

COURT FACILITIES CAPITAL REVIEW BOARD



BACKGROUND & OVERVIEW

2026

LEGISLATIVE HISTORY

1976 – UNIFORM BUDGET ACT

CONVERTED MUNICIPAL COURT EMPLOYEES TO STATE EMPLOYEES

1982 – NYS COURT FACILITIES TASK FORCE

TASK FORCE CONCLUDED THAT 58.5% OF ALL COURT FACILITIES (8M GROSS SQ. FT) HAD MAJOR INADEQUACIES

1985 – JOINT COMMITTEE ON JUDICIAL ADMIN.

127-PAGE REPORT - UPGRADING PHYSICAL FACILITIES SHOULD BE HIGHEST PRIORITY IN GOAL OF IMPROVING JUSTICE

1987 – LEGISLATURE PASSES COURT FACILITIES ACT

ESTABLISHED COURT FACILITIES CAPITAL REVIEW BOARD, REQUIRED 119 POLITICAL SUBDIVISIONS TO SUBMIT CAPITAL PLANS, & PROVIDED FINANCIAL ASSISTANCE (25-33% INTEREST AID ON BOND FOR CAPITAL WORK AND 10-25% OF MAINTENANCE)

1995 – LEGISLATION EXPANDS AID TO APPELLATE CT.

LEGISLATION ALLOWS STATE-REIMBURSEMENT WHEN COUNTIES PROVIDE FACILITIES – INCLUDES LEASE COSTS, RENOVATIONS, CLEANING, AND MAINTENANCE OF APPELLATE COURT FACILITIES

1996 – LEGISLATURE INCREASES STATE AID

PHASED LEGISLATION INCREASING REIMBURSEMENT FOR CLEANING OF COURT FACILITIES (100%) AND MINOR REPAIRS - FIRST INCREASE SINCE 1987 ENACTMENT



Wachtler Urges Drive To Rebuild Decaying Courts, by David Margolick, New York Times, October 23, 1985. Reproduced electronically: <https://www.nytimes.com/1985/10/23/nyregion/wachtler-urges-drive-to-rebuild-decaying-courts.html>

THE ROLE OF A POLITICAL SUBDIVISION – PROVIDING SUITABLE AND SUFFICIENT FACILITIES

Judiciary Law § 39(3)(a)

“Notwithstanding any other provision of law, all goods, services and facilities presently furnished and paid for by any political subdivision to the courts and court-related agencies affected by this section not included in that portion of the budget of the political subdivision used in the computation of the amounts set forth in subdivision two of this section, 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.”

COURT FACILITIES ACT APPLIES TO 119 POLITICAL SUBDIVISIONS

1. Albany Co.	21. Herkimer Co.	41. Saratoga Co.	61. City of Mt. Vernon	81. City of Dunkirk	101. City of North Tonawanda
2. Allegany Co.	22. Jefferson Co.	42. Schenectady Co.	62. City of New Rochelle	82. City of Elmira	102. City of Norwich
3. Broome Co.	23. Lewis Co.	43. Schoharie Co.	63. City of New York	83. City of Fulton	103. City of Ogdensburg
4. Cattaraugus Co.	24. Livingston Co.	44. Schuyler Co.	64. City of Niagara Falls	84. City of Geneva	104. City of Olean
5. Cayuga Co.	25. Madison Co.	45. Seneca County	65. City of Rochester	85. City of Glen Cove	105. City of Oneida
6. Chautauqua Co.	26. Monroe Co.	46. Steuben Co.	66. City of Rome	86. City of Glens Falls	106. City of Oneonta
7. Chemung Co.	27. Montgomery Co.	47. Suffolk Co.	67. City of Schenectady	87. City of Gloversville	107. City of Oswego
8. Chenango Co.	28. Nassau Co.	48. Sullivan Co.	68. City of Syracuse	88. City of Hornell	108. City of Peekskill
9. Clinton Co.	29. Niagara Co.	49. Tioga Co.	69. City of Troy	89. City of Hudson	109. City of Plattsburgh
10. Columbia Co.	30. Oneida Co.	50. Tompkins Co.	70. City of Utica	90. City of Ithaca	110. City of Port Jervis
11. Cortland Co.	31. Onondaga Co.	51. Ulster Co.	71. City of White Plains	91. City of Jamestown	111. City of Poughkeepsie
12. Delaware Co.	32. Ontario Co.	52. Warren Co.	72. City of Yonkers	92. City of Johnstown	112. City of Rensselaer
13. Dutchess Co.	33. Orange Co.	53. Washington Co.	73. City of Amsterdam	93. City of Kingston	113. City of Rye
14. Erie Co.	34. Orleans Co.	54. Wayne Co.	74. City of Auburn	94. City of Lackawanna	114. City of Salamanca
15. Essex Co.	35. Oswego Co.	55. Westchester Co.	75. City of Batavia	95. City of Little Falls	115. City of Saratoga Springs
16. Franklin Co.	36. Otsego Co.	56. Wyoming Co.	76. City of Beacon	96. City of Lockport	116. City of Sherrill
17. Fulton Co.	37. Putnam Co.	57. Yates Co.	77. City of Canandaigua	97. City of Long Beach	117. City of Tonawanda
18. Genesee Co.	38. Rensselaer Co.	58. City of Albany	78. City of Cohoes	98. City of Mechanicville	118. City of Watertown
19. Greene Co.	39. Rockland Co.	59. City of Binghamton	79. City of Corning	99. City of Middletown	119. City of Watervliet
20. Hamilton Co.	40. St. Lawrence Co.	60. City of Buffalo	80. City of Cortland	100. City of Newburgh	Jud. §219; Jud. §39(2)(a)

