



Virginia
Regulatory
Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	State Board of Social Services
VAC Chapter Number:	22 VAC 40-293
Regulation Title:	Locality Groupings
Action Title:	Establish regulation for changing locality groupings
Date:	February 19, 2003

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

This regulation is necessary as provided by the 2002 Appropriation Act, Item 353, Paragraph F (Chapter 899, 2002 Acts of Assembly), which specifies that regulations regarding Temporary Assistance for Needy Families (TANF) locality groupings be established. The regulation is not otherwise exempt under the provisions of §9-6.14:4:1(C)(4) of the Administrative Process Act. This regulation establishes regulations by which local boards of social services may request changes in their locality groupings, which is used to determine the amount of payment for TANF families.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Pursuant to §63.2-217 of 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. The 2002 Appropriations Act requires the promulgation of regulations concerning changing locality groupings, which are used to determine the amount of payment for TANF families. These regulations will establish rules for changing locality groupings. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the emergency regulation and that it comports with state and federal law.

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

This is a new regulation that is being established. Currently, localities are placed in groupings which determine the payment levels for TANF. Procedures to change locality groupings have never been regulated. These regulations provide the rules for these changes, including the data to be provided to the State Board of Social Services, the requirement that funds be available as determined by the Commissioner, and the ability to change data sources being relied upon with the consent of the State Board. Also, recipients of TANF in a locality that switches to a lower locality grouping shall continue to receive TANF assistance at the level established prior to regrouping.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

Numerous sources of data for establishing standards of assistance locality groupings were consulted. The fair market rent schedules established by the Department of Housing and Urban Development provide locality specific data that is routinely updated. Furthermore, the primary driver of cost of living differences statewide, are housing costs. Using fair market rent schedules was the best source of data that could be easily obtained and that provided necessary information.