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Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-680
VAC Chapter title(s)	Virginia Energy Assistance Program - Low Income Home Energy Assistance Program (LIHEAP)
Action title	Application Period for Low Income Home Energy Assistance
Final agency action date	June 15, 2026
Date this document prepared	March 13, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Virginia Energy Assistance Program - Low Income Home Energy Assistance Program (LIHEAP) regulation, 22VAC40-680, established the eligibility criteria and application periods for the Fuel Assistance, Crisis Assistance, and Cooling Assistance components of the Virginia Energy Assistance Program. It also established the basis for determining benefits for Fuel Assistance as well as the types of assistance that may be offered through Crisis Assistance. The earliest date the application period can start for each component is included as is the latest end date for the application period of each component. The actual application period for each component is determined by the State Board of Social Services and has historically been shorter than the maximum allowable timeframes.

Item 330.C. of the 2025 Appropriation Act directs the State Board of Social Services (Board) to promulgate regulations to allow applications for the LIHEAP to be submitted over an application period

that provides adequate time for individuals to apply and is extended beyond the application period in effect as of July 1, 2024. The application period is contingent on adequate administrative funding being available to extend such application period and the Board's initial adoption of regulations is exempt from the provisions of the Administrative Process Act, except that the Board must provide an opportunity for public comment on the regulations prior to adoption.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The regulatory change is prompted by a new legislative mandate. Item 330.C. of the 2025 Appropriation Act directs the Board to promulgate regulations, which are exempt from the provisions of the Administrative Process Act, to extend the application period for the LIHEAP, provided adequate funding is available to extend such application period.

Section 63.2-217 of the Code of Virginia grants authority to the Board to promulgate rules and regulations necessary to carry out the purpose of Title 63.2, including the operation of assistance programs in Virginia.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

On June 15, 2026, the State Board of Social Services adopted final amendments to Virginia Energy Assistance Program - Low Income Home Energy Assistance Program (LIHEAP).