



## Proposed Regulation Agency Background Document

<b>Agency name</b>	Department of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40 - 411
<b>Regulation title</b>	General Relief Program
<b>Action title</b>	Establish General Relief Program
<b>Date this document prepared</b>	April 16, 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 defines the different types of assistance available, how income and resources are evaluated for aliens, how recipients can receive assistance through the disability advocacy project, and establishes the date for which eligibility for General Relief begins. This action combines the provisions of four existing regulations into one comprehensive set of rules for the General Relief program. There are no substantive changes in policy.

## 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.*

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Pursuant to § 63.2-217 the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of all assistance programs. Section 63.2-802 of the Code of Virginia provides for the establishment of a General Relief program.

## 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.*

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General Relief provides assistance to vulnerable populations that cannot receive assistance in other programs. Some of the populations targeted by the General Relief program include children living with unrelated adults and single disabled adults. In many situations, General Relief is the only means of support available. Providing a basic level of subsistence is important for the health, safety, and welfare of disadvantaged individuals in the Commonwealth. Four regulations will be repealed. They are General Relief Program Locality Options (22 VAC 40-570), General Relief Program Entitlement Date (22 VAC 40-410), General Relief Disability Advocacy Project (22 VAC 40-630), and General Relief Program-Deeming Income from Alien Sponsors (22 VAC 40-640). The new comprehensive regulation will make the program easier to administer by local agencies and be understood by the public.

## 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.)*

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The regulation defines the different types of assistance available. The regulation provides the rules for the disability advocacy project, which will be made available to recipients who have received written notification that their SSI disability claim has been denied and they want legal representation during the appeal process. Obsolete terms, such as references to the Aid to Families with Dependent Children program, were updated.

## 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.

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The regulation will be an advantage to the vulnerable population that cannot receive assistance in other programs. General Relief is often the only means to support those individuals. The consolidated regulation simplifies the regulatory structure of the program. The regulation poses no disadvantages to the public or the Commonwealth.

**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.

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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.

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The regulation defines the different types of assistance available from 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.

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In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. 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 Mark Golden, TANF Program Manager, Division of Benefit Programs, Department of Social Services, 7 North 8<sup>th</sup> Street, Richmond, Virginia 23219; mark.golden@dss.virginia.gov; or (804) 726-7356. 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.*

<b>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</b>	There are no substantive charges to the General Relief Program as a result of the regulation. Therefore, there is no change in cost. The General Relief Program costs \$5.6 million per year.
<b>Projected cost of the regulation on localities</b>	The locality share is \$2.1 million per year.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	An average of 3,183 individuals receive General Relief each month. These are individuals who are unemployable due to disability, in an emergency situation, or children living with non-relatives.
<b>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.</b> 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. Businesses are not affected by this regulation.
<b>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.</b>	There are no substantive charges to the General Relief Program as a result of the regulation. Therefore, there is no change in cost. The General Relief Program costs \$5.6 million per year.

**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, separate regulations were established for each issue of the General Relief program. This creates difficulties for the management of the program as the regulations are disjointed. It also makes access more difficult for the general public because multiple regulations have to be accessed to obtain an understanding of the General Relief program. This approach was rejected in favor of establishing a comprehensive General Relief regulation.

**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.*

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The regulation is a comprehensive regulation which includes several repealed regulations that include the different types of General Relief components available, how income and resources from alien sponsors are evaluated, how recipients can receive assistance through the disability advocacy project, and establishes the date in which entitlement for General Relief applications will begin. There were no alternatives to the regulation. The local departments of social services who offer the General Relief Program were involved in developing this proposed regulation.

### Public comment

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

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The Notice of Intended Regulatory Action was published on January 21, 2008 for a 30-day comment period. No comments were 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.*

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A comprehensive General Relief regulation will be established. The General Relief program provides assistance for vulnerable individuals and families which increases income and provides needed support. The General Relief program has no impact on the authority or rights of parents. Persons eligible for General Relief are not eligible for other forms of assistance and generally unable to fully support themselves.

### 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.*

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For changes to existing regulations, use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
22 VAC 40-640-10	22 VAC 40-411-10	The current regulations make reference to the obsolete Aid to Families with Dependent Children (AFDC) program.	The term has been changed to the AFDC's replacement, the Temporary Assistance for Needy Families (TANF) program.
22 VAC 40-640-10	22 VAC 40-411-10	The current regulations make reference to the obsolete term, Immigration and Naturalization Service (INS).	The term has been changed to INS's replacement, the United States Citizenship and Immigrant Services