

Office of Regulatory Management
Economic Review Form

Agency name	Department of Juvenile Justice
Virginia Administrative Code (VAC) Chapter citation(s)	6VAC35-30; 6VAC35-35
VAC Chapter title(s)	Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs; Regulation Governing the Process for Planning, Designing, and Constructing Locally Funded Juvenile Residential Facilities
Action title	Amend Regulation Governing State Reimbursement of Local Juvenile Residential Facility Costs
Date this document prepared	October 27, 2023 (updated December 15, 2023 and July 10, 2025)
Regulatory Stage (including Issuance of Guidance Documents)	Proposed

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs: This regulation does not impose any fees, and there are no other direct costs associated with it.</p> <p>Indirect Costs: There are no quantifiable indirect costs associated with this regulation.</p> <p>Direct Benefits: This regulation does not generate any revenues, and there are no other direct benefits associated with it.</p> <p>Indirect Benefits: There are no quantifiable indirect benefits associated with this regulation.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) \$ 0</p>	<p>(b) \$ 0</p>
<p>(3) Net Monetized Benefit</p>	<p>\$ 0</p>	
<p>(4) Other Costs & Benefits (Non-Monetized)</p>	<p>The proposed amendments to this chapter are intended to streamline and clarify the process for localities seeking to construct new juvenile residential facilities or modify existing facilities, regardless of whether the state reimburses the locality for the project. Removing some of the bureaucratic hurdles associated with obtaining reimbursement for such projects through other available channels and allowing for an expedited process for nonreimbursement requests (the new Chapter 35) will smooth the path for completion of the project to the benefit of the residents in these facilities and the staff responsible for their care. Eliminating the outdated, prescriptive funding formula on which localities seeking reimbursement base their estimated construction costs will allow the locality greater flexibility in determining construction costs. Requiring localities that forego the reimbursement process to provide DJJ with a project overview rather than the more detailed statement of need and planning study documents, and allowing DJJ to remain involved throughout various stages of the project, will help ensure that the construction or modification is consistent with industry standards, thereby ensuring the safety of juveniles residing in such facilities. The department believes that the vast majority of regulated entities will choose to use the expedited, nonreimbursement process set forth in the new Chapter 35</p>	

(5) Information Sources	Text of 6VAC35-30 and the proposed 6VAC35-35
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Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: There are no quantifiable direct costs associated with the status quo.</p> <p>Indirect Costs: There are no quantifiable indirect costs associated with the status quo.</p> <p>Direct Benefits: There are no quantifiable direct benefits associated with the status quo.</p> <p>Indirect Benefits: There are no quantifiable indirect benefits associated with the status quo.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$ 0	(b) \$ 0
(3) Net Monetized Benefit	\$ 0	
(4) Other Costs & Benefits (Non-Monetized)	<p>Retaining the existing regulation would maintain the current requirement that all facility construction or modifications must undergo the process set out in the chapter, even in the absence of reimbursement funding. This is inefficient and foregoes the opportunity to ease the regulatory burden on localities by amending the existing regulation and creating the new chapter establishing a streamlined process for those projects not seeking state reimbursement.</p>	
(5) Information Sources	Text of 6VAC35-30 and the proposed 6VAC35-35	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Section 16.1-309.5 of the Code of Virginia directs the Commonwealth to reimburse localities for “one-half the cost of construction, enlargement, renovation, purchase, or rental of a detention home or other facilities the plans and specifications of which were approved by the Board and the Governor, in accordance with the statute. Additionally, the statute directs the Board to promulgate regulations, including criteria for evaluating requests for such reimbursement and “to ensure the geographically equitable distribution of state funds provided for such purpose.”</p>
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	Additionally, § 16.1-309.9 directs the board to approve minimum standards for the construction and equipment of “detention homes or other facilities” and gives the board the authority to prohibit the placement of juveniles in places of residence which do not comply with these minimum standards. Because of these statutory requirements, the department does not believe there are any viable alternatives to either amending the regulation or keeping it in its current form.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) N/A	(b) N/A
(3) Net Monetized Benefit	N/A	
(4) Other Costs & Benefits (Non-Monetized)	N/A	
(5) Information Sources	Code of Virginia and text of 6VAC35-30	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: This regulation does not impose any fees, so there are no direct costs associated with it.</p> <p>Indirect Costs: There are no quantifiable indirect costs associated with this regulatory action.</p> <p>Direct Benefits: This regulation does not generate any revenues, so there are no direct benefits associated with it.</p> <p>Indirect Benefits: Localities that fall under the new regulation will be relieved of the burden of completing various reports and processes required under the reimbursement regulation. This should generate savings for those localities; however the department does not have sufficient information to predict the amount of savings.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits

