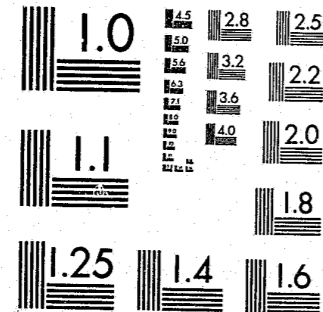


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NEW YORK STATE  
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REPORT  
AND  
RECOMMENDATIONS

ESTIMATED COSTS OF "TURNING AROUND"  
NEW YORK STATE COURT FACILITIES  
(APPENDIX A)

RECOMMENDED GUIDELINES FOR NEW YORK STATE  
COURT FACILITIES  
(APPENDIX B)

REPORT ON FINANCING ALTERNATIVES  
FOR NEW COURT CONSTRUCTION  
(APPENDIX C)

JULY, 1982

88206

**New York State  
Court Facilities Task Force**

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INTRODUCTION

Chief Judge Lawrence H. Cooke appointed the State Court Facilities Task Force on December 8, 1980. He charged this 19-member Task Force, consisting of lawyers, judges and civic and business leaders, with the following mission:

"This Task Force will be charged with the conduct of a study of existing physical court facilities of the Unified Court System of the State of New York, the identification of those areas where improved or additional facilities are needed and the recommendation of those measures which should be taken for improvement. In developing those recommendations and offering a financial plan, the Task Force should consider the current severe fiscal constraints on State and local governments." (Remarks of Lawrence H. Cooke, Chief Judge of the State of New York, December 8, 1980, p. 2.)

This Report and supporting Appendices contain detailed recommendations and findings by the Task Force concerning court facilities in New York State. In keeping with the Chief Judge's request, the Report and recommendations offer a program for an immediate increase in the State's financial role in restoring and maintaining decent and adequate court facilities at comparatively modest additional costs in light of "...the current severe fiscal constraints on State and local governments." A companion volume to this Report, the "Survey of Court Facilities in New York State" (the "Survey"), carries out the Chief Judge's charge to conduct a survey of existing physical court facilities, and identify improvements needed, of the Unified Court System in New York State.

From the outset, the Task Force has attempted to address three basic questions:

- What are the inadequacies in the existing court facilities?
- What will it cost to help ensure unpretentious but decent court facilities?
- How should these costs be met and who should meet them?

The recommendations in this report and its Appendices were unanimously approved by Task Force members attending prior meetings. The report was approved by the Task Force in July 1982.

Task Force Activities

In seeking to carry out its mandate, the State Court Facilities Task Force recommended immediate remedial steps to improve fire safety and security programs in courthouses throughout New York State (see Recommendation 9, p. 29). There followed

recommendations for a program to address physical safety and security deficiencies in courthouses (see Recommendation 10, pp. 30-31). Other actions included a proposed plan to address serious acoustical problems in courtrooms (see Recommendation 11, p. 32). A special Task Force committee, chaired by Fern Schair, made recommendations to adopt and implement statewide guidelines for public information services and directional signs in courthouses (see Recommendation 12, p. 33).

The Survey itself was completed and approved by the Task Force at its November, 1981 meeting and was publicly released in February, 1982. In addition to the Survey, individual Task Force members personally inspected courthouses located in New York, Bronx, Kings, Westchester, Putnam, Albany, Erie, Broome, Onondaga and Jefferson Counties. Beginning in June, 1981, a committee of Task Force members worked closely with New York City and court officials to identify immediate problems in courthouses, to monitor corrective action taken, and to carry out a survey by court personnel of all maintenance and custodial problems in New York City courthouses. (See below, p. 21.)

A major effort was the preparation by a special Task Force committee, chaired by Justice Stark, of Guidelines for New York State Court Facilities (see Recommendation 8, pp. 26-28; see also Appendix B). Another major effort, chaired by Carl Morse, was the preparation of the cost estimates to implement Task Force recommendations. Cost specialists from Morse Diesel, Inc., key officials from the New York City Department of General Services, and representatives of the Office of Court Administration helped develop an agreed upon methodology and provided basic information and advice concerning these "Estimated Costs of Turning Around New York State Court Buildings." (See Appendix A.) In a third major effort, a special Task Force committee, chaired by Mendes Hershman, prepared the "Report on Financing Alternatives for New Court Construction" (see Appendix C).

In addition to committee meetings, the Task Force as a whole conducted monthly meetings from December, 1980 through February, 1982 (except August, 1981). At the February meeting, attending Task Force members spent three days deliberating critical issues, findings and recommendations. Attendance at all meetings was excellent. Active members spent much time and showed great dedication in carrying out the work of the Task Force.

The Task Force Chairman testified at the joint public hearings of the Judiciary Committees of the New York State Senate and Assembly, on April 7, 1981, concerning the work of the Task Force to date. On June 22, 1981, the Chairman addressed the annual Conference of New York State Trial Judges in Crotonville and on February 2, 1982, made a report to the 1982 Judicial Conference in Albany. The Chairman also met with the Committee on the Requirements of the Courts of the Association of the Bar of the City of New York in December, 1981.

#### Chief Judge Cooke and the Composition of the Task Force

From the outset, Chief Judge Cooke has given his wholehearted support to the Task Force. At the same time, he made it clear that the Task Force was to reach its findings and recommendations independently. Concerning the reasons why the Chief Judge appointed this Task Force and the background of its individual members, Chief Judge Cooke's own remarks on December 8, 1980, provide a detailed description:

"Citizens who seek justice in our courts and those who serve in them have a right to decent, well-planned, and well-maintained courthouses that reflect the dignity of the law. Unfortunately, a number of court facilities around the State fall short of that standard in adequacy or quality.

...

"Deterioration and inadequacy have developed over the years, for a number of reasons. Whatever their origin, poor physical conditions in our courthouses not only detract from the dignity of the law, they also adversely affect the decorum of court proceedings, they have a psychologically depressing effect on already burdened parties to criminal or civil actions, and they lower the morale of court employees.

Many citizens, including jurors, have complained to local court administrators about these poor conditions. Along with others, I have observed them on visits to a number of courthouses. There has been a public outcry for improvements from such groups as bar associations and the Fund for Modern Courts. The time for responsive and responsible action is long overdue. The time for action is now.

The goal is not pretentiousness. The goal is decency.

I am pleased and grateful that 19 distinguished and public-spirited judges, lawyers, and civic leaders, from Riverhead to Buffalo, have agreed to serve on the Task Force.

It will be chaired by Attorney Richard F. Coyne, Vice President of the Economic Development Council of New York City, Inc. and chairman of all its court task forces, which have made significant contributions to the improvement of court management and operations throughout the State since 1970.

The other members of the Task Force are the Honorable Stanley H. Fuld, a former, much respected Chief Judge of the New York State Court of Appeals, who is now Special

(Chief Judge Cooke's remarks, continued:)

Counsel to Kaye, Scholer, Fierman, Hays & Handler of New York City.

Also, the Honorable Herbert B. Evans, a former Associate Justice of the Appellate Division of Supreme Court and, since March 1, 1979, the Chief Administrative Judge of the Courts of the State of New York; the Honorable William R. Roy, Justice of the State Supreme Court and Administrative Judge of the Fifth Judicial District, from Syracuse; the Honorable Geraldine T. Eiber, Justice of the State Supreme Court in Queens; the Honorable Thomas M. Stark, Justice of the Supreme Court and the Supervising Judge of the Superior Criminal Courts in Suffolk County, from Riverhead; and the Honorable Michael A. Telesca, the Surrogate of Monroe County, from Rochester.\*

The lawyers who have been so kind and generous as to serve on the Task Force, in the face of heavy schedules, are Fern Schair, the Executive Director of the Fund for Modern Courts, who from 1978 to 1979 served on the New York County Lawyers Special Action Subcommittee on Criminal Justice Facilities in New York County\*; Mendes Hershman, a senior partner of Roseman, Colin, Freund & Lewis in New York City and Chairman of the Legal Advisory Committee to the Board of Directors of the New York Stock Exchange since 1978; Alfred S. Julien, of Julien, Schlesinger & Finz in New York City, a Past President of the Trial Lawyers Association\*; Alexander D. Forger, the President of the New York State Bar Association and a partner of Milbank, Tweed, Hadley & McCloy of New York City\*; Warner M. Bouck, of Bouck, Holloway & Kiernan, of Albany, who is currently Chairman of the Special Association House Committee of the New York State Bar Association and a member of the board and of the executive committee of the Albany Institute of History and Art.

Also, Chandler Y. Keller, of Night, Keller & Blechman of Binghamton and a vice-president of a bank\*; John V. Connorton, of Hawkins, Delafield & Wood of New York City, who, as an Assistant Counsel to Governor Carey from 1975 to 1977, helped draft and negotiate legislation that rescued the Urban Development Corporation from insolvency

\*Judge Telesca is now United States District Court Judge in Rochester, New York; Ms. Schair is now Executive Secretary of the Association of the Bar of the City of New York; Mr. Julien is a past president of the New York State Trial Lawyers Association, the American Trial Lawyers Association and the Metropolitan Lawyers Association; Mr. Forger is now a Past President of the New York State Bar Association; Mr. Keller's firm is now Night & Keller.

and that authorized the creation of the Municipal Assistance Corporation for the City of New York, the Emergency Financial Control Boards for the cities of New York and Yonkers, and the Public Authorities Control Board; and Samuel Yasgur, the County Attorney of Westchester County, in White Plains, and President of the New York State County Attorneys Association, who has had special experience with litigation related to the construction of courthouses.

From the worlds of banking, finance, construction and labor we have Howard T. Ford, Jr., the Chairman of the Board and the Chief Executive Officer of the Erie Savings Bank of Buffalo and a director, chairman or member of numerous banking and civic organizations; Edward J. Cleary, the Secretary-Treasurer of the New York State-New York City Building and Construction Trades Council, AFL-CIO, in New York City, and a member of the New York State AFL-CIO Executive Board; Joseph Fater, Managing Director of the Building Contractors Association, Inc., of New York City, a director of the Brooklyn Federal Savings and Loan Association, and a trustee of the Mason Tenders Union Trust Funds and of the Bricklayers Union Trust Funds; and Carl Morse, Chairman of the Board of Morse/Diesel, Inc.\*, of New York City, one of the largest construction management firms in the country." (Remarks by Chief Judge Cooke, December 8, 1980.)

#### ACKNOWLEDGEMENTS

The support of Chief Judge Cooke has been vital to the success of the Task Force. We have received enormous cooperation from all levels of the court system and from other public officials, members of the legal profession and interested citizens.

