



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-295
Regulation title	Temporary Assistance for Needy Families
Action title	Exclusion Period for Intentional Program Violations
Date this document prepared	April 17, 2014

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this action is to amend the current Temporary Assistance for Needy Families (TANF) regulation, 22VAC40-295-140, to make the penalties for Intentional Program Violations (IPV) consistent between the TANF Program and the Supplemental Nutrition Assistance Program (SNAP). Currently, IPV penalty periods for TANF are six months for the first offense; twelve months for the second offense; and permanently for the third offense. This regulation will amend the current TANF IPV regulation to make the exclusion period consistent with SNAP which are 12-months for first offense, 24-months for the second offense; and permanently for a third offense.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person's overall regulatory authority.

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 operation of all assistance programs.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

It is essential that the integrity of the TANF program be protected in order that funding is available to provide the greatest benefit possible to at-risk families. By ensuring that funds are only provided to eligible households in amounts to which the household is entitled to receive, TANF will be available to provide basic subsistence to families, thereby protecting the health, safety, and welfare of Virginia citizens, most notably needy children. Aside from changing the length of the exclusion periods, there are no known issues that may need to be addressed in the development of the regulation. Advocate groups may argue that the penalties are too severe.

Substance

Please detail any changes that will be proposed. Be sure to define all acronyms. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The current exclusion time period for an IPV is six months for the first offense and twelve months for the second offense. The proposed change would be twelve months for the first offense and twenty-four months for the second offense.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

This particular regulatory change is an effort to bring the TANF and SNAP programs closer in alignment with one another. This move will foster program consistency and will make the programs more streamlined to administer and easier to understand for citizens of the Commonwealth. The only way to align the lengths of the IPV exclusion periods is to amend the regulation.

Public participation

Please indicate whether the agency is seeking comments on the intended regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

Please also indicate, pursuant to your Public Participation Guidelines, whether a Regulatory Advisory Panel or a Negotiated Rulemaking Panel will be used in the development of the proposed regulation. Please state one of the following: 1) a panel will be appointed and the agency's contact if you're interested in serving on the panel is _____; 2) a panel will not be used; or 3) public comment is invited as to whether to use a panel to assist in the development of this regulatory proposal.

A panel will not be used to in the development of this proposed regulation. A public hearing will also not be held following the publication of the notice and proposed stages of this regulatory action. The agency is seeking comments on this regulatory action, including but not limited to ideas to be considered in the development of this proposal; the costs and benefits of the alternatives stated in this background document; or other alternatives and potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include projected reporting requirements, recordkeeping and other administrative costs; the probable effect of the regulation on affected small businesses; and the description of less intrusive or less costly alternatives for achieving the purpose of the regulation.

Anyone wishing to submit comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email, or fax to Bridget Shelmet, 801 E. Main Street, Richmond, VA 23219, (804)-726-7144, fax (804) 726-7357 or bridget.shelmet@dss.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last day of the public comment period.

Family impact

Assess 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 proposed program regulation will encourage self-sufficiency, self-pride and the assumption of responsibility for oneself, as the increased IPV time periods would be lengthier and discourage one from committing such program violations.