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HOUSE BILL NO. 1820

Offered January 13, 2021

Prefiled January 6, 2021

A BILL to amend and reenact §§ 63.2-609, 63.2-611, and 63.2-801 of the Code of Virginia, relating to Temporary Assistance for Needy Families; food stamp program; eligibility; postsecondary education.

Patrons—Helmer, Price, Lopez, Tran, Adams, D.M., Askew, Ayala, Carter, Davis, Guzman, Hudson, Keam, Levine, Mugler, Murphy, Plum, Rasoul, Reid, Roem, Samirah, Simonds, Subramanyam and VanValkenburg; Senators: Boysko, Marsden and McClellan

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-609, 63.2-611, and 63.2-801 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-609. VIEW exemptions.

A. The following TANF recipients shall be exempt from mandatory participation in VIEW and shall remain eligible for TANF financial assistance:

1. Any individual, including all minor caretakers, under 16 years of age;

2. Any individual at least 16, but no more than 19 years of age, who is enrolled full-time in elementary or secondary school, including career and technical education programs. The career and technical education program must be equivalent to secondary school. Whenever feasible, such recipients should participate in summer work;

3. *To the extent authorized by federal law and regulations, any individual who is enrolled at least half-time in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia and is taking courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an industry-recognized credential, certification, or license;*

4. Any individual who is unable to participate because of a temporary medical condition that is preventing employment or training, as determined by a physician or other qualified medical professional and certified by a written medical statement. Such an exemption shall be reevaluated every 60 days to determine whether the person is still exempt;

4. 5. Any individual who is disabled, as determined by receipt of Social Security Disability Benefits or Supplemental Security Income;

~~5.~~ 6. Any individual 60 years of age or older;

6. 7. Any individual who is the sole caregiver of another member of the household who is disabled as determined by receipt of Social Security Disability Benefits or Supplemental Security Income or who is incapacitated by another condition as determined by the Board and whose presence is essential for the care of the other member on a substantially continuous basis;

~~7.~~ 8. A parent or caretaker-relative of a child under 12 months of age who personally provides care for the child. A parent or caretaker-relative exempt from mandatory participation in VIEW pursuant to this subdivision shall be exempt for a period of no more than 12 months. Months during which a parent or caretaker-relative is exempt may be consecutive or nonconsecutive.

B. *The Department shall create and make available to TANF recipients materials that provide clear guidance regarding the opportunity to earn exemption from VIEW through postsecondary education pursuant to subdivision A 3. The Department shall also develop and use a standardized form and process for TANF recipients who are exempt from participation in VIEW pursuant to subdivision A 3 to verify compliance with applicable postsecondary education requirements. To the extent permitted under federal law and regulations, when enforcing any postsecondary education requirements related to a minimum grade point average, the Department shall use the participant's grade point average for a full academic year.*

C. In a TANF-UP case, both parents shall be referred for participation unless one meets an exemption; only one parent can be exempt. If both parents meet an exemption criterion, they shall decide who will be referred for participation.

§ 63.2-611. Case management; support services; transitional support services.

A. The Commissioner, through the local departments, with such funds as appropriated, shall offer families participating in VIEW intensive case management services throughout the family's participation in VIEW. Case management services shall include initial assessment of the full range of services that will be needed by each family including testing and evaluation, development of the individualized

57 agreement of personal responsibility, and periodic reassessment of service needs and the agreement of
58 personal responsibility. It shall be the goal of the Department to have a statewide intensive case
59 management ratio not higher than the statewide average ratio in Title IV-F of the Social Security Act
60 Job Opportunities and Basic Skills Training Program State Plan as the ratio existed on July 1, 1995.

61 B. Local departments are authorized to provide services to VIEW families throughout the family's
62 participation in VIEW subject to regulations adopted by the Board, including:

63 1. Child care for the children of participants if:

64 a. The participant is employed and child-care services are required to enable the continued
65 employment of the participant;

66 b. Child-care services are required to enable a participant to receive job placement, job training or
67 education services; or

68 c. The participant is otherwise eligible for child care pursuant to Board regulations.

69 2. Transportation that will enable parental employment or participation in services required by the
70 agreement of personal responsibility.

71 3. Job counseling, education and training, and job search assistance consistent with the purposes of
72 VIEW.