Prakash Yerawadekar, an architect and Deputy Director of Court Operational Services in the State Office of Court Administration, is Technical Director to the Task Force. His services and extensive work have been invaluable. Frederick Miller, Esq., until recently the OCA's Legislative Counsel, is Counsel to the Task Force.

Judith V. Harlan, Executive Assistant to Chief Judge Cooke, maintained close liaison with the Task Force since its beginnings. S. Michael Nadel, Deputy Chief Administrator for Management Support, Office of Court Administration, was helpful with the publication of the Survey of Court Facilities in New York State.

Former Commissioner James F. Capalino, Commissioner Robert M. Litke, George A. Zandalasini, and Rudolph J. Fatutta of the New York City Department of General Services and Daniel DeLosa, Vice President, Morse/Diesel, Inc., provided their expertise in developing the cost estimates for improving facilities that are used in this Report.

\*Mr. Morse is now Chairman of the Finance Committee of Morse/Diesel, Inc.

Other Judges and court officials who were generous with their time and assistance, especially during Task Force on-site visits to court facilities, include the following:

Judges

Hon. Matthew J. Jasen, Associate Judge, Court of Appeals

Hon. Francis T. Murphy, Jr., Presiding Justice, Appellate Division, First Department

Hon. Milton Mollen, Presiding Justice, Appellate Division, Second Department

Hon. A. Franklin Mahoney, Presiding Justice, Appellate Division, Third Department

Hon. Michael F. Dillon, Presiding Justice, Appellate Division, Fourth Department

Hon. E. Leo Milonas, Associate Justice, Appellate Division, First Department

Hon. Joseph F. Gagliardi, Administrative Judge, Ninth Judicial District

Hon. Vincent Gurahian, Justice of the Supreme Court, Ninth Judicial District

Hon. James B. Kane, Jr., Administrative Judge, Eighth Judicial District

Hon. William Kapelman, Administrative Judge, Bronx County Supreme Court, Criminal Branch

Hon. Harold E. Koreman, Presiding Judge, Court of Claims

Hon. Charles R. Rubin, Justice of the Supreme Court, Second Judicial District

Hon. Isaac Rubin, Justice of the Supreme Court, Ninth Judicial District

Hon. Jawn A. Sandifer, Administrative Judge, New York County Supreme Court, Criminal Branch

Hon. Francis X. Smith, Administrative Judge, Queens County Supreme Court

Hon. Joseph B. Williams, Administrative Judge, New York City Criminal Court

Hon. Joan B. Carey, Supervising Judge, Criminal Court, New York County

Hon. Daniel S. Dickinson, Jr., Family Court Judge, Broome County

Hon. Archie A. Gorfinkel, Criminal Court Judge, Bronx County

Hon. Hugh A. Gilbert, Family Court Judge, Jefferson County

Hon. Benjamin F. Nolan, Supervising Judge, Civil Court, Bronx County

Hon. Leon Schwerzmann, Jr., Surrogate, Jefferson County

Hon. Jules Deschenes, Chief Justice of the Superior Court, Montreal, Quebec

County Clerks

Hon. Norman Goodman, County Clerk, New York County  
Hon. Leo Levy, County Clerk, Bronx County

Court Officials

William J. Gallagher, Inspector General, Office of Court Administration

Michael F. McEneny, Director, Court Operational Services, OCA

David Barnes, Executive Assistant to the Deputy Chief  
Administrative Judge for the Courts of New York City

Raymond Alman, Chief Clerk, Family Court, New York City

Rudolph Barkovich, Associate Court Clerk, Supreme Court, New York County

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Mary Jane Creed, Court Clerk, Albany City Court

Nicholas Federici, Sr. Administrative Assistant to the  
Administrative Judge, Ninth Judicial District

Robert Geraghty, Court Clerk IV, Supreme Court, Criminal Branch,  
Bronx County

Richard Hogan, Supervising Court Officer, Supreme Court, New York City

Bettye D. Hughes, Chief Clerk, Surrogate's Court, Jefferson County

Joseph McMahon, Assistant for Administration, Fifth Judicial District

Nancy Mangald, Deputy Chief Clerk, Supreme and County Courts,  
Westchester County

Michael Martin, Law Library Clerk, Westchester County

Leonard Pace, Chief Clerk, Supreme and County Courts, Putnam County

Francis Pumillo, Chief Clerk, Family Court, Westchester County

Denise Taylor, Court Clerk, Family Court, Westchester County

Francis Tombini, Deputy Chief Clerk V, Civil Court, New York City

Francis X. Zarro, Executive Assistant to the Administrative Judge,  
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OCA Facility Projects, Printing and Accounts Support:

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Frieda Hochhauser, Sr. Administrative Services Clerk

Claude Bolden, Court Analyst

Edward Hinds, Supervisor, Centralized Printing Operations

Task Force Staff and Administrative Support:

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Steve Smith, Court Analyst

Thelma Francis, Secretary  
Gloria J. Clarke, Administrative Assistant to the Chairman  
of the Task Force

Katherine Logue, Summer Intern  
MaryAnn Byrnes-Alvarado, Summer Intern  
Joann Perahia, Summer Intern

July, 1982

Richard F. Coyne,  
Chairman

SUMMARY OF RECOMMENDATIONS

RECOMMENDATION 1

The State should assume a larger financial and management role in providing for the maintenance, repair, and custodial services of court-related facilities in New York State. (pp. 7-10)

RECOMMENDATION 2

The State should appropriate funds, on a one-time basis, for the courts' proportionate share of the cost to implement repairs to bring court facilities up to adequate standards. This includes stopping deterioration, essential major repairs, modernization of elevators, and replacement of windows. (See "Estimated Costs of 'Turning Around' New York State Court Buildings" attached as Appendix A). Estimated cost: At least \$23 million over two to five years. (pp. 11-13)

RECOMMENDATION 3

The State should appropriate funds, on a one-time basis, for the estimated cost of \$4.8 million for refurbishing 71 courtrooms throughout the State. (pp. 14-15)

RECOMMENDATION 4

The State should assume financial responsibility for any additional courtrooms that can be created within existing courthouses or other appropriate existing buildings and that are needed for present or additional judicial workloads. (Estimated cost: \$28 to \$33 million over the next two years for up to 128 additional courtrooms.) (pp. 16-19)

RECOMMENDATION 5

The State should assume, over a four-year period, financial responsibility for the courts' proportionate share of regular operational maintenance and custodial services. At the end of the four-year period, enabling legislation should provide that the State has the right to assume direct maintenance and custodial services in court buildings where the court is the predominant occupant. (Estimated cost is approximately \$40 million per year in 1981 dollars after the four-year phase-in.) (pp. 20-22)

RECOMMENDATION 6

The State should be responsible for supplying the Unified Court System with necessary furnishings and equipment pursuant to the standards and guidelines established by OCA. (No cost estimate.) (pp. 23-24)

RECOMMENDATION 7

The State should assume greater responsibility in providing financial support for the construction of any new court facilities required in the future. This responsibility can take various forms, including the possibility of direct aid, State leasing of court space in newly constructed buildings, or State construction and ownership of newly constructed facilities. A reserve might also be created by the State in anticipation of the need for upgrading any of the existing courthouses or other appropriate buildings. (p. 25)

RECOMMENDATION 8

The Task Force recommends that the Chief Judge adopt the "Guidelines for New York State Court Facilities" (Appendix B) prepared by the Task Force Committee on Standards and Guidelines for Court Facilities and unanimously approved by the Task Force at its meeting on December 8, 1981. The Task Force also recommends that the Chief Judge take appropriate actions regarding the enforcement or monitoring of these guidelines. (pp. 26-28)

RECOMMENDATION 9

Develop a program to address fire hazards in the court facilities. (Implemented.) (p. 29)

RECOMMENDATION 10

Develop a program to address safety and security deficiencies in the courthouses. (pp. 30-31)

RECOMMENDATION 11

Identify those courtrooms where inaudibility is a serious problem and request State funds to install appropriate microphones in these courtrooms. (Estimated cost: \$180,000 for up to 120 courtrooms.) (p. 32)

RECOMMENDATION 12

The Chief Judge should adopt and implement the guidelines for signs and public information in court facilities developed by a special Task Force Committee. (p. 33)

RECOMMENDATION 13

The New York State Office of Court Administration should formulate and monitor standards and guidelines for court maintenance and custodial services as they affect the court facilities in New York State. (pp. 34-36)

RECOMMENDATION 14

Leases signed for court facilities should have provisions to protect the users' rights in relation to the maintenance and operation of such facilities. (p. 37)

RECOMMENDATION 15

The Task Force or a similar body should continue to exist for the monitoring of the conditions of court facilities throughout the State. (pp. 38-39)

RECOMMENDATION 16

When its fiscal condition permits, the State shall assume all responsibility for the cost of providing all facilities (whether through construction, purchase or lease) and their proper maintenance and operation of all courts other than Town and Village Courts. (pp. 40-41)



Fiscal Impact of Recommendations 1 To 7 (In 1981 dollars)

| <u>CAPITAL COSTS</u>           |                             |                           |                    |                    |                 |                 |                 |
|--------------------------------|-----------------------------|---------------------------|--------------------|--------------------|-----------------|-----------------|-----------------|
| <u>Items</u>                   | <u>Total Estimated Cost</u> | <u>Period Spread Over</u> | <u>1st Year</u>    | <u>2nd Year</u>    | <u>3rd Year</u> | <u>4th Year</u> | <u>5th Year</u> |
| 1. Stop deterioration          | \$ 6.9 m.                   | 2 Years                   | 3.45               | 3.45               | -               | -               | -               |
| 2. Major repairs               | 4.9 m.                      | 2 Years                   | 2.45               | 2.45               | -               | -               | -               |
| 3. Modernization of elevators  | 5.6 m.                      | 5 Years                   | 1.12               | 1.12               | 1.12            | 1.12            | 1.12            |
| 4. Replacement of windows      | 5.8 m.                      | 5 Years                   | 1.16               | 1.16               | 1.16            | 1.16            | 1.16            |
| 5. Additional courtrooms (128) | 28.3 to 33 m.               | 2 Years                   | 14.15-16.5         | 14.15-16.5         | -               | -               | -               |
| 6. Refurbish courtrooms (71)   | 4.8 m.                      | 2 Years                   | 2.4                | 2.4                | -               | -               | -               |
| <b>Total</b>                   | <b>\$56.3 to 61 m.</b>      | <b>-</b>                  | <b>24.73-27.08</b> | <b>24.73-27.08</b> | <b>2.28</b>     | <b>2.28</b>     | <b>2.28</b>     |
| <u>YEARLY COSTS</u>            |                             |                           |                    |                    |                 |                 |                 |
| <u>Items</u>                   |                             |                           |                    |                    |                 |                 |                 |
| 7. Maintenance & Operation     | \$40 m.                     | 4 Years                   | 10                 | 20                 | 30              | 40              | 40              |
| 8. Rental                      | 4.8 m.                      | 2 Years                   | 2.4                | 4.8                | 4.8             | 4.8             | 4.8             |
| <b>Total</b>                   | <b>-</b>                    | <b>-</b>                  | <b>12.4</b>        | <b>24.8</b>        | <b>34.8</b>     | <b>44.8</b>     | <b>44.8</b>     |

Table 1

## THE PRESENT CONDITION OF STATE COURT FACILITIES

In order to formulate an informed set of policy recommendations the State Court Facilities Task Force (the "Task Force") drew upon a variety of information from diverse sources. One principal source of information used was the set of findings of a comprehensive five year survey of the condition of all of the State's 299 court facilities. This "Survey of Court Facilities in New York State" (the "Survey") was publicly released by the Office of Court Administration ("OCA") and the Task Force in February 1982. It is a companion volume to this final report.

