



Virginia Department of Planning and Budget **Economic Impact Analysis**

6 VAC 35-101 – Regulation Governing Juvenile Secure Detention Centers
Department of Juvenile Justice
June 16, 2014

Summary of the Proposed Amendments to Regulation

The Board of Juvenile Justice proposes to amend building standards in its regulation that governs juvenile secure detention centers to insert an exemption to newer bathing facility standards. This exemption was in the regulation that was in effect until December 2013 and was unintentionally left out of the current superseding regulation.

Result of Analysis

Benefits likely outweigh costs for this proposed regulatory change.

Estimated Economic Impact

The former regulation for juvenile secure detention centers contained an exemption for secure detention facilities to a general building rule that specified that all juvenile justice facilities built or modified after July 1, 1981 contain at least one full bathroom (containing a toilet, wash basin and tub or shower) for every four residents. The exemption only applied the 4/1 ratio standard to secure facilities built or modified after December 28, 2007; facilities built or modified before December 28, 2007 were subject to a standard that specified one full bathroom for every eight residents. This exemption was inadvertently left out when a superseding regulation was promulgated in 2013. The Board now proposes to insert the exemption back into regulation so that secure detention facilities are not required to conform to the more stringent and costly standard.

There are currently 778 individuals housed in 24 locality run juvenile secure detention centers. Any of these facilities that were built or modified between July 1, 1981 (when the new, more stringent standard went into general effect) and December 28, 2007 (when the new, more

stringent standard applied under the exemption) will save the cost that would be incurred if they had to approximately double the number of full bathrooms in their facilities. Total cost per facility absent this proposed regulatory change would likely be more than \$10,000¹ times the number of bathrooms that would need to be added. Given this estimate, affected localities' cost avoidance on account of reinserting the exemption into regulation will be considerable.

Businesses and Entities Affected

There are currently 24 locality run juvenile secure detention centers in the Commonwealth. To the extent that any of these facilities were built or modified between July 1, 1981 and December 28, 2007, they will be affected by this proposed regulatory action.

Localities Particularly Affected

Localities that have juvenile secure detention facilities will be particularly affected by this proposed regulatory action.

Projected Impact on Employment

This proposed regulation is unlikely to affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

This proposed regulation affects only public juvenile secure detention centers.

Small Businesses: Costs and Other Effects

This proposed regulation affects only public juvenile secure detention centers.

Small Businesses: Alternative Method that Minimizes Adverse Impact

This proposed regulation affects only public juvenile secure detention centers.

Real Estate Development Costs

This proposed regulatory action will allow affected Virginia localities to avoid likely large costs for having to modify existing juvenile secure detention centers.

¹ The Department of Professional and Occupational Regulation recently estimated that retro-fitting a bathroom with just a toilet and a wash basin to a cosmetology establishment would cost approximately \$10,000. It is likely safe to assume that it would cost much more than \$10,000 to add a full bathroom to a facility where security during construction would be an issue.

Legal Mandate

General: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia and Executive Order Number 14 (2010). Section 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to:

- the projected number of businesses or other entities to whom the proposed regulation would apply,
- the identity of any localities and types of businesses or other entities particularly affected,
- the projected number of persons and employment positions to be affected,
- the projected costs to affected businesses or entities to implement or comply with the regulation, and
- the impact on the use and value of private property.

Small Businesses: If the proposed regulation will have an adverse effect on small businesses, § 2.2-4007.04 requires that such economic impact analyses include:

- an identification and estimate of the number of small businesses subject to the proposed regulation,
- the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents,
- a statement of the probable effect of the proposed regulation on affected small businesses, and
- a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Additionally, pursuant to § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules (JCAR) is notified at the time the proposed regulation is submitted to the *Virginia Register of Regulations* for publication. This analysis shall represent DPB's best estimate for the purposes of public review and comment on the proposed regulation.

AMH

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