



COMMONWEALTH of VIRGINIA
Office of the Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

Mark R. Herring
Attorney General

TO: **KARIN CLARK**
Virginia Department of Social Services

FROM: **SUSAN P. D. WHYTE** *SPD*
Assistant Attorney General

DATE: **August 6, 2020**

SUBJECT: **Exempt Final Regulation – TANF Emergency Assistance, 22 VAC 40-295**

I am in receipt of the attached regulation to amend 22 VAC 40-295. You have asked the Office of the Attorney General to review and determine if the State Board of Social Services (“State Board”) has the statutory authority to promulgate this regulation and if it comports with applicable state law.

Virginia Code § 63.2-217 mandates that the State Board promulgate regulations that are necessary to carry out the provisions of Title 63.2. The proposed amendments to the regulation are necessary to reflect the changes to § 63.2-617 by the adoption of Chapter 1159 of the 2020 Acts of Assembly.

Based on my review, it is my view that the State Board has the authority to promulgate the final regulation, and has not exceeded that authority. It is my view that the amendments to this regulation are exempt from the procedures of Article 2 of the Virginia Administrative Process Act.

If you have any questions or need additional information about this regulation, please contact me at 786-3450.

DEPARTMENT OF SOCIAL SERVICES

TANF Emergency Assistance

22VAC40-295-150. TANF-Emergency Assistance (TANF-EA).

A. A family shall be eligible for TANF-EA if all of the following conditions are met:

1. The assistance meets TANF requirements specified in § 63.2-614 of the Code of Virginia.
2. The emergency assistance is necessary to avoid destitution of the child or to provide living arrangements for him in a home.
3. ~~The child's need is the result of a disaster or a fire.~~ The TANF-EA is for eviction prevention or to address needs resulting from a fire or natural disaster.
4. For current TANF recipients, disaster-related needs can be met through TANF-EA in addition to the regular TANF money payment. The TANF-EA payment does not affect the regular TANF money payment. A TANF-EA payment may not be issued, however, to replace money lost by the recipient or for the loss of earnings.

B. The amount of assistance provided shall be up to ~~\$500~~ \$1,500 per emergency occurrence. The amount of the payment is based on immediate needs of the applicant.