This relatively uniform base of information was supplemented by individual Task Force members' on-site visits and experience, by OCA information, by the Task Force's Technical Director, by a separate statewide survey carried out by the New York State Bar Association, by court monitoring efforts assisted by the Fund for Modern Courts, by other public and private sources, by national courthouse guidelines and standards, and by a comparative survey of court facilities policies in other states.

### The Survey

At the time that the Task Force was appointed by Chief Judge Cooke, there was no readily accessible--and certainly no uniform or comprehensive--information concerning the number, age, size, condition or overall adequacy of the operating court facilities in New York State. The Task Force strongly encouraged its Technical Director to expedite the completion of a comprehensive survey of court facilities begun several years earlier. From December, 1980, when the Task Force was created, until September, 1981, new field work was completed, including New York City's courts, the Fourth and Tenth Judicial Districts, and the Appellate Courts. All courts previously surveyed were rechecked to be accurate as of August 31, 1981. In November, 1981, after a thorough review of the entire statewide survey, the Task Force unanimously approved publication of the survey with an executive summary and introduction prepared by the Task Force Chairman. The outcome was, as Chief Judge Cooke later declared:

"...a highly professional and prodigious achievement... we now know, for the first time, where we are with respect to the condition and adequacy of court facilities throughout the state." (Statement by Chief Judge Cooke, February 24, 1982.)

### Summary of Survey Findings

The findings of the Survey are based on information gathered between August, 1976 and August, 1981, with early information updated to August, 1981. All court facilities in the New York State

Unified Court System were surveyed except for Town and Village Courts.

Number and Type. There are functioning court facilities in 299 separate buildings throughout the state and 1,004 operating courtrooms within those buildings, consisting of:

- 5 appellate courtrooms (excluding Appellate terms);
- 436 12-16 person jury box courtrooms;
- 310 6-8 person jury box courtrooms; and
- 253 other courtrooms (such as Family Court, Court of Claims, other non-jury courtrooms or hearing rooms).

Distribution and Ownership. These court facilities occupy an aggregate space of 8,269,591 gross square feet, or space equivalent to the two towers of the World Trade Center in New York City. The total space is distributed as follows:

- 32% in 121 county-owned buildings;
- 53% in 25 New York City-owned buildings;
- 6% in 66 city-owned buildings elsewhere;
- 4% in 15 state-owned buildings; and
- 5% in 76 leased spaces in 72 privately owned buildings.

The Survey made it possible for the first time to determine the proportionate share (including common areas) of buildings actually occupied by court-related operations. This figures importantly in the recommendations which follow.

Condition. Fully 58.5% of the total space occupied by the courts throughout the state is in buildings found by the survey to have major inadequacies. When analyzed by building units rather than square footage, 110 of the 299 buildings were found to have major inadequacies.

Examples of overall building inadequacies include shortage of facilities and structural defects (those that were readily apparent--independent examinations by structural engineers were not included in the scope of the survey), acoustic, lighting, heating, air conditioning, elevators, repairs, maintenance, cleaning, security, and parking facilities.

County-owned buildings account for 31% of the total space with major inadequacies statewide. New York City-owned buildings account for 66% of the statewide court space found to have major inadequacies. The bulk of the Task Force recommendations focus on these County and New York City buildings and, to a lesser extent, on the City Courts.

The survey also noted courtroom inadequacies. Although exact counts were not tabulated statewide, 67 of the 232 buildings housing

functioning courtrooms had one or more of the following courtroom-related defects:

- inadequate ancillary facilities (chambers, jury deliberation rooms, detention);
- locations inconvenient for the secure delivery of prisoners;
- insufficient space in jury boxes;
- inadequate waiting and detention facilities (particularly for Family Courts);
- poor layout of both courtroom interiors and access routes to courtrooms for the public and judicial personnel.

A striking finding from the survey visits was that 40% to 50% of the courtrooms appeared shabby, in need of painting or plastering, or showed other evidence of wear and tear.

Specifically relating to ancillary and support staff facilities, the Survey noted the following inadequacies:

- Jury deliberation rooms are inadequate in 58 buildings.
- Attorney/client conference rooms are inadequate in 108 buildings.
- Jury assembly facilities are non-existent or inadequate in 14 buildings.
- Chambers are inadequate in 42 buildings.
- Law library space is inadequate in 13 buildings.
- Clerical and other office space and records storage space is inadequate in 111 buildings.
- Public waiting space is inadequate in 54 buildings. Twenty-nine of these buildings house Family Courts.
- General layout of facilities is poor in 65 buildings.

Task Force recommendations, including the program for increased State financial support outlined in this report, seek to address deterioration, poor or shabby courtrooms, the need for additional courtrooms and related facilities and their improved maintenance, repair and custodial services. These recommendations do not address the cost of all of the changes that might be desirable to have ideal

courthouses in New York State. While falling short of the ideal, the Task Force nevertheless believes that much can be done to insure more decent, cleaner, better furnished, more dignified facilities for the State's courts.

Age. The age of the 227 publicly-owned court buildings varies tremendously. Sixty-two buildings were built before 1900; 48 were built between 1901 and 1930; 34 between 1931 and 1945; 42 between 1946 and 1970; and 41 have been built since 1970. The Survey found no significant correlation between the age of buildings and the presence of major inadequacies. For example, 23 of the 83 buildings constructed since 1946 have major inadequacies.

Landmark Court Facilities. Throughout the State, as the pictures in the Survey amply illustrate, courthouses show a remarkable diversity in architecture and style. Many, especially among the 54 functioning court buildings built before 1900, are buildings of historic interest. Over 50 are already listed as landmarks at local, state or federal levels; others may be ripe for consideration.

The Task Force, while sensitive to the problem, determined that the special needs and costs of landmark buildings, was best left to other state and local bodies concerned with public and private landmarks.

On-Site Visits. There is a limit to what statistical reports can convey about a physical environment. Therefore, the Task Force members decided to make on-site visits to courthouses across the state. Visits were made by individual members to courthouses located in New York City and Westchester, Putnam, Albany, Erie, Broome, Onondaga and Jefferson Counties. These visits contributed substantially to the Task Force's overall assessment of court conditions.

Task Force members themselves include the judicial, legal and business community from Riverhead to Buffalo. Their individual experience, with courts and other building facilities, provided additional insights. These direct experiences were particularly useful to the Task Force as they worked to establish parameters and guidelines for minimum standards, in accordance with Chief Judge Cooke's mandate regarding the impact of poor physical conditions on the dignity and efficacy of the legal process.

New York State Bar Association. A survey conducted by the New York State Bar Association helps to provide the attorneys' perspective on the condition of the state's court facilities. Questionnaires were completed by individual representatives of the local bar associations. While findings were received relating to only 81 of the 299 state court facilities, the Bar Association survey confirms the OCA survey in rating a significant percentage of

the State's court facilities as being in need of upgrading. Task Force staff analysis of the responses also indicated that bar associations' representatives as a group were more critical of the inadequacy of attorney/client conference rooms, court signage and attorney lounge or working areas, than about the conditions of public areas and the courtrooms themselves.\*

Nationwide Survey. The Task Force staff conducted a limited nationwide survey to determine the treatment of court facilities in other states. The development and use of design guidelines is very recent, but growing quite rapidly. In 1981, 14 states had court facilities design guidelines in place; two more were drafting such guidelines. Eight states have adopted guidelines or standards for maintenance and repair. Twenty-three states have complete physical inventories of their court facilities and two more are currently completing them. Only four states, including New York, have court facility planning units within the state court administration offices; most states which have planning units coordinate planning at the county level. Only one state, New Hampshire, has a court accreditation system in place.

With regard to financing practices, the survey found that nationwide, 88% of the highest courts are state-owned, and 88% of both the trial and local courts are locally-owned. Only five states have entirely state-owned facilities. It is interesting to note, however, that in recent years, eight states have begun working toward shifting some of the financial burden to the state level, with varying degrees of success. These are California, Colorado, Delaware, Illinois, Maine, Massachusetts, Minnesota and Montana. In most cases, the ultimate outcome is unclear.

Accreditation Guide. The Task Force also requested its Technical Director to compare "major inadequacy" findings in the Survey with the ICLE Procedural Guide for the Evaluation and Accreditation of Court Facilities\*\* . In a sample of 42 court facilities in New York State, according to the Technical Director, court facilities with "major inadequacies" in the Survey would have been denied accreditation if the ICLE Procedural Guide were used. In every instance of this sample, the findings in the Survey were substantiated when using the ICLE Procedural Guide.

\* Task Force working paper - Summary of the Findings of the New York State Bar Association Court Facilities Survey. March 22, 1982.

\*\* ICLE Procedural Guide for the Evaluation and Accreditation of Court Facilities, The Institute of Continuing Legal Education, (Ann Arbor, Michigan, 1977).

### Task Force Priorities

After completing an intensive review and discussion of all of these materials and sources of information, the Task Force reached a unanimous consensus that the preservation and upgrading of the State's existing courthouses should be an immediate priority. The Task Force finds that New York State has a unique, diverse and distinguished group of court houses--many of them actual or potential landmarks and most if not all of them actual or potential assets to the communities in which they are located. With proper repair, upgrading and maintenance, there is every reason to expect these courthouses to have long additional useful lives.

