



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 40-20
Regulation Title:	Food Stamp Program - Income Conversion Method
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 conversion factors of 4.3 for weekly amounts and 2.15 for biweekly amounts to determine monthly income for the Food Stamp Program.

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.

Regulations at Title 7 of the Code of Federal Regulations at §273.10(c)(2)(i) require states to select an income conversion method from one of three methods for calculating income during a food stamp certification period.

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 the 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.

This regulation allows the Department to calculate income for determining eligibility for food stamps in a uniform manner when food stamp household members receive income for a full month on a weekly or biweekly basis. The regulation allows eligibility workers to anticipate future income to determine food stamp eligibility and benefit level for the month the household actually receives the income. Federal regulations require that state agencies select one method to anticipate monthly income.

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.

Federal regulations offer three methods to anticipate monthly income when households receive income on a weekly or biweekly basis. These methods are: 1) use of conversion factors of 2.15 and 4.3 to multiply biweekly and weekly amounts respectively; 2) use of the exact monthly figure if one is able to anticipate the figure for each month of the certification period; or 3) use of the income conversion standard used for other public assistance programs in the state.

The Department opted to use the income conversion factors of 2.15 and 4.3 to calculate monthly income amounts when households expect to receive a full month's income. Past biweekly or weekly income averages are multiplied by the conversion factors if these averages are representative of future amounts. The Department weighed this calculation method against the other choices of using the exact amount and using a conversion standard used by other public assistance programs. Because there is no way to know an exact amount before it is earned or received, this method was determined to be impractical and error prone. The Department did not consider the option of using the public assistance standard because there is no such standard for Virginia's other public assistance programs.

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 select an income calculation method to satisfy the federal requirement to determine eligibility for the Food Stamp Program.

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. The regulation also does not alter the rights of parents to direct the education or supervision of their children. The regulation neither encourages nor discourages economic self-sufficiency or self-pride nor does it alter personal, family, or marital responsibility or

commitment. Because the regulation affects an element that determines eligibility and benefit level for the Food Stamp Program, the regulation may affect the disposable income of recipient households by supplementing available food dollars.