	(a) \$ 0	(b) Undetermined
(3) Other Costs & Benefits (Non-Monetized)	The regulatory changes are intended to simplify the process for localities involved in qualifying construction and modification projects, with the ultimate goal of creating a safer environment for juveniles residing in these facilities.	
(4) Assistance	N/A	
(5) Information Sources	Text of proposed changes to 6VAC35-30 and the new 6VAC35-35	

Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: This regulation does not impose any fees, so there are no direct costs to families.</p> <p>Indirect Costs: This regulation has no indirect costs to families.</p> <p>Direct Benefits: This regulation does not produce any direct benefits to families.</p> <p>Indirect Benefits: This regulation does not produce any indirect benefits to families.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) \$ 0	(b) \$ 0
(3) Other Costs & Benefits (Non-Monetized)	The proposed changes to this regulation are designed to simplify the process for localities involved in qualifying construction and modification projects, with the ultimate goal of creating a safer environment for juveniles residing in these facilities. This is of benefit to those families with children in such circumstances.	
(4) Information Sources	Text of proposed changes to 6VAC35-30 and the new 6VAC35-35	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<p>Direct Costs: This regulation does not impose any fees, so there are no direct costs to small businesses.</p> <p>Indirect Costs: While this regulation impacts architects, engineers, and contractors involved in these local construction, renovation, and similar projects, the number of firms and businesses impacted will depend upon the number of qualifying projects and their scope. The department does not have sufficient information to determine a monetized cost for the proposed changes.</p> <p>Direct Benefits: This regulation does not create direct benefits for small businesses.</p> <p>Indirect Benefits: While architects, engineers, and contractors involved in these local projects may see some indirect benefit from a streamlined process, the department does not have sufficient information to determine a monetized benefit for the proposed changes.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) Undetermined</p>	<p>(b) Undetermined</p>
<p>(3) Other Costs & Benefits (Non-Monetized)</p>	<p>These regulatory changes are intended to streamline and simplify the process for architects, engineers, and contractors involved in these projects.</p>	
<p>(4) Alternatives</p>	<p>The alternative is to maintain the status quo, which would forego the potential savings to small businesses by streamlining and simplifying the process.</p>	
<p>(5) Information Sources</p>	<p>Text of proposed changes to 6VAC35-30 and the new 6VAC35-35</p>	

Changes to Number of Regulatory Requirements

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
Note:	Because no funds have been appropriated by the General Assembly for facility construction or renovation in many years, the department believes the vast majority of regulated parties will choose to follow the provisions of the new Chapter 35 included in this action and will not be required to comply with the provisions of Chapter 30. For that reason, and pursuant to a conversation with ORM, all the requirements of Chapter 30 will be counted as reductions.				
6VAC35-30-20	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-30-35	(M/A):	0	0	0	0
	(D/A):	5	0	5	-5
	(M/R):	0	0	0	0
	(D/R):	3	0	3	-3
6VAC35-30-40	(M/A):	0	0	0	0
	(D/A):	7	0	7	-7
	(M/R):	0	0	0	0
	(D/R):	4	0	4	-4
6VAC35-30-45	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-30-60	(M/A):	0	0	0	0
	(D/A):	7	0	7	-7
	(M/R):	0	0	0	0
	(D/R):	1	0	1	-1
	(M/A):	0	0	0	0

6VAC35-30-65	(D/A):	7	0	7	-7
	(M/R):	0	0	0	0
	(D/R):	7	0	7	-7
6VAC35-30-70	(M/A):	0	0	0	0
	(D/A):	2	0	2	-2
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
6VAC35-30-80	(M/A):	0	0	0	0
	(D/A):	4		4	-4
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
6VAC35-30-90	(M/A):	0	0	0	0
	(D/A):	3	0	3	-3
	(M/R):	0	0	0	0
	(D/R):	3	0	3	-3
6VAC35-30-100	(M/A):	0	0	0	0
	(D/A):	4	0	4	-4
	(M/R):	0	0	0	0
	(D/R):	4	0	4	-4
6VAC35-30-110	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	1	0	1	-1
6VAC35-30-120	(M/A):	0	0	0	0
	(D/A):	1	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-30-130	(M/A):	0	0	0	0
	(D/A):	1	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-30-140	(M/A):	0	0	0	0
	(D/A):	0	0	0	0

	(M/R):	0	0	0	0
	(D/R):	7	0	7	-7
6VAC35-30-150	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-30-160	(M/A):	0	0	0	0
	(D/A):	1	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	0	0	0	0
6VAC35-30-170	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	2	0	2	-2
6VAC35-30-180	(M/A):	0	0	0	0
	(D/A):	1	0	1	-1
	(M/R):	0	0	0	0
	(D/R):	4	0	4	-4
6VAC35-35-20	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	1	1		1
6VAC35-35-30	(M/A):	0	0	0	0
	(D/A):	0	5	0	5
	(M/R):	0	0	0	0
	(D/R):	0	1	0	1
6VAC35-35-40	(M/A):	0	0	0	0
	(D/A):	0	2	0	2
	(M/R):	0	0	0	0
	(D/R):	0	6	0	6
6VAC35-35-50	(M/A):	0	0	0	0
	(D/A):	0	2	0	2
	(M/R):	0	0	0	0