The Task Force further determined that, while the above survey and other surveys by the State Bar Association and the Fund for Modern Courts documented many deficiencies in court facilities, all do not need immediate correction. The emphasis of the recommendations in this report is on eliminating those inadequacies which do require correction. We must stop deterioration, make major repairs, restore or refurbish drab or shabby courtrooms, provide adequate furnishings and equipment and conserve existing court buildings over an increased number of years.

Poor courthouse maintenance--a feature of many metropolitan area courthouses--can and must be corrected with adequate levels of expenditure and increased State support. Overcrowding in some courts and the need for additional courtrooms can be dealt with more quickly at less cost by better utilization of existing court space in court buildings. New approaches, including an increased State role, are necessary to meet future needs for court space, including renovation of other suitable public or private buildings, and exploration of financing alternatives for new court buildings.

Concomitant with these priorities is the need for major efforts within the courts, under the leadership of the Chief Judge, to adopt and monitor minimum guidelines for court facilities, including safety, security, signage, acoustics and maintenance and custodial services.

In addition to the immediate priorities in the recommendations which follow, the Task Force in its final recommendation adopted the principle that, when its fiscal condition permits, the State should assume all responsibility for the cost of providing all facilities (whether through construction, purchase or lease) and their proper maintenance and operation of all courts other than Town and Village Courts.

## RECOMMENDATION 1

The State should assume a larger financial and management role in providing for the maintenance, repair, and custodial services of court-related facilities in New York State.

Prior to 1977, units of local government provided approximately 75 percent of the operating costs of the Unified Court System, and nearly 100 percent of the cost of providing facilities to house the courts and ancillary services. The Court of Appeals, the Court of Claims, and the Appellate Division Third Department were the only courts whose operating budgets, including space needs, were wholly State-funded.

With the enactment of the Unified Court Budget Act of 1976\*, the State assumed, over a four-year period beginning April 1, 1977, fiscal responsibility for the operating costs of all appellate and trial courts, except Town and Village Courts. This reallocation of responsibility included a transfer to State employment of approximately 8,500 local court employees. The State also has the right to most court revenues, fees and fines, which had been previously paid to county and city governments.

Providing "suitable and sufficient" physical facilities for the courts and ancillary services whether existing on the effective date of the Act or needed in the future, currently remains the responsibility of local governments under the Unified Court Budget Act. (Judiciary Law, Section 39.3 (3).) The obligation embraces the physical plant itself and all costs associated with its maintenance and upkeep, including cleaning, heating and lighting.

The combined total space occupied by the courts and ancillary court services across the State amounts to approximately eight million square feet. This is equivalent in aggregate to the space occupied by the two World Trade Center towers in New York City. It is spread, however, over 299 different buildings throughout the State. Only 15 facilities are in buildings currently owned by the State.

The Task Force believes that the present condition of the State's court facilities, and the fact that a state agency -- the judicial branch of government -- are primary or important users, calls for State assumption of a greater role in providing for the maintenance, repair and custodial services required for these buildings. We call in this report for a "package" of both one-time and continued State appropriations for a larger share of the costs of running and maintaining these buildings.

\* Chap. 966, Laws of 1976; Judiciary Law, Section 39.

As proposed more specifically in the recommendations which follow, the Task Force strongly endorses a greater State responsibility with respect to stopping deterioration in New York State's courthouses, making major necessary repairs, refurbishing "model" courtrooms, providing for additional courtrooms needed in existing buildings to accommodate new judgeships or to replace inadequate courtrooms, helping to pay for ongoing maintenance and operations and custodial services, providing adequate furniture and equipment, and exploring new approaches to the financing of new courthouse construction.

With respect to management of these operations, the Task Force feels that the State's immediate larger responsibility should be in the areas of establishment and monitoring of standards and guidelines (through the Office of Court Administration) and exploring new approaches to the financing of new courthouse construction; the present responsibility for actual daily building management remains with the localities.

The Task Force recognizes that, in preparing for an increased State role in the immediate future, several critical factors should be taken into account:

- "Courthouses" and other court facilities share space with many local levels of government, including prosecutors, public defenders, police, local legislatures, probation departments, correctional agencies, mayors or other local executives. (See Survey, p. i). In 120 of the court facilities housed in 227 locally-owned buildings, the courts occupy less than half of the total space. Courts occupy 100% of the space in only 17 buildings. In 95 buildings, such as Albany City Hall, the courts occupy less than 30% of the space. (See Table 2 below.) Our recommendations for an increased State role in the near future recognize such present "shared use" of buildings housing courts.
- When fiscal conditions permit, any total State takeover by purchase or blanket lease of 227 locally-owned buildings would require careful consideration of total cost and fair valuation to all parties concerned.\*

\*Court properties may also include grounds, shared parking, and air rights which are an asset to local governments. The issue of value for either purchasing or leasing purposes may include questions about proper inter-government charges, existing debt service obligations or future development and planning for central urban districts.

- Whether or not such a total State takeover occurs, the immediate recommendations in this report should be cost-effective steps to stop deterioration, add and refurbish courtrooms, and improve maintenance of buildings.
- The immediate recommendations to improve courts must take into account the fact that localities continue for the time being to have responsibility for their court buildings.
- No appropriate State agency appears willing or able at this time to assume immediate managerial responsibility for caring for 227 different buildings scattered all over the State. In the estimate of the former Commissioner in charge of the New York City Department of General Services, no State agency will be in such a position for at least three to five years.

In formulating its recommendations, the Task Force has endeavored to address the urgency of current needs. The Task Force proposes immediate recommendations which can reasonably and practically be implemented without necessitating bond issues. Rather than suggesting actions without considering costs, the Task Force has attempted to estimate in detail the costs to the State of each of its immediate recommendations. We believe this is the responsible approach to both short and long range plans to help improve court facilities in New York State.

The cost for the whole package of the following six recommendations contained in this report is estimated at \$56 million to \$61 million one-time and \$44.8 million annually (after a four year phase in). For the first year, a capital appropriation of \$28 to \$30 million and an operating budget appropriation of \$12.4 million should suffice. While any one of these recommendations could be adopted to advantage in the short term, the Task Force proposes a package. If implemented in the context of a combined programmatic approach, the recommendations should provide for long overdue improvement of New York State's court facilities, and constitute a vital beginning toward the eventual assumption by the State of all costs of a statewide court system.

Table 2

New York State Court Facilities: Profile

| Ownership              | Gross Sq. Ft. (000's) | Number of Buildings | Court Occupancy as a Percentage of Total Building Space |        |        |       |
|------------------------|-----------------------|---------------------|---|--------|--------|-------|
|                        |                       |                     | 80+%  | 50-79% | 30-49% | 0-29% |
| County                 | 2,653                 | 121                 | 50  | 32     | 14     | 25    |
| New York City          | 4,373                 | 25                  | 13  | 8      | -      | 4     |
| Cities (Excluding NYC) | 526                   | 66                  | 2   | 1      | 10     | 53    |
| State                  | 309                   | 15                  | 1   | -      | 1      | 13    |
| Private (Leased)       | 408                   | 72                  | n/a   | n/a    | n/a    | n/a   |
| TOTAL                  | 8,269                 | 299                 |   |        |        |       |
| Excluding Private      | 7,861                 | 227                 | 66*   | 41     | 25     | 95    |

\* Only in 17 buildings do the courts occupy 100% of the building space.

## RECOMMENDATION 2

The State should appropriate funds, on a one-time basis, for the courts' proportionate share of the cost to implement repairs to bring court facilities up to adequate standards. This includes stopping deterioration, essential major repairs, modernization of elevators, and replacement of windows. (See "Estimated Costs of 'Turning Around' New York State Court Buildings" attached as Appendix A). Estimated cost: At least \$23 million over two to five years.

The first priority is to stop deterioration in court facilities. Many of the court facilities in New York State show visible signs of deterioration. In New York City alone 24 large court buildings, containing over 400 operating courtrooms, show obvious signs of deferred maintenance. Even in non-metropolitan areas of New York State at least 15 county courthouses show obvious signs of deterioration (see Appendix A, p. 41). Perhaps half the operating courtrooms in New York State, as found by the Survey, "...appear shabby, needed painting or plastering, or showed other evidence of wear and tear." (Survey, p. xiii).

The Survey documented in detail the overall conditions of 299 court facilities in New York State. Task Force members who visited courthouses saw leaking roofs, peeling paint, falling plaster, broken elevators, rattling windows, as well as generally drab surroundings. Concerning the Criminal Courts Building at 100 Centre Street in New York City, for example, visiting Task Force members felt that "...the neglect in maintenance over the years is so great that capital funding may be required to correct the situation and thereafter adequate funding will be necessary to keep the facilities in acceptable condition."\* At another end of the State, the historic Jefferson County courthouse in Watertown, New York, showed both external and internal effects of deferred repairs. It is imperative to stop such deterioration to make a real difference in the condition of many court buildings.

\*Report on the visits to courthouses by members of the Task Force, January 31, 1981, p.2.

New York State has a unique and diverse collection of courthouses--many of them actual or potential historical landmarks.\* With proper repair, upgrading and maintenance, there is every reason to expect these courthouses to have remaining useful lives of forty years or more.

The Task Force recognizes that deferred maintenance of courthouses may be an outgrowth of fiscally constrained localities unable or unwilling to appropriate sufficient funds for maintenance and repairs. This is the acknowledged fact in New York City. It is probably the fact in many upstate localities. Whatever the justification, however, the outcome has too often been substandard and shabby facilities for the courts. Unpretentious but decent court facilities cannot be possible where the effects of deterioration are so pervasive.

Because the cost of stopping deterioration and making necessary repairs will almost certainly escalate if deferred maintenance persists, the Task Force unanimously recommends as an immediate priority, a partially state-funded program to help stop deterioration and bring these buildings up to a level where daily maintenance can result in decent surroundings in the courts. It is not too late. If begun now, the cost of such a program should be comparatively moderate. If delayed too long, curing the effects of continuing deterioration will require far more costly repairs or even replacement of court buildings.

The Task Force believes that the State's responsibility here should be for the court's proportionate share in any multi-use facilities. Based on the detailed cost estimates in the report attached as Appendix A, the Task Force estimates that the funding required by the State to implement this recommendation would be at least \$23 million (in 1981 dollars) spread over a period of two to five years. At least \$12 million of this should be made available by the State during the first two years to stop deterioration and make essential major repairs. The remaining \$11 million should be made available by the State over a five-year period to help cover an extensive elevator modernization program and to help replace up to 6,000 windows in courthouses throughout the State. (See Appendix A, pp. 1; 4-5; 29-31; 41-44).

