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Exempt Action: Final Regulation Agency Background Document

Agency name	Board of Local and Regional Jails
Virginia Administrative Code (VAC) Chapter citation(s)	___6_ VAC_15 - _70__
VAC Chapter title(s)	Standards for Community Residential Programs
Action title	Repeal 6 VAC 15-70 Standards for Community Residential Programs
Final agency action date	07/29/2021
Date this document prepared	07/29/2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), 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.

This action is to repeal 6 VAC 15-70 (Standards for Community Residential Programs), as unneeded. The regulations were originally established under the authority of § 53.1-5 and § 53.1-178 of the Code of Virginia, which have both been amended removing the Board of Corrections' (now the Board of Local and Regional Jails) authority to establish regulations and standards governing such programming under the Department of Corrections.

Chapter 375 of the 2011 Acts of the General Assembly amended §53.1-5 of the Code of Virginia by removing authority for the Board of Corrections (now the Board of Local and Regional Jails) to set the standards for programs housing offenders under state supervision. In 2020, Chapter 759 of the Acts of the General Assembly amended §53.1-178, changing the Board's authority to set standards for halfway houses to the Director of the Department of Corrections.

The existing regulation provides standards for the development, operation, and evaluation of programs and services in group home halfway houses or other physically unrestricting facilities used for the housing, treatment, or care of adult offenders established or operated by an political subdivision, combination of political subdivisions or privately operated agency within the Commonwealth.

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). "Mandate" is defined as "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 has been removed from the Board of Local and Regional Jails (formerly the Board of Corrections) to establish such regulations.

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Therefore, since the Board no longer has the necessary authority to establish such regulations or standards, the regulation must be repealed.

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) the name of the agency taking the action; and 3) the title of the regulation.

On July 29, 2021, the Board of Local and Regional Jails is taking the action of repealing 6 VAC 15-70, Standards for Community Residential Programs.