

Court Facilities – Capital Planning and Cleaning/Minor Repairs Program



May 2026

Overview



History of New York Court Facilities



Applicable Statutes– Unified Court Budget Act, Court Facilities Act, Chapter 686 of the laws of 1996



Types of State Aid Available



Frequently Asked Questions

History

Prior to 1977, New York's state courts were a broad array of discrete courts, with separate personnel and budget systems. The cost of operating the court system was the responsibility of the counties and cities where each court was located.

History

1977 marked the State takeover of City and County Courts.

➔ Local governments no longer needed to pay for salaries/benefits for court employees and judges. They retained the obligation to provide and maintain court facilities.

Applicable Statutes

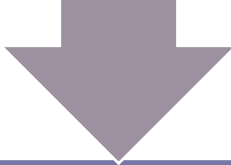


Judiciary Law § 39(3)(a)

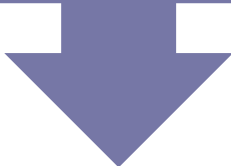
“[A]ll goods, services and facilities presently furnished and paid for by any political subdivision to the courts . . . shall continue to be furnished and paid for by the political subdivision. Each political subdivision shall also be responsible for supplying such additional facilities suitable and sufficient for the transaction of business as may become needed after the effective date of this subdivision.”
– Unified Court Budget Act

Judiciary Law § 39(3)(a)

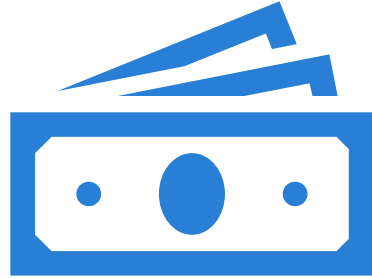
Local governments have a responsibility to provide the goods, services, and facilities that were provided at the time of the state takeover.



The localities also have the responsibility of providing additional facilities that are suitable and sufficient for court business, as determined by the needs of the court.



Examples include a new courthouse to accommodate new judges and staff, additional chambers space, replacement HVAC systems and elevators, and additional courtrooms.



Withholding State Aid: If a local government fails to provide the suitable and sufficient goods, services, and facilities as required under the Judiciary Law, UCS may tell the State Comptroller to withhold state aid to the political subdivision in the amount of the value of goods, services, and facilities.

See Judiciary Law § 39 (3)(a)

Court Facilities Act of 1987

- Court Facilities Act established the Court Facilities Capital Review Board (CFCRB). The CFCRB is vested with oversight of non-State-owned court facilities.
- The court system establishes the guidelines for developing the capital plans, provides technical assistance to localities as they develop the plans, and monitors submission of the plans.
- Localities must receive the CFCRB's approval of their capital plan and subsequent changes to the plan.

Court Facilities Act of 1987

- Reimbursement of interest aid (25-33% of yearly bond interest) for bonds issued to fund capital work on court facilities.
- Reimbursed locality for 10-25% of court facility maintenance and operating costs.

Interest Aid on Capital Projects

The capital project must be approved by the Court Facilities Capital Review Board before the local government can receive interest aid.



Chapter 686 of the Laws of 1996 Judiciary Law § 39-b

Increased aid to localities:

- Objective: Improve cleaning and minor repairs of court facilities
- Cleaning & Minor Repair - 100% reimbursement

Four types of state aid available for court facilities

Interest aid on capital projects – 25 -33% of the interest paid on bonds issued to fund court capital project

Cleaning – 100% reimbursement

Operations and maintenance – 25% reimbursement

Minor repairs/tenant work – 100% reimbursement

Interest Aid on Capital Projects

If the political subdivision has “entered into a lease, sublease or other agreement with the dormitory authority” or “undertook to design, acquire, construct, reconstruct, rehabilitate or improve facilities for the transaction of business by the unified court system and issued notes or bonds to fund the cost,” they can be reimbursed a percentage (25-33%) of the interest paid on the bonds that were issued to fund the court capital project.

Interest Aid on Capital Projects

The Unified Court System allocated \$11.6 million in its 2026 budget for interest aid subsidies.

