

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 263

An Act to amend and reenact § 63.1-110 of the Code of Virginia, relating to public assistance.

[H 411]

Approved April 4, 1994

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-110 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-110. (Delayed effective date) Determining the amount of assistance.

The State Board shall adopt rules and regulations governing the amount of assistance persons shall receive under the provisions of this law. In making such rules and regulations, the Board shall give due consideration to significant differences in living costs in various counties and cities and shall establish or approve such variations in monetary assistance standards for shelter allowance on a regional or local basis, as may be appropriate in order to achieve the highest practical degree of equity in public assistance grants. The rules and regulations of the Board may provide that in each grant of assistance a specific portion thereof shall be designated for shelter allowance that may be paid to a federally assisted low-rent public housing authority.

The amount of assistance which any person shall receive under the provisions of this law shall be determined in accordance with rules and regulations made by the State Board with due regard to the property and income of the person and any support he receives from other sources, including that from persons legally responsible for his support, and the average of cost of providing assistance statewide. It shall be sufficient to provide assistance which, when added to all other income and support of the recipient (exclusive of that not to be taken into account as hereinafter provided), provides such person with a reasonable subsistence.

In determining the income of and support available to a person, the amount of income required to be exempted by federal statute, or if the federal statute makes such exemption permissive, then such portion thereof as may be determined by the State Board shall not be considered in determining the amount of assistance any person may receive under this law.

On or after January 1, 1989, any amounts received by a person pursuant to a settlement agreement with, or judgment in a lawsuit brought against, a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to "Agent Orange" shall be disregarded in determining the amount of assistance such person may receive from state assistance programs and from federal assistance programs to the extent permitted by federal law or regulation, and such amounts shall not be subject to a lien or be available for reimbursement to the Commonwealth or any local department of welfare or social services for public assistance, notwithstanding the provisions of § 63.1-133.1.

Under conditions specified by the State Board, court-ordered support payments may be disregarded in determining the amount of assistance which any person shall receive; however, in such event, such payments, when received, shall be counted as refunds with regard to such assistance payments.

Any individual or family applying for or receiving assistance under the aid to families with dependent children, aid to families with dependent children-related medical-assistance-only, food stamp, or fuel assistance programs may have or establish one interest-bearing savings account per assistance unit not to exceed \$5,000 at a financial institution for the purpose of paying for tuition, books, and incidental expenses at any elementary, secondary or vocational school or any college or university or for making a down payment on a primary residence *or for business incubation*. Any funds deposited in the account, and any interest earned thereon, shall be exempt from consideration in any calculation under any specified assistance program for so long as the fund and interest remain on deposit in the account. Any amounts withdrawn from the account for the purposes stated in this section shall be exempt from consideration in any calculation under any specified assistance program. *For the purposes of this section, business incubation means the initial establishment of a commercial operation which is owned by a member of the assistance unit. The net worth of any business owned by a member of the assistance unit shall be exempt from consideration in any calculation under the assistance programs specified above so long as the net worth of the business is less than \$5,000.* The State Board shall promulgate regulations to establish penalties for amounts withdrawn from any accounts for any other purposes than those stated in this section or other misuse of these funds.

2. That the Secretary of Health and Human Resources shall seek the federal waivers necessary to implement this act.

3. That this act shall become effective upon receipt of the federal waivers necessary to implement this act.