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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22VAC40-601
VAC Chapter title(s)	Supplemental Nutrition Assistance Program
Date this document prepared	5/22/2024

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

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

SNAP - Supplemental Nutrition Assistance Program
ADH - Administrative Disqualification Hearing
IPV - Intentional Program Violation
TANF - Temporary Assistance for Needy Families

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Section 63.2-217 of the Code of Virginia grants authority to the State Board of Social Services to promulgate rules and regulations to operate assistance programs in Virginia. Title 7 of the Code of Federal Regulations (CFR) at §271.4 delegates responsibility to administer SNAP within a state to the agency assigned responsibility for other federally funded public assistance programs.

Alternatives to Regulation

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.

There are alternative processes for each provision of the regulation. Several of the provisions were initially implemented in the 1990s, so, the prospect of altering SNAP eligibility guidelines for the sole purpose of selecting an alternative would likely prove error prone for the program and would require modifications to the eligibility determination computer system.

Income conversion – States may choose to calculate income 1) using a conversion chart as used by a public assistance program such as TANF; 2) use the exact amount of income received monthly; or 3) use conversion factors of 4.3 for averaged weekly income amounts, 2.15 for averaged biweekly income amounts, or 2 for income amounts received semi-monthly. The TANF Program in Virginia does not use a conversion chart. Using exact amounts would be easy to calculate retrospectively, but this method would be difficult to administer for determining future income amounts. Using the conversion factors remains the least burdensome alternative.

Telephone standard – Households applying for or receiving SNAP benefits may have the basic costs for a telephone evaluated in determining eligibility for or benefit level of SNAP benefits. The actual costs or a standard amount for telephone expenses may be used. Using a standard amount allows uniformity instead of assessing basic costs for telephone service across different communication providers.

Administrative Disqualification Hearings – This section of the regulation provides the frame for establishing if SNAP applicants or recipients have committed an IPV through an administrative hearing. The IPV determination may also be established by a court.

Public Comment

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

No comments were received during the public comment period.

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

This regulation meets the criteria set out in the ORM procedures. The regulation is necessary for the protection of public health, safety, and welfare of the citizens of the Commonwealth who are eligible for food assistance through the receipt of SNAP benefits. Maintaining the alternative provisions will result in consistent eligibility determinations. The provisions of the regulation are clearly written and easily understandable.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

The agency recommends retaining the regulation without any changes. Retaining the regulation allows local staff to determine SNAP eligibility and benefit amounts without factoring in revised procedures and lessens the likelihood of errors as local staff will not need to be retrained and systems changes will not be needed.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

The regulation is necessary to govern SNAP in Virginia. SNAP offers Virginia citizens an opportunity to purchase nutritious foods which adds to the welfare of Virginians. No public complaints or comments have been received about the provisions of the regulation. The regulation is concise and understandable. The regulation does not overlap or duplicate other federal or state regulations. There are no changes in technology or other factors that impact this regulation. The regulation does not affect small businesses.