Cleaning Includes:


- Removal of trash and debris; maintenance of appropriate standards of hygiene; painting; pest control; and replacement of consumable items such as light bulbs, soap, toilet paper and paper toweling. 22 NYCRR § 34.2
- The political subdivision pays the upfront costs, and UCS will reimburse the city/county for 100% of incurred cleaning costs under a 686 contract.

Judiciary Law Section 39-b

Requires municipalities to enter a contract with the UCS to provide cleaning of court facilities



State shall reimburse the municipality for the cost of cleaning



Defines “cleaning of court facilities” as those services and activities that are necessary to ensure that the interior of each court facility is and remains a clean and healthful environment

Rules of the Chief Judge Part 34.1

Sets maintenance
and operation
standards for court
facilities.

Includes cleaning
frequency
schedules

Municipalities
failure to comply
may result in loss
of reimbursement

Requires quarterly
inspections of
court facilities

Cleaning, HVAC Ductwork Cleaning, and Filter Changing

Includes the costs of cleaning the interior of buildings, work typically referred to as “janitorial services.” Cleaning expenses are 100 percent reimbursable and include the following categories:

- Cleaning Contracts
- Wages and fringe benefits for local government employees
- Cleaning supplies and equipment
- HVAC ductwork cleaning
- Filter changing



Trash Removal and Disposal

100 percent reimbursable and includes the cost of:

- Removing trash from outside a building to a disposition site
- Final disposition of garbage
- Trash disposal must exclude any revenues from sales of trash

Operations and Maintenance

- This is defined as “routine care and upkeep of [court] facilities in a manner consistent with such standards and policies relating to court facilities. . . .” State Finance Law 54-j(5)(d).
- The cities and counties pay the upfront cost, and UCS will reimburse 25% of the cost of maintaining court facilities.

Operations and Maintenance

- “Maintenance includes those services, activities and procedures which are concerned with preserving, protecting and keeping buildings, grounds and equipment in a satisfactory state of repair. Included in these activities are some repairs, replacements, renovations and adjustments. Existing court facilities and those which are currently being constructed will require adequate maintenance if they are to function satisfactorily.” 22 NYCRR § 34.1 (c)(2)

Operations and Maintenance

- Maintenance includes the costs of maintaining the interior and exterior of the court-occupied buildings and the building systems and property.
- Maintenance expenses include:
 - Service Contracts
 - Wage and fringe benefit expenses for local government employees who perform building maintenance tasks in court facilities.
 - Maintenance supplies and equipment.
 - As a practical matter, building systems replacement costs may be eligible for reimbursement at the maintenance rate. Such items require approval of the OCA Chief of Operations.

Minor Repairs or Tenant Work

- Defined in the Rules of the Chief Judge, Section 34.2:

“The term minor repairs [identified as Tenant Work in the budget] shall mean such repairs as are required to replace a part, to put together what is torn or broken, or to restore a surface or finish, where such repairs will preserve and/or restore a court facility to full functionality; and ***shall include: (a) painting, carpeting, and other resurfacing of, or finish work related to, the interiors of spaces used by the Unified Court System...***”

Tenant Work

- Represents the municipality's anticipated costs for facility improvement projects **requested by the UCS**. The Tenant Work portion of the budget should be developed in close consultation with court-level and District Office personnel.
- All work proposed pursuant to this section must be paid for from a locality's current year operating budget (whether or not the work is labeled as a "capital project" by the locality).
- UCS will provide 100% reimbursement of allowable costs to the local government for improvements to existing spaces as requested by UCS.

Rules of the Chief Judge Part 34.2

Prohibits reimbursement for such expenditures incurred to pay for cleaning that is undertaken in lieu of replacement of a building system that, in accordance with the political subdivisions normal and usual policies, procedures and practices, should be replaced, or **such expenditure is being or could be bonded.**

Agreements with Local Governments

The local government shall maintain and operate the COURT FACILITIES in accordance with standards established by Rules of the Chief Judge Parts 34.1 and 34.2.

UCS shall inspect court facilities quarterly. Any deficiencies must be corrected by the local government.

Agreements with Local Governments

- The locality shall be reimbursed for the costs actually expended for services pursuant to this Agreement in accordance with the amounts set forth in the Appendix B (the Budget) applicable to the period.
- The UCS shall be entitled to recover any amounts paid to the locality, which are subsequently disallowed pursuant to a final audit.