New York State Judicial Districts

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BOARD COMPOSITION

FOUR (4) VOTING MEMBERS

APPOINTED BY THE GOVERNOR, UPON THE RECOMMENDATION OF:

THE TEMPORARY PRESIDENT OF THE SENATE,
SPEAKER OF THE ASSEMBLY,
THE CHIEF JUDGE OF THE COURT OF APPEALS, AND
THE GOVERNOR.

PUBLIC AUTHORITIES LAW §1680-C(1)

TWO (2) NON-VOTING MEMBERS

APPOINTED BY THE GOVERNOR, UPON THE RECOMMENDATION OF:

THE MINORITY LEADER OF THE SENATE, AND
THE MINORITY LEADER OF THE ASSEMBLY.

PUBLIC AUTHORITIES LAW §1680-C(2)

DESIGNATING AN AGENT

ANY MEMBER CAN DESIGNATE A “REPRESENTATIVE” TO ATTEND MEETINGS
AND ACT IN THEIR PLACE – “REPRESENTATIVE” CANNOT FURTHER DELEGATE A MEMBER’S AUTHORITY

PUBLIC AUTHORITIES LAW §1680-C(1), §1680-C(2)

MEETINGS OF THE BOARD

Public Officer's Law (POL), Article 7, Open Meetings Law, provides that any member who participates at a physical location that is open to in-person physical attendance by the public may count toward a quorum and may fully participate and vote in the meeting. POL § 103, 103-a.

COURT FACILITIES CAPITAL REVIEW BOARD ROLES & RESPONSIBILITIES

VOTE OF BOARD CHAIRMAN

PUBLIC AUTHORITIES LAW §1680-C(1)

REVIEWING & APPROVING CAPITAL PLANS

PUBLIC AUTHORITIES LAW §1680-C(3)

SUBSTANTIAL CHANGES TO CAPITAL PLANS

PUBLIC AUTHORITIES LAW §1680-C(3); JUDICIARY LAW §212(U)

ALTERNATE PLANS FOR CLEANING

JUDICIARY LAW §39-B(3)(a)

ROLES & RESPONSIBILITIES OF CHIEF ADMINISTRATIVE JUDGE — CAPITAL PLANS —

Judiciary Law § 219. Capital plans for court facilities

“The chief executive officer of each political subdivision of the state specified . . . [shall] *prepare and submit to the chief administrator* an assessment of the suitability and sufficiency for the transaction of business of the facilities it furnishes the courts, together with a plan for the acquisition, design, construction, reconstruction, rehabilitation, improvement and financing of *such facilities and such additional facilities as may be needed by the unified court system as reasonably determined by the chief administrator after consultation with the chief executive officer. In making such determinations, the chief administrator may establish priorities among the facilities' needs within each political subdivision if he or she determines that it is practicable and in the best interests of the unified court system to do so.* Each such assessment and plan shall be in the form prescribed by the chief administrator and prepared in compliance with such standards and administrative policies as may be promulgated pursuant to section twenty-eight of article six of the constitution and *shall be subject to the approval of the court facilities capital review board.* Following such approval, they shall constitute the capital plan for the political subdivision by which they were prepared.”