	(D/R):	0	4	0	4
6VAC35-35-70	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	1	0	1
6VAC35-35-80	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	7	0	7
6VAC35-35-90	(M/A):	0	0	0	0
	(D/A):	0	0	0	0
	(M/R):	0	0	0	0
	(D/R):	0	2	0	2
Grand Total of Changes in Requirements:					(M/A):0 (D/A):-37 (M/R):0 (D/R):-24

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden
6VAC35-30-15	The proposed amendment limits the chapter's application to localities seeking reimbursement or seeking to preserve the option for reimbursement and requires localities not seeking reimbursement to comply with a newly created chapter that provides for a simplified process.	The proposal limits the chapter's application to localities seeking state reimbursement through alternative mechanisms (such as by legislative enactment or for emergency maintenance projects) or seeking to preserve the option for reimbursement in the future should such funding be reinstated. Localities not

		<p>seeking reimbursement will be subject to a new regulatory chapter and no longer need to comply with this chapter. The proposal makes conforming changes to 6VAC35-20-69 and 6VAC35-101-350. These changes are intended to simplify the process for localities making modifications to eligible juvenile facilities, whether or not they intend to seek state reimbursement funding.</p>
<p>6VAC35-30-35</p>	<p>The proposed amendment changes the locality's required submissions during the prescreening process and provides that minor projects need not undergo prescreening.</p>	<p>The proposal modifies the language to require an initial graphic only if available. Additionally, the proposal clarifies that projects within the first category include construction, enlargement, or other modification projects, and that construction projects do not fall within the second category. Additionally, the project overview submitted for the second category of projects must briefly describe the project, justify its necessity, and include other pertinent information, as needed. Finally, the proposal eliminates the third category of projects and moves to Section 15 (Applicability) the provision excluding minor projects from this chapter's jurisdiction. In so doing, the proposal clarifies that routine maintenance and other minor projects need not undergo the prescreening process mandated in this section. The proposal also emphasizes that the department will consider a project to fall under the first two categories</p>

		only if the sponsor is requesting reimbursement.
6VAC35-30-45	The proposed amendment establishes a process for localities pursuing state reimbursement for qualifying emergency maintenance projects.	The proposal adds a new subsection C to clarify that reimbursement funding remains available for emergency maintenance projects needed to resolve immediate life safety issues, provided the Appropriation Act authorizes such reimbursement. This is consistent with language that has been added in the Appropriation Act since 2005. The proposal also establishes the process for obtaining such reimbursement, which begins with following the prescreening requirements in Section 35. Although the Appropriation Act allows for this reimbursement funding in emergencies, the regulation currently does not expressly provide a process for obtaining such reimbursement.
6VAC35-30-65	The proposed amendment repeals the funding formula currently required to determine construction costs.	Due to concerns regarding its prescriptive nature and unreliability, the proposal repeals the funding formula and allows the architect/engineer to determine construction costs based on its expertise. The funding formula relies on figures derived from adult jails despite the fact that juvenile secure detention centers and other locally operated juvenile residential facilities that fall within the scope of these regulations have different populations and are structured differently to accommodate those populations. The department believes these changes will

		make the process less burdensome for localities seeking reimbursement and for the board as it considers these reimbursement requests.
6VAC35-30-90; 6VAC35-30-100; 6VAC35-30-130; 6VAC35-30-150; and 6VAC35-30-180	The proposed amendments remove the provision that localities comply with DJJ procedures in fulfilling this chapter's requirements.	The proposals remove the reference to written procedures as a violation of 1VAC7-10-140. DJJ will continue to release these procedures as standalone guidance, but they will no longer be deemed a part of the regulation.
6VAC35-20-69	The proposed amendment strikes the language requiring localities engaged in new construction, expansions, and renovations of juvenile residential facilities to conform to the reimbursement regulations.	The proposal strikes the reference to the reimbursement regulations and provides that if a locality is seeking reimbursement for such projects on local juvenile residential facilities or seeking to preserve the option to obtain reimbursement, only then is compliance with the reimbursement regulations necessary. For projects not involving reimbursement, the provisions of the new, less burdensome Chapter 35 shall apply.
6VAC35-101-350	The proposed amendment strikes the provision requiring compliance with the reimbursement regulation for planned construction, renovation, enlargement, or similar detention center projects.	The proposal limits the application of these reimbursement regulations to local projects involving a current or future reimbursement request and requires compliance with the new, less burdensome Chapter 35 for all other requirements.

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Length	New Length	Net Change in Length