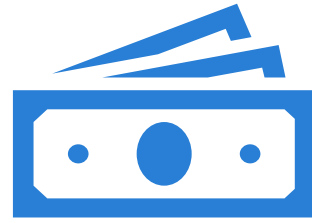
Calculating Space Eligible for Aid

The Court Cleaning and Minor Repair program aids local governments with the costs of cleaning and maintaining **space occupied by or totally dedicated to the use of the UCS.**

Space calculation concerns should be directed to the **OCA Court Facilities Unit located at 25 Beaver Street in NYC.**



Reimbursable Activities: cleaning, trash removal and disposal, HVAC duct cleaning and filter changing, painting, tenant work, building and property maintenance.



Reimbursable Costs: Cleaning and minor repair costs paid for out of the municipality's current-year operating budget for actual expenses are eligible for aid under this program. All projects and other expenses that are financed by borrowing are ineligible for reimbursement under this program. Such projects are "capital projects."



Frequently Asked Questions

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Does the political subdivision have to bond capital work?

No, it can be paid via other means. Some political subdivisions fund capital work from their own budget, from federal aid, from other sources of state aid from the Legislature, from private grants, etc.

What is the consequence of failing to provide suitable and sufficient court facilities?

After giving the political subdivision the opportunity to engage in mediation, UCS may contact the State Comptroller to withhold state aid payments in an amount equal to the value of the goods, services, and facilities that are not being provided. This is a severe penalty that would have a serious impact on local services and finances.

Frequently Asked Questions

What is the difference between capital work and maintenance and operations?

Maintenance and operations pertains to routine maintenance and repair work. Examples include elevator repair, pest control, HVAC repairs, fire alarm maintenance.

Capital work includes expansion of the footprint of the courthouse, roof/elevator/HVAC replacement, and any work that is beyond maintenance of the current facility.

Can a local government take away court space without providing a comparable substitute?

No. Localities must continue providing the goods, services, and facilities that they provided at the time of the state takeover. If a locality is taking back space that the court is currently using, the locality must engage in discussion with court personnel regarding the provision of comparable space.

Frequently Asked Questions

What is the difference between tenant work and capital work?

If the work is related to cosmetic factors and at UCS' request, it is more likely to be considered tenant work.

If the work is required for the functioning of the building (e.g., HVAC, roof, elevator replacement), it is more likely to be considered capital work.

Capital work is required for the building to be suitable and sufficient for the transaction of business.

If piping or wiring or work behind the walls is required, it will generally not be considered tenant work.

Frequently Asked Questions

What approval is needed from UCS before proceeding on a capital project?

The local court, Administrative Judge of the judicial district, OCA architects, the Division of Finance and Management, and Division of Facilities should all give their approval before a capital project proceeds.

Can interest aid be provided retroactively?

Yes.

Frequently Asked Questions

Can the cost of a capital project for the trial courts be reimbursed by UCS?

No, there is no reimbursement of costs for capital projects. The only assistance available from the state is a percentage of the interest being paid on bonds issued by the political subdivision.

My county/city does not have the money to fund a court facility capital project. What do we do?

UCS is willing to work with local governments to produce a workable solution. Some approaches that have worked in the past include a public/private partnership, leasing new space, applying for federal grants, applying for state grants, etc. Please speak with our Division of Financial Management to discuss different options.

Appendix: Links to Governing Statutes

- [State Finance Law § 54-j](#)
- [Judiciary Law § 39](#)
- [Judiciary Law § 39-a](#)
- [Judiciary Law § 39-b](#)
- [Judiciary Law § 212 \(u\)](#)
- [Judiciary Law § 219, 219-a](#)
- [Public Authorities Law § 1680-b](#)
- [Public Authorities Law § 1680-c](#)
- [Public Authorities Law § 1680-d](#)
- [General Municipal Law § 99-q](#)
- [State Finance Law § 94](#)

Appendix: Link to the Rules of the Chief Judge

- Rules of the Chief Judge:

<https://www.nycourts.gov/rules/part-34-guidelines-new-york-state-court-facilities>

Part 34.0

- Practical application of the Rules of the Chief Judge
- Part 34.1
 - Maintenance and operation standards of court facilities
- Part 34.2
 - Reimbursement for cleaning of court facilities