

INSTRUCTIONS TO STATE AGENCIES FOR COMPLETING MANDATE ASSESSMENTS

Section 2.2-613 of the Code of Virginia requires all state agencies to assess the impact of the mandates that they administer on local governments, and to determine whether any mandates can be altered or eliminated. Section 15.2-2903 charges the Commission on Local Government (CLG) with the responsibility for managing the mandate assessment process. Executive Order 58 (2007) provides details on the process.

State agencies administer over 450 mandates on local governments, which the CLG has enumerated and described in the Catalog of State and Federal Mandates on Local Governments. The CLG updates the catalog annually. For the most part, only new or significantly altered mandates are subject to assessment; however, the CLG may decide that reassessment of any mandate is warranted after considering input from state agencies, interest groups, and the public. No mandate can be reassessed more frequently than once every four years, and all must be in effect for at least two years prior to being assessed.

Early in each year, CLG staff determines which cataloged mandates are due for assessment and notifies the applicable state agencies. For each mandate, the agencies choose a 60 to 90-day assessment period in the following fiscal year. The CLG compiles this information into a schedule that is ultimately approved by the Governor and published in the Virginia Register.

Mandate Assessment Form

The CLG has prepared a template to assist state agencies in meeting their mandate assessment obligations. Assessments should not deviate from this format. Save the form on your computer.

To begin, locate the abstract for your particular mandate in the [Catalog of State and Federal Mandates on Local Governments](#). The abstract provides the basic information that should be entered into the top of the form.

Detailed instructions for completing each item are included in the form itself in the gray shaded areas (*please delete these instructions in your final document*).

Input From Local Governments

The assessment form requires information on the fiscal impact of mandates on local governments. Please note that under EO 58, section B.1(b), agencies have the ultimate responsibility for soliciting comments from local governments. Therefore, your agency will need to conduct its own outreach to local governments to gather sufficient fiscal impact data to complete your mandate assessment. You can use the fiscal impact form provided to assist in gathering fiscal impact data.

Completing the Assessment

Your agency must determine based on your analysis whether a mandate should be retained, altered or eliminated. A recommendation of 'Eliminate' means that the affected local governments should no longer be required to comply with the requirements of the mandate. A recommendation of 'Eliminate' will require your agency to pursue the necessary legislative, administrative or other action to remove the requirement so that it is no longer imposed on local governments. The Commission will not remove mandates recommended for elimination from its Catalog of State and Federal Mandates on Local Governments until the agency has successfully pursued the necessary action.

A recommendation of 'Alter' will also require your agency to pursue the necessary action to change the mandate.

Please be aware that in 2011, the General Assembly amended § 2.2-613 to require that each assessment include an estimate of the mandate's fiscal impact on local governments, as well as a written justification as to why the mandate should or should not be eliminated.

Be advised that a response of "Not Applicable" on the assessment form is not acceptable. You must explain why the particular item is not applicable.

After finishing the assessment form for the mandate, you must have it signed by your department head and cabinet secretary. Please email the signed, final assessment document to:

kristen.dahlman@dhcd.virginia.gov.

If you have any questions, please contact Kristen Dahlman, Senior Policy Analyst at 804-371-7017, or kristen.dahlman@dhcd.virginia.gov.