



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 40-540
Regulation Title:	Allowance of Telephone Costs in the Food Stamp Program
Action Title:	Periodic Review
Date:	June 19, 2002

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation requires the use of a standard amount for telephone costs instead of actual costs in calculating food stamp eligibility and benefit level.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

§273.9(d)(6)(iii)(A) of Title 7 of the Code of Federal Regulations allows states to develop standardized amounts for utility costs for the Food Stamp Program. §273.9(d)(6)(iii)(D) allows states to mandate the use of a standard for utilities or for basic telephone service.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The Department did not receive any comments in response to this review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation allows local eligibility workers and case reviewers to calculate telephone expenses for food stamps easily and more accurately. The regulation reduces the amount of time that eligibility workers need to determine the actual basic costs for telephone service for each household applying for or receiving food stamps.

The regulation eliminates the need for applicants or local workers to contact the telephone service provider to determine actual monthly cost for basic telephone service. While telephone bills generally itemize the associated costs, the bills do not identify the actual cost for providing basic telephone service.

The regulation does not affect the health, safety or welfare of citizens beyond determining their eligibility and benefit level for food stamp benefits. If households are eligible for food stamp benefits, the benefits supplement the households' ability to purchase food. The regulation does not affect the institution of the family or the stability of the family.

Staff of the Division of Benefit Programs reviewed the regulation for clarity and understandability.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

State agencies have only two methods for evaluating telephone costs for the Food Stamp Program. States may use a standard amount for telephone costs or use the actual costs for telephone service. Only the basic cost for one telephone line is allowable under federal law. As there are multiple service providers and thus multiple rates, deciding what is required for basic service varies with each local service provider. The Department determined that a standard rate would reduce staff time and errors. One standard for the entire state is preferable to having local workers contacting telephone companies for each food stamp household to discover the basic costs for each household. The Department uses statewide averages of costs to determine the telephone standard and reevaluates the standard annually.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department recommends retaining the regulation in its current form. The Department has a continued need to evaluate telephone expenses when determining eligibility and benefit level.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

The regulation does not strengthen or erode the nurturing relationship between parents and their children or alter parents' rights in determining the education or supervision of their children. The regulation neither encourages nor discourages economic self-sufficiency or self-pride. The regulation does not alter responsibility for oneself or family or affect the marital commitment.

The regulation may alter disposable family income by slightly changing the amount of food stamp benefits a household receives. The standard telephone amount for the Food Stamp Program may be lower or higher than individual households' actual costs for basic telephone service. The allowance of telephone expenses for food stamp households contribute to the

overall shelter expenses that are part of the determination of whether households are eligible for benefits and the amount of benefits households may receive.