FREQUENCY OF CAPITAL PLANS & AMENDMENTS

Public Authorities Law § 1680-c(3)

“The chief executive officer of each participating municipality shall submit the capital plan pursuant to section two hundred nineteen of the judiciary law to the chief administrator of the courts.

On or before January first, April first, July first, and October first of each year commencing with the year nineteen hundred eighty-eight, the chief administrator of the courts shall submit to the court facilities capital review board the capital plan of each political subdivision that has submitted such a plan pursuant to section two hundred nineteen of the judiciary law, together with the appropriate facility design and performance plan, if any . . .”

BOARD MEMBER REVIEW – CAPITAL PLANS

Public Authorities Law § 1680-c(3)

“As part of its consideration of each capital plan, the board shall review and approve overall plans and cost estimates for the design, acquisition, construction, reconstruction, rehabilitation, improvement, furnishing or equipping of facilities of the courts and court-related agencies of the unified court system. Before approving any such plans or cost estimates, the court facilities capital review board must be satisfied that the facilities to which they relate are suitable and sufficient for the transaction of the business of the unified court system.”

EFFECTUATING BOARD ACTION

BOARD ACTION	APPROVAL	DISAPPROVAL	REQUIRES CERTIFICATE SIGNED BY ALL BOARD MEMBERS ENTITLED TO VOTE	LEGAL AUTHORITY
Capital Plans				NY Pub. Auth. Law §1680-c(3)
Substantial Changes to Capital Plans	<u>Unanimous vote</u>	<u>Unanimous vote</u> when CAJ <i>disagrees</i> with Plan Submitted	Yes	NY Judiciary Law §39-b(3)(a)
Alternate Plans for Cleaning		<u>At least 2 votes</u> when CAJ <i>agrees</i> with Plan Submitted		NY Judiciary Law §212(u)
Vote of a Board Chairman	<u>At least 3 votes</u> AND 3 or more voting members present	<u>At least 2 votes</u> when all voting members physically present; <u>At least 1 vote</u> when 3 voting members are physically present	Yes	NY Pub. Auth. Law §1680-c(1) General Const. Law §41

ROLES & RESPONSIBILITIES OF
CHIEF ADMINISTRATIVE JUDGE
(60 DAYS)

Public Authorities Law § 1680-c(3)

“If the board does not act on a capital plan within sixty days of the submission of such plan to the board, the capital plan shall be approved or disapproved by the chief administrator of the courts.”

ROLES & RESPONSIBILITIES OF CHIEF ADMINISTRATIVE JUDGE – AFTER CAPITAL PLAN APPROVAL –

Judiciary Law § 212(1)(u)

Functions of the chief administrator of the courts.

“1. [T]he chief administrator shall have such powers and duties as may be delegated to him by the chief judge and, in addition, the following functions, powers and duties . . .

(u) Review and approve *plans, specifications, designs and cost estimates* for the design, acquisition, construction, reconstruction, rehabilitation, improvement, furnishing or equipping of court facilities *pursuant to a capital plan approved* in accordance with section sixteen hundred eighty-c of the public authorities law; provided, however, that in the event that such plans, specifications, designs or cost estimates effect a substantial change in an approved capital plan, such plans specifications, designs or cost estimates must be approved by the court facilities capital review board in accordance with section sixteen hundred eighty-c of the public authorities law.”

ROLES & RESPONSIBILITIES OF
CHIEF ADMINISTRATIVE JUDGE
– FAILURE TO PROVIDE –

Judiciary Law § 39(3)(a)

“In the event that a political subdivision during any state fiscal year ceases to provide any such goods, services and facilities, the *state administrator shall determine the value of such goods, services and facilities and shall notify the state comptroller of such determination.* During each state fiscal year in which a political subdivision ceases to provide such goods, services and facilities, *an amount equal to the value of such services shall be deducted by the state comptroller from any moneys payable to such political subdivision from the local assistance fund.*”