



COMMONWEALTH of VIRGINIA
DEPARTMENT OF SOCIAL SERVICES
Office of the Commissioner

S. Duke Storen
Commissioner

July 27, 2026

MEMORANDUM

TO: Members, State Board of Social Services

FROM: Duke Storen *S. Duke Storen*

REGULATION: 22VAC40-411, General Relief Program
Amend General Relief to Align with 2026 Legislative Changes

ACTION: Exempt Regulation

This action will align the regulation with statutory changes made by the 2026 session of the Virginia General Assembly, regarding payment of burial expenses. I request that you approve the exempt regulation for publication in the *Virginia Register*, subject to approval by the Governor.

If you have questions concerning this requested regulatory action, please contact our Regulatory Coordinator, Karin Clark, at (804) 726-7017 or karin.clark@dss.virginia.gov.

DS:kc
Attachments


townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-411
VAC Chapter title(s)	General Relief Program
Action title	Amend General Relief to Align with 2026 Legislation
Final agency action date	August 17, 2026
Date this document prepared	August 17, 2026

This information is required for executive branch review pursuant to 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. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to 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*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter 843 (HB 1405) of the 2026 Acts of Assembly directs the State Board of Social Services to promulgate regulations allowing local departments of social services to pay the reasonable funeral expenses of a decedent who was a recipient of social services or Supplemental Security Income (SSI). This is an optional program for local departments and a new component of the General Relief Program. This change gives local departments a clear legal basis to provide financial assistance, subject to the availability of funding, when a qualifying individual dies without resources or family support to cover burial costs. As such, the regulation requires amendments to reflect this new authority.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The mandate for this regulatory change is a directive from the General Assembly. Section 63.2-217 of the Code of Virginia gives the State Board of Social Services the responsibility to make rules and regulations to administer social services in the Commonwealth under Title 63.2 of the Code of Virginia.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

The State Board of Social Services approved the exempt action for 22VAC40-411, General Relief Program, on TBD.



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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TO: DUKE STOREN, Commissioner, Virginia Department of Social Services
FROM: ELLEN R. FULMER, Senior Assistant Attorney General 
DATE: July 10, 2026
SUBJECT: Final Exempt Regulation – 22VAC40-411 (Amend General Relief to align with 2026 legislation)

I am in receipt of the attached regulation. You have asked the Office of the Attorney General to review and determine if the State Board of the Virginia Department of Social Services has the statutory authority to promulgate the proposed regulation and if the proposed amendments to the regulation comport with the applicable state and federal laws.

This regulatory action allows local departments of social services to pay the reasonable funeral expenses of a decedent who was a recipient of social services or Supplemental Security Income (SSI). This is an optional program for local departments and a new component of the General Relief Program giving local departments legal basis to provide financial assistance, subject to the availability of funding, when a qualified individual dies without resources or family support to cover burial costs.

It is my opinion that the State Board of DSS has the authority to promulgate this regulation, and that in so doing the State Board does not exceed its authority. Further, it is my view that this regulation is appropriate for the exempt rule making process under Article 2 of the APA. If you have any questions or need additional information about these regulations, please contact me at 786-4856.

cc: Kim F. Piner, Esquire

Attachment

Department of Social Services

Amend General Relief Regulation for 2026 Legislation

22VAC40-411-230. Burial Assistance.

Subject to the availability of funding, a local department may provide burial assistance to a decedent who was a recipient of public assistance or Supplemental Security Income at the time of their death. The local department must indicate in their General Relief Plan the maximum amount of assistance available and any additional eligibility criteria required for their locality.