief provides assistance to vulnerable populations that cannot receive assistance in other programs and is an optional program at the local level. This regulation does not impact any locality disproportionately.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the State Board of Social Services is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Bernadette Anderson, Consultant with the Virginia Department of Social Services, 7 North 8th Street, Richmond, Virginia 23219; (804) 726-7388; fax (804) 726- 7357; or bernadette.anderson@dss.virginia.gov.

Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

Economic impact

Please identify the anticipated economic impact of the proposed regulation.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	There is no economic impact to the state as a result of repealing of this regulation.
Projected cost of the regulation on localities	There is no cost of the regulation on localities as a result of repealing this regulation.
Description of the individuals, businesses or other entities likely to be affected by the regulation	Repealing this regulation will not affect individuals, businesses, or other entities.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	The program is operated by 83 local departments of social services agencies. They in turn work with providers of advocacy services. There will be no impact because the language will be included in the comprehensive regulation.
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	There are no costs to individuals, businesses or other entities.

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

Consideration was given to continuing the current regulatory structure of the General Relief program. In the past, this was a separate regulation established for the General Relief program. This created difficulty in management of the program, as the regulation was disjointed. It also made access more difficult for the general public because four different regulations have to be accessed to obtain a complete understanding of the General Relief program. This approach was rejected in favor of establishing a comprehensive General Relief regulation that includes the provisions of this regulation as well as 22VAC40-410, Entitlement Date in the General Relief Program; 22VAC40-570, General Relief Locality Options; and 22VAC40-640, General Relief Program – Deeming Income from Alien Sponsors. The other three regulations are being repealed

in another regulatory action that also established the new comprehensive regulation, 22VAC40-411, General Relief Program.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

General Relief is a program that provides assistance to disadvantaged individuals that are not eligible for other forms of assistance. General Relief is an optional program for local agencies. The Disability Advocacy regulation provides for referring recipients for legal representation during the appeal process of the SSI determination process. This regulation will be repealed and combined with the provisions of one comprehensive set of rules for the General Relief program. Providing a basic level of subsistence is important for the health, safety, and welfare of individuals in the Commonwealth.

Public comment

Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.

There were no comments received.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The General Relief program provides assistance for vulnerable individuals, increases income to individuals, and provides needed support. The General Relief program has no impact on the rights of parents. There is no family impact.

Detail of changes

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
22 VAC 40-630	22-VAC-40-411	The current regulation provides for referring and offering recipients to advocacy providers for legal representation during the SSI appeal process.	This regulation will be repealed and the language will be included in a new comprehensive General Relief regulation.