\* The Task Force lacked the resources to address specifically the extra cost, if any, of historic restoration and specialized upkeep of New York's landmark court buildings. We note, however, that over fifty court buildings are reportedly already listed in one or more landmark registers. (Survey, pp. XXXV-VI). Other public and private bodies concerned with all types of landmarks and historic buildings should address this important issue, including the question of who should pay such extra costs.

This \$23 million one-time cost to the State, under the Task Force estimates, should be distributed as follows:

- About \$16 million to New York City courthouses comprising 53% of total space in the State. (Appendix A, pp. 1-5.)
- \$2.5 million to the eight large counties outside New York City with court facilities comprising about 25% of the total court space in the State. (Appendix A, pp. 29-31.)
- \$4.5 million to the rest of the State. (Appendix A, p. 41-44.)

Since these estimates are based on the proportionate share of court related usage to the entire building in question, localities will have to appropriate matching funds to complete the work for the entire building.

As stated in Appendix A, these cost estimates are for planning and budgetary purposes only. They will need adjustment as conditions and needs change, as engineering surveys reveal undiscovered defects or as inflation and market forces affect costs in different areas of the State (Appendix A, p. iii).

If this program is funded as recommended here, the courts in New York State should gain the following over the next several years:

- The reversing of the effects of deterioration in at least 54 courthouses throughout the State (about 5 million square feet of court space). (Appendix A, pp. 1-2, 29, and 41.)
- Major repairs for at least 29 courthouses throughout the State. (Appendix A, pp. 5, 30, and 42.)
- Elevator modernization effecting at least 100 elevators in 60 courthouses throughout the State. (Appendix A, pp. 5, 31, and 43.)
- Up to 6,000 window replacements, with resulting reduction of heat loss and weather damage for up to 58 courthouses throughout the State. (Appendix A, pp. 5, 31, and 44.)
- A threshold step toward many more years of useful life for New York State's structurally sound existing courthouses at far lower cost than the estimated cost of new construction.
- In conjunction with the short and long range recommendations which follow, a timely program to achieve the goal of adequate and decent court facilities.

### RECOMMENDATION 3

The State should appropriate funds, on a one time basis, for the estimated cost of \$4.8 million for refurbishing 71 courtrooms throughout the State.

As a corollary to the prior recommendation, the Task Force recommends that the State appropriate additional funds for an earmarked, two year "courtroom renewal program" to refurbish at least 71 courtrooms throughout New York State. We believe this recommendation is consistent with the Task Force's overall approach to encourage a greater State role at modest, feasible levels of funding.

Refurbishing would include cleaning, repairing and painting internal perimeter courtroom walls, some new electrical wiring and lighting fixtures, window shades or blinds and new flooring where necessary. Where practical, most of the existing furniture would be reused. The objective is to "refurbish", that is, to renovate, polish up again and brighten what is the focal point of any courthouse.

The Task Force estimates the total cost of refurbishing courtrooms at about \$30 per square foot in New York City in 1981 dollars, or an average cost of \$72,000 per 2,400 square foot courtroom (including ancillary areas). (Appendix A, pp. 7-8.) Thus, the total estimated cost of refurbishing 71 courtrooms throughout the State (including four smaller courtrooms at \$30,000 each and adjusting for regional cost differences) would be about \$4.8 million in 1981 dollars. (See Appendix A, pp. v.)

The distribution of such one-time, earmarked State funding would be a matter for the Office of Court Administration and the legislature. The cost estimates in Appendix A assumed that at least 10%, or 43, of the operating courtrooms in New York City should qualify for refurbishing under this special program (Appendix A, p. 8). Outside New York City, where courtroom conditions are generally not as bad, an additional 28 courtrooms were individually identified as potential candidates for immediate refurbishing. (Appendix A, p. 34.)

The estimate of \$72,000 in refurbishing costs for each courtroom (and ancillary areas) appears generous enough for some of the State's shabbiest-appearing, larger sized courtrooms. The appropriation might be stretched to cover more of the State's estimated 400 to 500 courtrooms requiring some sprucing up in any of the following ways:

- By choosing courtrooms requiring less work or only "surface" work to renovate.



- By requiring a local effort to match such funding for other courtrooms since their poor condition is at least in part due to failure to perform adequately what has been a traditional and statutory local responsibility.
- By changing the mix of courtrooms to be refurbished by including more smaller courtrooms (Appendix A estimates the cost of refurbishing a 1,000 square foot courtroom and ancillary space at only about \$30,000).
- By offering to pay only a specified percentage of the one-time cost of refurbishing a courtroom or courtrooms in any particular locality.

The Task Force recognizes that such a modest State appropriation for a two-year "courtroom renewal program" would serve primarily as a model to show what can be done to upgrade a substantial number of the shabbier courtrooms in New York State. To refurbish all courtrooms now in poor condition would require additional one-time funding or increased annual maintenance and operation appropriations over a period of years (see Recommendation 5 below). The legislature or the localities either must spend greater amounts now or wait until greater maintenance appropriations permit refurbishing over a longer period of years.

#### RECOMMENDATION 4

The State should assume financial responsibility for any additional courtrooms that can be created within existing courthouses or other appropriate existing buildings and that are needed for present or additional judicial workloads. (Estimated cost: \$28 to \$33 million over the next two years for up to 128 additional courtrooms.)

Judicial resources available to the unified court system in New York State are determined at the State level. The Task Force believes that the costs of any additional courtrooms and support facilities in existing courthouses, required as a result of State legislation creating more judgeships, should also be borne by the State.

Court uses in multi-use buildings should be the responsibility of the State and also the basis for determining the State and local proportionate shares of the maintenance, operation and custodial costs of such buildings. (See Recommendation 5 below.) Thus, the creation of additional courtrooms in an existing court building should be the financial responsibility of the State whether large courtrooms are divided into smaller courtrooms or new courtrooms are created from space now used by other agencies or levels of government.

At the time of the writing of this final report, there is every expectation that an additional 98 judgeships will be created by action of the legislature and approval by the Governor. Courtrooms may have to be found to house these additional judges. Based on detailed cost estimates set forth in Appendix A, the Task Force believes that the cost of 98 additional courtrooms and related support space within existing court buildings will be \$21.5 to \$25.25 million.\*

\*Even though Appendix A was prepared in March, 1982, the total estimate of the cost of additional courtrooms assumed the creation of 97 additional judgeships--virtually the number now expected to be created by the legislature. However, the actual distribution of these judgeships around the state may differ from the assumptions made in Appendix A. This should affect the cost estimates contained therein by no more than 10%. There may also be existing courtrooms for reauthorized Court of Claims judgeships; however, this can be offset by continuing the transfer of judges from upstate to downstate urban areas.

The Task Force estimates in Appendix A assumed that there could be room for 88 additional courtrooms in existing buildings in New York City -- 57 for additional judges, 16 to replace an expiring lease at 100 Church Street and the World Trade Center and 15 to replace completely inadequate courtrooms (such as those in use now at 100 Centre Street for misdemeanor jury trials). Based on OCA information, meetings with the City Department of General Services and on site visits by Task Force representatives, there is available space in existing buildings to house most, if not all, of these 88 courtrooms. Forty additional courtrooms were assumed for eight major counties outside New York City. (See Appendix A, pp. 7-9, 31-34.)

There are precedents for the State assumption of financial responsibility for new courtrooms in existing court buildings. In 1973, for example, the enactment of the Emergency Dangerous Drug Control Program (Chapter 603 of the Laws of 1973) resulted in the appointment of more than 100 additional judges who required courtrooms. The Legislature appropriated \$14.8 million to finance the cost of additional courtrooms, ancillary facilities and clerical support facilities throughout the State. In 1971, under the legislation creating a Centralized Narcotics Program in New York City (Article 5-B of the Judiciary Law, Chapter 462 of the Laws of 1971), the State similarly assumed financial responsibility for the conversion of existing civil courtrooms at 111 Centre Street into courtrooms suitable for criminal trials.

The overall estimated cost of carrying out this recommendation is between \$28 and \$33 million (in 1981 dollars) for up to 128 additional courtrooms throughout the State.\* Included is the

\*Three different levels of non-structural renovations were identified for the purpose of developing costs. Level 1, estimated at \$70/sq. ft., includes total gutting of non-structural internal walls, new systems, fixtures, dropped ceilings, soundproof walls and furnishings. Level 2 is estimated to cost \$50/sq. ft. and includes subdivision of existing courtrooms, lowering or restoring of ceilings, mostly reuse of existing ductwork and electrical fixtures, some new walls and lighting and new floors. Level 3, estimated at \$30/sq. ft., is the upgrading and refurbishing of existing courtrooms, which is discussed more fully under Recommendation 3. The average square footage for a new courtroom in an existing building (including ancillary areas for robing, detention, jury deliberation, etc.) is estimated to be 2,400 square feet. (See Appendix A, pp. 6-9; see also Appendix B, pp. 14-21.)

The estimated costs for the two levels of courtroom construction in existing building were applied directly for New York City. For eight major counties outside the City, these costs were adjusted on a percentage basis for regional differences. (See Appendix A, pp. 6-9 and 32-34.)

estimated cost of relocating other agencies to construct additional trial courtrooms in existing courthouses. On a per courtroom basis, estimated costs range from \$120,000 to \$168,000, with cost of support staff facilities an additional \$42,000 to \$63,000. Thus, the estimated total per courtroom costs, including ancillary and support staff space, range from a low of \$162,000 to a high of \$231,000. (Appendix A, pp. 6-9.)

This compares favorably with the far higher estimated costs of creating new courtrooms in newly constructed buildings. (Appendix A, page iii, 10-11, 35.) For example, in New York City, new building construction cost estimates have ranged from \$600,000 to \$1,150,000 per courtroom (Appendix A, pp. 10-11). A one-courtroom facility being built to house the Sixth District Court of Suffolk County in Patchogue carries an estimated cost of \$1,250,000 (Appendix A, p. 35).

Creation of additional courtrooms within existing structures is not only economically attractive but also can be completed in a relatively shorter period of time. Based on prior experience with major court buildings, new construction could take as long as five years from the point of ground-breaking. As an expeditious means to meet the short-term needs resulting from the proposed increase in judges, renovation of existing court buildings, where possible, appears to merit clear priority.

