



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Department of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40- 411
<b>Regulation title</b>	General Relief Program
<b>Action title</b>	Establish General Relief Program
<b>Date this document prepared</b>	October 17, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) 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.*

General Relief is a program that provides assistance to individuals who are not eligible for other forms of assistance. It is an optional program at the local level. Currently, there are multiple regulations governing the General Relief Program. These regulations define the different types of assistance available, how income and resources are determined, and the process for determining eligibility. These separate regulations will be repealed and new comprehensive regulation established.

Concurrent with establishment of this regulation, Entitlement Date in the General Relief Program (22VAC40-410), General Relief Program – Locality Options (22VAC40-570, and General Relief Program – Deeming Income from Alien Sponsors (22VAC40-640) will be repealed.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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. Section 63.2-802, provides for the establishment of a General Relief program.

**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.*

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General Relief provides assistance to vulnerable populations that cannot receive assistance under other programs. Some of the populations targeted by the General Relief program include children living with unrelated adults and single disabled adults. In many situations, General Relief is the only means of support available for these vulnerable populations. Providing a basic level of subsistence is important for the health, safety, and welfare of disadvantaged individuals throughout the Commonwealth.

**Substance**

*Please detail any changes that will be proposed. 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.*

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Currently, there are multiple regulations governing the General Relief Program. The regulations define the different types of assistance available, how income and resources are determined, and the process of determining eligibility. These separate regulations will be repealed and a new comprehensive regulation established. The new comprehensive regulation will change certain components of the current separate regulations. The entitlement date will be the date of the receipt of the application. Obsolete terms, such as references to the Aid to Families with Dependent Children program which no longer exist, will be updated. The new regulation will change the time frame within which localities can provide assistance to provide more flexibility at the local level. The regulation will update provisions regarding eligibility of aliens, so that the regulation is consistent with the federal Personal Responsibility and Work Opportunity Reconciliation Act.

**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.*

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Consideration was given to continuing the current regulatory structure of the General Relief program. In the past, separate regulations were established for each component of the General Relief program. This creates difficulties for the management of the program, as the regulations are disjointed. It also makes understanding the program more difficult for the general public because multiple regulations have to be accessed to understand the General Relief program. This approach was rejected in favor of establishing a single, comprehensive General Relief regulation.

### 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.*

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A comprehensive General Relief regulation will be established. The General Relief program provides assistance for vulnerable individuals, increases income to vulnerable individuals, and provides needed support. The General Relief program has no impact on the authority or rights of parents. Persons eligible for General Relief are not eligible for other forms of assistance and are generally unable to fully support themselves.

### Periodic review

***If this NOIRA is not the result of a periodic review of the regulation, please delete this entire section.*** *If this NOIRA is the result of a periodic review, please (1) summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and (2) indicate whether the regulation meets the criteria set out in Executive Order 21, e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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No comments were received. This regulation will be repealed and necessary language included in the establishment of a comprehensive General Relief regulation.

### Regulatory Review

***If this NOIRA is not the result of a periodic review of the regulation, please delete this entire section.*** *If this NOIRA is the result of a periodic review or if the periodic review is to be performed in combination with the NOIRA, please include a discussion of the agency's consideration of: (1) the continued need for the rule; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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Entitlement Date in the General Relief Program (22VAC40-410), General Relief Program – Locality Options (22VAC40-570), and General Relief Program – Deeming Income from Alien Sponsors (22VAC40-640) were last reviewed on June 30, 2001. These three regulations will be repealed and a new comprehensive regulation will be established.

The Virginia enabling legislation for the General Relief program has not changed; however the federal Personal Responsibility and Work Opportunity Act will require changes in how sponsor income is determined. The new regulation will include all of the key provisions of the current regulations.

The current regulations are overly complicated. Having multiple individual General Relief regulations are also complicated for those who work in this program. The language in the current regulations does not always correspond with language in federal and state law.