73 4. Medical assistance.

74 *If an individual is exempt from participating in VIEW pursuant to subdivision A 3 of § 63.2-609, the*
75 *local department shall be authorized to provide child care services for the children of the participant if*
76 *such child care services enable the participant to remain enrolled in an accredited public institution of*
77 *higher education or other postsecondary school licensed or certified by the Board of Education or the*
78 *State Council of Higher Education for Virginia.*

79 C. A participant whose TANF financial assistance is terminated, either voluntarily or involuntarily,
80 shall receive the following services for up to 12 months after termination, if needed:

81 1. Assistance with child care if such assistance enables the individual to work or the individual is
82 enrolled in an accredited public institution of higher education or other postsecondary school licensed or
83 certified by the Board of Education or the State Council of Higher Education for Virginia and is taking
84 courses as part of a curriculum that leads to a postsecondary credential, such as a degree or an
85 industry-recognized credential, certification, or license;

86 2. Assistance with transportation, if such transportation enables the individual to work;

87 3. Medical assistance, including transitional medical assistance for families with a working parent
88 who becomes ineligible for TANF financial assistance because of increased earnings according to
89 policies of the Virginia Department of Medical Assistance Services; and

90 4. Financial assistance of \$50 per month, if the participant is employed and is working at least 30
91 hours per week or more at the time of TANF closure and remains employed and continues to work at
92 least 30 hours per week or more.

93 D. The Department or local departments may purchase or otherwise acquire motor vehicles from the
94 centralized fleet of motor vehicles controlled by the Commissioner of Highways under Article 7
95 (§ 2.2-1173 et seq.) of Chapter 11 of Title 2.2 and sell or otherwise transfer such vehicles to TANF
96 recipients or former recipients. Purchases, sales, and other transfers of vehicles under this subsection
97 shall not be subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), or the
98 provisions of §§ 2.2-1124, 2.2-1153, 2.2-1156, and 2.2-1177 relating to the sale, purchase, and transfer
99 of surplus motor vehicles and other surplus state property.

100 E. Nothing in this section shall be construed or interpreted to create a cause of action or
101 administrative claim based upon a right or entitlement to any specific services or an exemption or
102 waiver from any provision of VIEW.

103 **§ 63.2-801. Food stamp program.**

104 A. The Board is authorized, in accordance with the federal Food Stamp Act, to implement a food
105 stamp program in which each political subdivision in the Commonwealth shall participate. Such program
106 shall include participation in the Restaurant Meals Program and shall be administered in conformity with
107 the Board regulations.

108 B. *To the extent authorized by federal law and regulations, the Board (i) shall establish broad-based*
109 *categorical eligibility for food stamp benefits in accordance with 7 C.F.R. § 273.2(j)(2), (ii) shall set the*
110 *gross income eligibility standard at 200 percent of the federal poverty guidelines, and (iii) shall not*
111 *impose an asset limit.*

112 C. *The Board shall increase opportunities for self-sufficiency through postsecondary education by*
113 *allowing food stamp program participants, to the greatest extent authorized by federal law and*
114 *regulations, to satisfy applicable employment and training requirements through enrollment in an*
115 *accredited public institution of higher education or other postsecondary school licensed or certified by*
116 *the Board of Education or the State Council of Higher Education for Virginia. The Board shall (i)*
117 *identify postsecondary education opportunities in the Commonwealth that meet the definition of*
118 *"employment and training program" set forth in 7 CFR § 271.2 and the definition of "career and*

119 *technical education" set forth in 20 USC § 2302, (ii) average a participant's classroom and study hours*
120 *on a monthly basis to determine whether the participant has met applicable education hour*
121 *requirements, (iii) deem in satisfaction of applicable employment and training requirements participants*
122 *who are approved for a federal or state work study position but have not yet been placed in a work*
123 *study position, (iv) create a standardized form and process for participants to verify compliance with*
124 *education requirements, (v) allow accredited public institutions of higher education or other*
125 *postsecondary schools licensed or certified by the Board of Education or the State Council of Higher*
126 *Education for Virginia to be designated as third-party administrators for the food stamp employment*
127 *and training program, and (vi) establish and make available materials that provide clear guidance to*
128 *food stamp program participants regarding satisfaction of employment and training requirements*
129 *through postsecondary education.*