

Original: 2195

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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

May 29, 2001

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POLICY

John R. McGinley, Jr., Esq., Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Regulation #14-447 (IRRC #2195)
Department of Public Welfare
Eligibility for TANF

Dear Chairman McGinley:

I am writing to request that IRRC disapprove the final form regulations on TANF Eligibility submitted by the Department of Public Welfare. These regulations should be rejected because they are both procedurally and substantively flawed.

Procedurally, they should not have been submitted as final form omitted regulations. Only DPW can take four years longer than provided for by statute to promulgate these regulations (they should have been submitted prior to December 19, 1996) and then pretend that it is appropriate or necessary to submit them as final form omitted and thus preclude any public or legislative committee comments. These regulations are very significant, will impact the lives of many Pennsylvania families, and affect every taxpaying citizen. They deserve and require public scrutiny and comment before being approved.

Substantively, without sufficient time to analyze these regulations as would have been possible had they properly been published in the PA Bulletin, I would like to comment on some of the proposed regulations' most obvious shortcomings.

1. The 60-month time limit on benefits, as promulgated at Section 141.41(f) of the regulations, violates state statute; further, it provides for no exceptions to the 60-month limit, contrary to Federal law and to current state policy.
2. The regulations, as promulgated at Section 165.31, do not include current policies allowing more education and training in the RESET program and permitting younger recipients from finishing high school or GED programs, contrary to legislative intent and expectations.
3. As promulgated at Section 165.22, the regulations will result in eligible disabled individuals being unable to qualify for work exemptions.

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4. Parts of Section 165 of the regulations eliminate necessary protections from sanctions for families who are earnestly trying to comply with TANF work requirements, thus undermining the intent of Act 35.
5. Section 255.1 of the regulations illegally disqualifies people from receiving cash assistance.

In conclusion, I believe it is within IRRC's authority to disapprove these regulations. They do not meet the statutory authority and legislative intent requirement of the law because they were promulgated in a form that precludes comment from the legislative standing committees and from the public. Further, as submitted, the regulations are substantively flawed and do not reflect the legislative intent of Act 35 of 1996. Rather than leading families to self-sufficiency, the regulations set up unnecessary barriers and result in inefficient and ineffective public policy.

I strongly urge the IRRC to disapprove these regulations as submitted and further direct the Department of Public Welfare to submit any final form regulations for public scrutiny.

Very truly yours,



Kathy Manderino
194th District

cc: Secretary Houston, DPW
Rep. Dennis O'Brien, HHS Committee
Rep. Frank Oliver, HHS Committee