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Periodic Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC40-295
Regulation title	Temporary Assistance for Needy Families
Date this document prepared	April 17, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

PRWORA Personal Responsibility and Work Opportunity Reconciliation Act of 1996
TANF Temporary Assistance for Needy Families
SNAP Supplemental Nutrition Assistance Program

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the authority and responsibility to promulgate regulations for the administration of social services in the Commonwealth under Chapter 15 (63.2-1500 et seq.) of title 63.2 of the Code of Virginia.

The federal authority is Personal Responsibility and Work Opportunity Reconciliation Act of 1996 as amended by the Deficit Reduction Act of 2005.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

PRWORA transformed the welfare system from a mandated system into a block grant with state flexibility. The previous program, Aid to Families with Dependent Children, was established primarily through federal regulations. With the implementation of a block granted program and the absence of federal regulations governing program eligibility, it is necessary for the state to regulate its TANF program. The regulation emphasizes eligibility rules that have the least burdensome impact upon applicants and recipients of TANF as well as agency staff, while encouraging self-sufficiency.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The regulation meets the criteria set out in Executive Order 14 (2018, as amended). TANF provides a vital safety net, making this regulation necessary for the protection of the welfare of vulnerable citizens of the Commonwealth who are eligible for TANF. The regulation is brief, clearly written, and easily understandable.

Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

The agency recommends that the regulation be amended. Examples of needed amendments include: updating definitions of "affordable child care arrangements" and "unsuitability of informal child care" and other terms; removing obsolete references to the Food Stamp Program; updating the child support disregard amount; and, regarding collection of overpayments, update to make the termination of collection efforts parallel to those of SNAP.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) 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, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is necessary to govern TANF and protection of public welfare. No public complaints or comments were received. The regulation is concise and understandable. The regulation does not overlap or duplicate any other federal or state regulations. There are no changes in technology or other factors that impact this regulation. The regulation has no impact on small businesses, as it does not include any language that prescribes limitations or requirements on small businesses.