Appendix A estimates include annual rental costs in new locations for other agencies moving out of courthouses. (See Appendix A, pp. 9, 32-34.) Such State assumption of the rental costs in futuro of relocated local agencies was the practice under the Emergency Dangerous Drug Control Program. The Task Force does not endorse, however, the practice of the State assuming these costs of local agencies indefinitely, especially if the State increases its role in paying for court facilities as recommended in this report. The State might pay for relocation costs, including required construction at newly leased locations, but the responsibility for ongoing rental costs should be borne by the localities.

In locations where existing courthouses are already being utilized to capacity, the Task Force recommends investigating the potential for creating additional courtrooms within other appropriate existing buildings. There are numerous existing buildings which are appropriate for such modifications. A decline in the school-age population, for example, has resulted in the closing of numerous public schools. Plans are currently underway to convert a warehouse into a courthouse in Detroit. A similar conversion is planned for a Masonic Temple in New Jersey. An article in the December-January, 1981 Judicature covers the conversion of a supermarket into a courthouse building in East Hartford, Connecticut.

Many of these buildings may be well suited for conversion to court use -- at a cost lower than the cost of new construction -- because they are structurally designed to accommodate heavy use and to house large open spaces.

#### RECOMMENDATION 5

The state should assume, over a four-year period, financial responsibility for the courts' proportionate share of regular operational maintenance and custodial services. At the end of the four-year period, enabling legislation should provide that the State has the right to assume direct maintenance and custodial services in court buildings where the court is the predominant occupant.

(Estimated cost is approximately \$40 million per year in 1981 dollars after the four-year phase-in.)

With the exception of the 15 state-owned buildings and the 25 locations which are leased by the State, the maintenance and custodial costs of all other court facilities are now borne by the localities, in accordance with Section 39 of the Judiciary Law. The recommendation would therefore affect 121 county buildings, 25 buildings owned by New York City, and 66 buildings owned by other cities, with approximate combined square footage of 7.6 million.

The terms regular operational maintenance and custodial services include: custodial cleaning services; normal maintenance of engineering systems (such as elevators, air conditioning, heating, plumbing, electrical wiring and fixtures); routine repairs of floors, ceilings, windows, doors or hardware; regularly scheduled painting; and the cost of utilities (heat, light and power). A detailed list of maintenance expense categories used in New York City is set forth in Appendix A (pp. 16-20). Maintenance and operations appropriations include the salaries of building maintenance staff, any maintenance contracts, and the cost of related equipment and supplies.

The Task Force staff has estimated courts' proportionate share of the costs of providing adequate maintenance services for these additional facilities to be \$40 million per year in 1981 dollars. The assumption of these costs by the State should be phased in over four years.

A four-year phase-in period was settled upon as a reasonable timetable for such a transition, because that was the length of time in which the cost of operating the courts was gradually assumed by the State under Chapter 966 of the New York State Laws of 1976. It is proposed, therefore, that the State should reimburse the localities at 25% of the court's share of mutually agreed upon and necessary maintenance and custodial costs for the first year, and

increase its reimbursement share by 25% in each of the ensuing three years. Even once the State has assumed the full costs for the courts' share, the localities will continue to be responsible for providing the funds for their proportionate share of maintenance and operations costs.

The Task Force members recommend State assumption of such maintenance and custodial costs for several key reasons.

First, assuming a proportionate share of the cost of maintaining court facilities is in keeping with the State's assumption of the personnel and other non-facility costs of operating the courts in the unified court budget and the overall recommendation of greater State financial responsibility.

Second, it will provide relief to the localities already suffering from constrained resources.

Third, it should provide State leverage to bring local daily maintenance and operations up to standards where necessary. The Survey revealed that across the State, 28 buildings have poor minor repair and maintenance services and 33 buildings have poor cleaning services. Sixteen court buildings in New York City (13 of them owned by New York City with about 2.2 mil. gross square feet of court space) reportedly have poor service for minor repairs and maintenance. Seventeen court facilities in New York City (14 of them owned by New York City with about 2.5 mil. gross square feet of court space) have poor custodial cleaning services.

On their visits to courthouses the Task Force members observed that day-to-day maintenance, operation and cleaning services were indeed poor in many metropolitan area courthouses. In New York City, services have reportedly been poor for a number of years due to fiscal cutbacks and constraints. To confirm this report, the Task Force initiated detailed surveys of all court facilities in New York City. These were completed by court personnel, floor by floor and room by room, in all buildings. The resulting massive documentation of problems relating to cleaning, lighting, painting, plumbing, repairs (of leaks, windows, floors, elevators, clocks, etc.) provides overwhelming evidence that action must be taken to ensure adequate funding to remedy these problems.\*

The Task Force commended Commissioner Capalino of the New York City Department of General Services for his Department's diligent efforts in providing the best possible service in city buildings under severe fiscal constraints. The fact remains that acceptable levels of services cannot be delivered with insufficient funds. For fiscal 1982, despite the Commissioner's efforts, the New York City appropriation for maintenance was only one half of what is needed to provide adequate levels of maintenance and custodial services for the courts. (See Appendix A, pp. 2-4.)

\*See the Chairman's letter to Chief Judge Cooke dated October 21, 1981 and the enclosures.

The recommendation provides for reimbursement by the State to the localities for the cost of maintenance and operation of the proportionate space occupied by the courts in buildings owned by localities. To ensure that the localities provide acceptable levels of these services, the Task Force has separately recommended the establishment of standard and guidelines to be monitored by the courts as the direct users of the facilities. (See Recommendation 13.) If, after four years, the localities still fail to provide acceptable maintenance and custodial services, the Task Force recommends that the State take over direct delivery of these services, in those facilities where the courts are the predominant occupant.\* This would entail State takeover of the services for the entire building and then charging the localities for the proportionate non-court occupancy costs.

In the interim, the State would have mechanisms for dealing with non-compliance with appropriate standards. First, the Chief Administrator of the Courts could refuse to approve the reimbursements intended to cover the courts' share of costs of the maintenance and operations services at the local levels. As has been recent practice in reimbursing the localities for the provision of security services under Section 39.3 (b) of the Judiciary Law, the OCA could enter into contracts with the localities for the provision of maintenance and operation and custodial services. Under the present provisions of Section 39 of the Judiciary Law, the Chief Administrator of the Courts can also determine the value of any default and notify the Comptroller. The Comptroller is thereupon required to withhold from the defaulting municipality state aid payments from the Local Assistance Fund equal to the value of the default. (The Task Force has recommended elsewhere that Section 39 of the Judiciary Law, which authorizes such action, be further amended to authorize the transfer of these withheld funds to the Unified Judiciary Budget for the specific purpose of providing the services, see p. 24.)

The Task Force recognizes that the recommended appropriation is a substantial and recurring amount. Adoption of this recommendation, however, is critical to ensure ongoing good conditions in the State court facilities. This continuing infusion of State funds provides for a long-range plan for effective improvement and maintenance of proper physical conditions. It also serves to tie together those recommendations which request one-time appropriations into a cohesive package.

\* The predominant occupant is defined as the occupant with more than 50% occupancy. Eighty-two of the 121 county owned court buildings fit this criteria, as do 21 of the 25 New York City buildings and 3 of the 66 buildings in other cities. A total of 106 buildings owned by localities would be involved. (See Table 2 above.)

## RECOMMENDATION 6

The State should be responsible for supplying the Unified Court System with necessary furnishings and equipment pursuant to the standards and guidelines established by OCA. (No cost estimate.)

During their visits to the courthouses the members of the Task Force observed the sorry state of furniture and equipment being used in many trial court facilities, particularly in Family Courts and courts handling criminal cases. They also heard complaints about the difficulty in getting new replacement furniture or equipment. Ill-furnished clerical offices or waiting rooms in Family Courts in New Rochelle, Binghamton, or Brooklyn, poor furniture in courtrooms and jury deliberation rooms in New York City's criminal courts, are examples of some of the more common problems. In many settings, such as jury rooms, an odd assortment of unmatched, sometimes decrepit furniture exists.

These poor conditions have direct bearing on court operations. The appearance of our courts and the administration of justice require adequate furnishings and equipment for a modern busy court system.

Before 1977 - before the State assumption of operating costs of the courts - the localities provided the furniture and equipment needed by the courts. In 1977 the courts inherited the then existing furniture and equipment that was in the courts. Although the title remained with the localities, the localities could not retrieve the furniture or equipment that was given or assigned to the courts on August 5, 1976. (Sec. 39, Judiciary Law)

Since that time, if additional furniture were needed or old furniture needed replacement, the Office of Court Administration sought to acquire such items through normal non-personal requests in the State Judiciary Budget or, depending on some continuing local practices, through local budget requests. Movable equipment such as reproducing equipment, postage equipment, computer equipment, or telephones were bought, leased or contracted for by the OCA with State funds. Items of furniture having the characteristics of fixtures, such as judges' benches and courtroom rails which were built up and remained fixed to the structure and were difficult to remove, remained the localities' responsibility.

Many items, such as window air-conditioners, carpeting, or microphones, remain gray areas. Some localities have provided these to the courts after 1977, and others have refused. In some instances OCA has purchased such items for the courts; in other instances OCA has not, even though localities have also refused. Problems with these gray areas reached a head in 1981 when, in

conjunction with the creation of three new floors of courtrooms in the Buffalo City Court building, over a quarter of a million dollars worth of furniture, including fixtures, was included and paid for under the State Judiciary Budget.

The OCA expenditures on furniture and equipment combined for the trial courts throughout the State have never exceeded \$1.85 million a year - less than 2% of the total budget of the courts. Based on the Survey and visual inspections by Task Force members, this is falling short of the immediate statewide needs of 299 court facilities housing over 1,000 operating courtrooms. Some observers feel that the problem seems to be the outcome of ambiguity in the wording of Section 39 of the Judiciary Law. Others cite insufficient attention and lack of clear policy guidelines by OCA. Whether it requires statutory amendment or more consistent and effective OCA policy, or both, the Task Force feels that the State should be responsible for supplying the unified court system with its furnishings and equipment (except fixtures).

The Task Force recommends that the OCA establish more specific standards and guidelines for court facilities regarding requests for the purchase of new furniture and office equipment as replacement or as additional needs. Purchased furniture should be so distributed that sets of new furniture would be placed together, rather than mixing incompatible old and new furniture throughout the same facility. There should also be priorities for which areas should receive new furniture or office equipment. In general, priority should be given to courtrooms, jury deliberation rooms, juror assembly or waiting rooms and other public areas.

