

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 2.2-5407 of the Code of Virginia, relating to the Community Action Act; designation of community action agencies; rescission of designation.*

[H 2906]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-5407 of the Code of Virginia is amended and reenacted as follows:**

§ 2.2-5407. Designation of community action agencies; rescission of designation.

A. Recommendations for designation of a community action agency may be forwarded to the designated agency by resolution of one or more units of local government. The local governing body or bodies shall:

1. Determine the need and target population within the service area.

2. Conduct a public hearing in each jurisdiction in the service area to provide citizens with the opportunity to comment on the need for the proposed community action agency.

B. Upon receipt of the recommendation for designation of a community action agency, the designated agency, in consultation with the local governing body or bodies in the service area and with representatives of the low-income population of the area, shall develop a plan for organizing and funding the community action agency.

C. The designated agency shall present to the Secretary of Health and Human Resources the recommendation for community action status and a recommendation for funding the community action agency. Upon completion of a satisfactory review of the request and upon a determination of the availability of funds, the Secretary shall forward the recommendation to the Governor or his representative for designation.

D. Each community action agency that has been designated by a unit of local government and funded pursuant to the Economic Opportunity Act of 1964 (Public Law 88-452) and that is was in operation on July 1, 1982, and is still in operation shall be deemed a community action agency for the purposes of this chapter.

E. B. No new community action agency shall be designated in any area of the Commonwealth that is served by an existing community action agency.

C. The Governor may designate a community action agency to serve any locality not currently served by an existing community action agency. This determination may be through the expansion of the service area of an existing community action agency or the designation of a new community action agency.

The designated agency shall receive and review requests for the expansion of existing community action agencies or the designation of new community action agencies and shall present to the Secretary of Health and Human Resources a recommendation for community action status and funding. The review and recommendation shall be in compliance with regulations developed by the board of the designated agency.

Upon completion of a satisfactory review of the request, the Secretary shall forward a recommendation to the Governor.

F. D. The Secretary of Human Resources may recommend that the Governor or his representative rescind the designation of a community action agency for cause. The Secretary shall: or by mutual agreement.

1. Receive from the chief elected official of the local governing body in the service area a request for rescission indicating the causes therefor.

2. Publish in a newspaper of general circulation in each jurisdiction of the service area a statement of the intent to rescind with a request for response.

3. Conduct at least one public hearing in the area served by the community action agency.

If the rescission is for cause, the Secretary shall:

1. Receive from the designated agency a request to rescind the designation of the community action agency, including the causes for the request;

2. Notify the chief elected official of each local governing body in the service area of the intent to rescind the designation of the community action agency;

3. Provide the community action agency the opportunity for a hearing on the record; and

4. Meet any other provisions required by federal law.

If the rescission is by mutual agreement, the Secretary shall:

1. Receive from the designated agency a resolution, approved by the governing body of the

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**57** *community action agency, requesting the Governor to rescind its designation as a community action*  
**58** *agency. The resolution shall include a proposed effective date for the rescission; and*  
**59** *2. Meet any other provisions required by federal law.*