



**Virginia
Regulatory
Town Hall**

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-680-20, 70, 80 and 90
Regulation Title:	Virginia Energy Assistance Program
Action Title:	Establish Cooling Assistance Component
Date:	06/20/01

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.

The goal of the (LIHEAP) Low-Income Home Energy Assistance Program is to assist low-income households, particularly those with the lowest incomes, that pay a high proportion of household income for home energy, primarily in meeting their immediate home energy needs.

The purpose of this action is:

1. to provide the program with flexibility to respond to federal funding fluctuations by adjusting the maximum income limit, not to exceed the maximum allowed by federal law; and
2. to assist households with summer energy needs by establishing an optional Cooling Assistance component in the Virginia Energy Assistance Program. A Cooling component will serve the needs of those households with high-energy bills and those in need of cooling equipment to alleviate extreme temperatures inside homes of young children and the elderly.

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 §63.1-25 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-25>), the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. The Virginia Energy Assistance Program is authorized by the Low-Income Home Energy Assistance (LIHEA) Act (<http://www.acf.dhhs.gov/programs/liheap/policy.htm>). This program is funded through a federal block grant and given flexibility to design program components and eligibility requirements within broad parameters established by the LIHEA Act.

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.

The planned regulation will:

1. provide the program with flexibility to respond to federal funding fluctuations by adjusting the maximum income limit, not to exceed the maximum allowed by federal law; and
2. add an optional Cooling Assistance component to the Virginia Energy Assistance Program. Extreme summer temperatures have increased energy costs of low-income households and the lack of cooling equipment in homes creates an environment conducive to heat related medical emergencies for young children and the elderly.

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.

Significant increases in the cost of home heating fuels have resulted in more persons seeking assistance to pay those bills. The state Energy Assistance staff solicited input from regional program staff and local agency staff. A local agency survey supports the need for a summer Cooling Assistance component because such assistance ensures a better quality of life for Virginia's low-income citizens.

Family Impact Statement

Please provide a preliminary analysis of the potential 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 planned regulation has a positive impact on the family. The regulation encourages economic self-sufficiency by assisting families with unexpected increases in utility energy bills, support commitment to healthy children and elderly persons by helping to offset the unprecedented energy price increases. The regulation will not impact the authority and rights of parents or marital commitment.