If necessary to implement this recommendation, relevant sections of the Judiciary Law should be amended to clarify the State's responsibility to purchase movable furniture and office equipment, but at the same time mandate that the localities provide the essential electrical wiring or support to enable installation of this equipment. This clarification may be necessary if the courts are to make more effective use of modern office equipment such as word processors, computers, remote terminal data entry systems, or microfilming. If the localities fail to provide the necessary building work, the Chief Administrator of the Courts should have the power to ask the Comptroller to withhold appropriate amounts of funds from the maintenance and operations support recommended elsewhere in this report or from other local assistance funds due the locality, and transfer them to the OCA for the specific purpose of completing the necessary work.

A special exception may exist where new furniture and equipment is part of a new proposed court facility (as against replacement in existing court buildings). Unless this construction is paid for by the State, such furniture and equipment should be provided by the localities, through bonding or other long-range financing mechanisms, as part of the overall financing package for the new facility.

RECOMMENDATION 7

The State should assume greater responsibility in providing financial support for the construction of any new court facilities required in the future. This responsibility can take various forms, including the possibility of direct aid, State leasing of court space in newly constructed buildings, or State construction and ownership of newly constructed facilities. A reserve might also be created by the State in anticipation of the need for upgrading any of the existing courthouses or other appropriate buildings.

Where it has been established that renovation and construction within existing court facilities is not a viable alternative, then the Task Force recommends that the State assume greater financial responsibility for the court's portion when localities are planning to build new facilities to include courts. The Task Force recommendation keeps an open mind on what form this responsibility could take or what difference it should make if the court facilities are separate or part of a larger, multi-use building. The State's responsibility could take the form of direct grants-in-aid, lease agreements, or direct State construction and/or partial ownership of the facilities. It could be related to existing or new forms of revenue sharing.

A special committee of the Task Force was established specifically to investigate and make recommendations regarding alternative financing options for the construction of new court facilities, within the provisions of New York State law. The full report of this committee, approved by the Task Force, is attached to this report as Appendix C.

The Task Force also discussed the possibility of the creation of a fund to be held in reserve in anticipation of the future need to make major capital improvements in court facilities. It was suggested that revenues for this fund might be appropriated by the State in an amount determined on the basis of a small percentage (less than five percent) of buildings' estimated replacement cost.

RECOMMENDATION 8

The Task Force recommends that the Chief Judge adopt the "Guidelines for New York State Court Facilities" (Appendix B) prepared by the Task Force Committee on Standards and Guidelines for Court Facilities and unanimously approved by the Task Force at its meeting on December 8, 1981. The Task Force also recommends that the Chief Judge take appropriate actions regarding the enforcement or monitoring of these guidelines.

Lack of standards and guidelines regarding the adequacy of court facilities has been a common complaint, particularly of local officials, who are responsible by law to provide adequate facilities to the courts. The Task Force guidelines establish these much needed minimum levels of adequacy for New York State court facilities. Their primary purpose is to provide design professionals, court administrators and court users with a tool to evaluate the adequacy of existing facilities and to help remedial programs in existing or new buildings.

A nationwide survey of the financing of court facilities conducted in the summer of 1981, under the aegis of the New York State Court Facilities Task Force, revealed that fourteen other states have court facilities design guidelines and one other state is in the process of drafting guidelines.\* Adoption of this recommendation for the New York court system appears timely and provides an opportunity for this state to have comprehensive and practical court facilities guidelines.

The approach followed by the Task Force in compiling these guidelines is practical and comprehensive. It is clear that any one set of suggestions for 299 court facilities in New York State must deal with average or typical situations. Large urban centers and remote rural communities represent the kinds of examples which may

\*The following states have court facility guidelines.

|          |          |           |                |           |
|----------|----------|-----------|----------------|-----------|
| Alaska   | Georgia  | Louisiana | Nebraska       | Vermont   |
| Arkansas | Hawaii   | Minnesota | North Carolina | Wisconsin |
| Colorado | Illinois | Missouri  | North Dakota   |           |

Michigan is in the process of drafting guidelines. New Hampshire has a Courthouse Accreditation Commission established by Statute.

cause deviations from the suggested guidelines. It should also be observed that many courthouses presently operate in a manner satisfactory to all of the users, even though the facilities differ in some ways from these minimum guidelines. In those cases, changes are not recommended simply to impose conformity.

The guidelines deal primarily with the design requirements of trial courts (excluding Town and Village courts and appellate courts). Guidelines for maintenance, custodial or cleaning services are not included (see, however, Recommendation 13). For example, the guidelines provide that:

- Court facilities should have an overall appearance of dignity and efficiency.
- Court facilities should provide an adequate number of courtrooms and facilities for judges, jurors, court staff, attorneys, the public, the prisoners and the handicapped.
- The public should encounter clear, easily understood signs and directions when they enter a courthouse.
- Court facilities should provide an adequate degree of security to all users.
- Court facilities should adequately provide for the use of modern technology -- such as audiotapes, cameras, electronic data processing equipment and security equipment, when necessary.

From a policy standpoint the guidelines recommend economy, practicality, multi-purpose use and flexible design layout to allow the maximum use of available manpower resources. For example, the guidelines recommend that

- No courtroom should be so small that it cannot be converted to properly accommodate a 16-person jury box in its well area (for use as a felony trial courtroom) (Appendix B, p. 10).
- Where judges' chambers are located on the same floor in close proximity to the courtrooms, separate robing and conference rooms adjacent to the courtrooms are not required.
- The number of attorney/client conference rooms, waiting rooms, and alternate jurors waiting rooms should be based on the principle of shared use of rooms.

- The design of building components such as non load-bearing partitions, doors, electrical fixtures, ceiling and floor finishes into integrated systems should allow flexibility in rearranging spaces.
- New court facilities may be created by renovating existing structures, such as schools, commercial structures, warehouses or hospitals, as long as the existing structure allows functional layout and design of court facilities with appropriate internal and external symbolism and aesthetic qualities appropriate for a courthouse.

During the fall of 1981 the New York State Bar Association conducted a survey of court facilities through local bar associations. The completed questionnaires on courthouses were forwarded to the Task Force for use in its work. The staff analysis of this information indicated that from the attorneys' perspective it is important to have attorney-client conference rooms, secure attorney-prisoner conference rooms, law libraries and public eating facilities.\* The Guidelines for New York State Court Facilities approved by the Task Force take into account the provision of these facilities (App. B., pp. 19, 20, 22 and 29).

\* Task Force working paper, dated March 22, 1982.

RECOMMENDATION 9

Develop a program to address fire hazards in the court facilities. (Implemented).

Early in its deliberations, the Task Force concentrated on fire and other safety hazards in existing court buildings. On January 14, 1981 the Task Force unanimously adopted the following resolution:

"Resolved,

- that the Chairman should send an appropriate letter to the Chief Judge expressing the concern of the Task Force with certain possible fire or other safety hazards in the courts brought to the attention of the Task Force by its staff.
- that the letter suggest that the Chief Judge have District Administrative Judges review conditions which may be hazardous in courts under their supervision, and request assistance, where needed, of appropriate local officials to suggest practical and effective remedies.
- that local court administrators should develop and implement procedures to evacuate courthouses in case of emergencies, to post appropriate signs to hold fire drills at regular intervals." (Task Force minutes, January 14, 1981, p. 4.)

This letter was sent to the Chief Judge on January 30, 1981 together with a staff paper on the problem.\* With his approval, a directive from the Chief Administrative Judge to District Administrative Judges, on March 11, 1982, outlined safety measures to be adopted immediately. (See Exhibit I, pp.42-45.) Within a very short period of time, significant changes were implemented.

\*See Chairman's January 30, 1981 letter and Task Force working paper dated January 22, 1981.

RECOMMENDATION 10

Develop a program to address safety and security deficiencies in the courthouses.

On July 13, 1981 the Task Force unanimously adopted the following resolution regarding additional safety and security problems which had come to its attention:\*

"Resolved,

- that the Chairman send an appropriate letter to the Chief Judge expressing the concern of the Task Force with the lack of appropriate safety and security measures in the courts and particularly in heavy traffic metropolitan courthouses.
- that the letter suggest that the Chief Judge have district administrative judges review the existing security and safety systems in the courthouses under their supervision to determine their adequacy.
- that the local court administrators designate specific court employees charged with the responsibility of checking on the safety and security hardware that is presently available and develop proposals for acquiring better hardware if the local needs justify it.
- that local court administrators set up liaison with the building custodial staff and the local authorities responsible for the maintenance and operation of buildings and set up procedures to assure that the safety and security devices are kept in an operating condition.
- that, where a number of courts occupy one building, there be one person responsible for the entire building and for the liaison with the building staff.
- that the court employee assigned to these tasks make periodic inspections and file reports with the appropriate local administrators." (Task Force minutes, July 13, 1981, p. 4.)

The deficiencies which provoked these resolutions were reported to the Task Force or encountered by its members during on-site visits. They included such things as lack of locks; a proliferation of keys among authorized and unauthorized personnel; inoperative

\* See, e.g., Task Force working paper dated July 10, 1981.



hardware; inability to close off areas not in use; roll-down gates not being used; and fire doors kept open. Such conditions rendered the facilities involved easily accessible to unauthorized persons, vandals, and derelicts seeking refuge, thereby endangering the safety of persons, records and property.

After some investigation, it appeared to the Task Force that such conditions were the result of lack of formalized, cohesive administrative structure, and no specific assignment of responsibilities for the courts to communicate with maintenance staff. The guidelines attached to this final report also deal with safety, emergency planning and evaluation as matters of priority. (Appendix B, p. 5.)

With respect to a particular security proposal -- the use of magnetometers and barriers in heavy traffic criminal court buildings -- the Task Force endorsed the following policy statement:

"In this respect the Task Force finds appropriate the actions taken by the court administrators in New York City who have now developed a program for the installation of magnetometers and barriers in heavy traffic criminal courts buildings after analyzing the results of pilot studies and on-site tests in those buildings. The Task Force does not endorse the concept of installing sophisticated electronic and other security devices indiscriminately in all courts. However, security risks may exist in some court buildings in some metropolitan areas of the state which may justify increased security precautions for the safety and security of people, records and property. These precautions, however, should be taken only after the local needs are studied and the proposals tested and proven to be useful, and the proposals are tested on-site in pilot projects. The installation of sophisticated security systems should be esthetically pleasing and unobtrusive and should not be detrimental to the ideal of open public trials.

If barriers and magnetometers are to be used at the entrances to the courthouses, provision should be made to give information to the public at this point by the officers manning these stations or at a specially-designed information booth at a convenient location."\*

\*Task Force minutes, July 13, 1981 meeting, Item #3.

#### RECOMMENDATION 11

Identify those courtrooms where inaudibility is a serious problem and request State funds to install appropriate microphones in these courtrooms. (Estimated cost: \$180,000 for up to 120 courtrooms.)

At its July, 1981 meeting, the Task Force discussed the problem of inaudibility of proceedings in heavy volume, busy courts throughout the State and particularly in metropolitan areas. Based on the information collected by the staff, the Task Force recommended installation of microphones in up to 120 courtrooms throughout the State at an estimated cost to the State of \$180,000 in 1981 dollars.\*

The Task Force unanimously recommends that administrative action be taken to identify courtrooms with audibility problems and to install microphones in them. Inaudibility is particularly demeaning to the process of open public trials in busy courts throughout the State. Accordingly the Task Force recommended to the Chief Judge the following:

#### "Resolved,

- that the chairman send an appropriate letter to the Chief Judge expressing the concern of the Task Force with respect to poor acoustics in many of the courtrooms in the State. This concern is particularly great in case of heavy traffic and busy courtrooms, since a majority of the public has the first experience of the courts in these courtrooms.
- that the letter suggest that the Chief Judge advise all district administrative judges to review acoustical conditions in courtrooms under their supervision and to propose the installation of microphones in appropriate courtrooms.
- that the district administrative judges give priority to this item in their budget submissions for fiscal 1982-1983." (Task Force minutes, July 13, 1981, pp. 4, 5.)

The Task Force Guidelines also include recommendations on acoustics and the use of microphones (App. B., pp. 7, 15); a related Task Force Recommendation 6 deals with increased State financing for furnishings and equipment.

\*Task Force working paper dated July 10, 1981.

RECOMMENDATION 12

The Chief Judge should adopt and implement the guidelines for signs and public information in court facilities developed by a special Task Force Committee.

On April 8, 1981, the Task Force unanimously approved the guidelines for signs and public information in court facilities prepared by the Fund for Modern Courts, Inc. and presented to the Task Force Committee on Signs and Public Information by Ms. Fern Schair. The Task Force unanimously adopted the following motion:

"That the Task Force approve Ms. Schair's report and recommend that it be forwarded to the Chief Judge as recommended Statewide guidelines for signs and public information in court facilities." (See Task Force minutes, April 8, 1981, p.2 and attached report).

These guidelines were developed as a result of the monitoring of 44 courts in 55 separate projects by 1,053 citizen volunteers over a five year period. The courts included Town and Village Courts, City Courts, Family Courts, County Courts and Criminal, Civil and Supreme Courts in New York City. One of the common deficiencies found by citizen monitors in these court facilities was a lack of adequate signs and public information.

The recommended guidelines also included the relevant Standards for Court Information and Service Facilities proposed by a National Advisory Commission Task Force on Court Reform.\* These recommended guidelines are also dealt with in the overall "Guidelines for New York State Court Facilities." (App. B, p. 8.)

\*National Advisory Commission on Criminal Justice Standards & Goals, Task Force on Courts Report, Washington, D.C., January 23, 1973, pp. 198-201.

RECOMMENDATION 13

The New York State Office of Court Administration should formulate and monitor standards and guidelines for court maintenance and custodial services as they affect the court facilities in New York State.

Concerning the management of court facilities, the Task Force reached the following consensus:

"Irrespective of the legislative follow-up on the recommendations of the Task Force, the OCA should assume greater responsibility in the management of court facilities by establishing standards for maintenance and operation of court facilities, by preparing plans for better utilization of existing facilities, by preparing long-range plans for procuring additional facilities in existing buildings, by undertaking feasibility studies to obtain more court facilities in other municipal or commercial facilities, and by providing technical assistance to localities in developing such plans. The OCA should also periodically update the recently completed statewide Survey of court facilities. The OCA should augment its existing facility planning staff to be able to undertake these tasks." (Unanimously adopted at February 12-14, 1982 Task Force meeting.)

During their visits to courthouses the members of the Task Force discussed and observed the facilities problems and conditions related to old and new or renovated structures. It became obvious that there is a need to expand and strengthen the present facility management and planning function within the courts and the Office of Court Administration.

The Task Force members observed that information regarding the use and condition of court facilities and the planned renovations or new buildings is not available at one source. There is a lack of coordinated effort in identifying and recording problems. They are not communicated to responsible local authorities on a regular basis. There is a lack of methodical follow-up. Sometimes efforts are initiated at the local level without coordinating with the Office of Court Administration or other local courts. As a result mistakes in planning and design are repeated at other locations.

Any organization whose employees number about 10,000, negotiates with a large portion of its work force on its working conditions and occupies approximately 8.3 million square feet of space can ill afford not to take positive action in this area. Regardless of the legislative action on the financing recommendations of the Task Force, the Office of Court Administration should

take the following actions and augment the present facility planning capability to effectively undertake these functions:

- Establish standards for the daily maintenance and operation of court facilities. The OCA may retain the State Office of General Services or private consultants to develop these standards. (The recommended guidelines in Appendix B, referred to in the previous recommendation, do not include maintenance and operational standards.)
- Adopt the guidelines for the evaluation and design of court facilities prepared by the Task Force.
- Monitor these guidelines and standards by making periodic inspections.
- The court, as users, should set up procedures by which facility problems would be observed, noted and forwarded to one person at each location who would act as liaison and coordinate with the staff of the facility planning office. The facility planning staff should send the documented listing of problems to the appropriate local authorities responsible for correcting the condition. The liaison person and the facility planning staff should follow-up on the action by the local authorities. (This sort of documentation and monitoring would be imperative if the State assumes the costs of maintenance and operation provided that the localities provide these services in conformity with standards.) In every courthouse facility monitoring committees should be formed composed of both judges and court staff.
- All courts should be required to report to the OCA any plans or actions contemplated by the courts or the localities that will change the layout or the occupancy pattern of court facilities. These include reassignment of existing space, additional space, minor and major renovations, new additions or new buildings. —
- The facility planning office within OCA should update their recently completed inventory of court facilities based on this information and periodic inspections.
- The courts and the localities should be required to obtain prior approval by the OCA of their plans to make changes in court facilities. This is necessary for effective application and monitoring of standards and guidelines.
- The OCA facility planning office should be involved in the preparation of plans by the courts and the localities to avoid, based on its experience and expertise, repetition of mistakes in layout and design. This is necessary even

if the localities have hired private architects to prepare contract documents.

- The OCA should develop projections of long-range judicial and non-judicial personnel needs by legal jurisdiction or reorganization needs which can be used by the facility planning staff in developing long-range facility solutions.
- The facility planning office should develop feasible options to obtain more space and facilities at existing locations by better utilization of available space.
- The facility planning office should have the capability to undertake limited engineering studies, cost estimating and preparing capital budget needs.
- The facility planning office should have the capability or access to the capability of leasing spaces in private buildings, lease negotiations, lease monitoring and lease compliance.
- The facility planning function should be upgraded within the OCA organization to give it a status equal to other units that are responsible for statewide resource management and planning.

As was aptly stated in a memorandum circulated by a Task Force member to the Task Force:

"In order to insure that court facilities provide the level of decency sought by the Chief Judge, and all of us, OCA should develop appropriate standards and criteria, ...for construction, renovation, maintenance and operation. While this Task Force can have input into those criteria and, no doubt, would be willing to provide its thoughts and counsel, the final document should clearly be the product of those who will be held accountable for its administration, the OCA." (Memorandum by Samuel S. Yasgur dated November 11, 1981).

RECOMMENDATION 14

Leases signed for court facilities should have provisions to protect the users' rights in relation to the maintenance and operation of such facilities.

Court facilities are located in 76 leased spaces in 72 separate privately owned buildings with a total area 408,021 rentable square feet. Thirteen counties have leased 43 spaces, three cities have leased eight spaces and the State has leased 25 spaces. Only 21 of these spaces house courtrooms; the remaining are used for administrative functions or as chambers. Only eight of these leases are for more than 10,000 rentable square feet.

However, based on the Survey, five spaces (one leased by Nassau County, two by New York City and two by the State), with about 160,200 rentable square feet where courtrooms are located, have repair problems. Seven others (one leased by Cattaraugus County, one by Westchester County, one by Nassau County, two by New York City and two by the State), with about 167,500 rentable square feet where courtrooms are located, have poor cleaning services. In terms of total area leased, about 40% of the leased space covered by a dozen leases were found by the Survey to have maintenance and cleaning problems.

Task Force members visiting the New Rochelle Family Court, for example, observed inadequate cleaning and heard reports from court personnel that some court areas had not been thoroughly cleaned in two years. Further inquiry indicated that the courts -- which use these leased spaces -- have no clear mechanism to redress their complaints. If the authorities who signed the leases cannot or do not make the landlords comply, poor maintenance and custodial services can continue. The leases themselves may not be specific with respect to the maintenance and cleaning services that the landlord is supposed to provide.

The Task Force recommends that lease documents should be devised which safeguard the courts' interest as the user and spell out a mechanism and criteria for effective provision of maintenance and custodial services. For example, Alaska has developed and uses a lease contract agreement that spells out in detail the services to be provided by the landlord. (See staff survey of the treatment of court facilities in other states, September, 1981.) The excerpts from this lease agreement, attached as Exhibit II (pp. 46-48) could serve as a model for use by authorities in New York State.

RECOMMENDATION 15

The Task Force or a similar body should continue to exist for the monitoring of the conditions of court facilities throughout the State.

Since the appointment of the New York State Court Facilities Task Force it has become increasingly evident that a body composed of eminent and knowledgeable citizens can create public opinion and influence the actions of public officials towards positive improvement in the conditions of court facilities.

In New York City, for example, where the majority of total statewide court space is located in City-owned buildings, the Task Force received exemplary cooperation from the officials of the New York City Department of General Services (NYC DGS). Information on the condition of court facilities, available fiscal and manpower resources and needs, steps being taken by the City to improve those conditions and other organizational problems of the users were freely made available and discussed. Visits to the courthouses by the members of the Task Force prompted unusually speedy reaction by the City in correcting a number of deficiencies observed by the Task Force members.\* There was also extensive cooperation by key management persons at DGS in developing the methodology used to estimate costs set forth in Appendix A. Outside New York City, local response to the visits by Task Force members was also prompt and positive.

Apart from an immediate increased State role in financing, the Task Force has recommended that the Office of Court Administration (OCA) should develop and adopt maintenance and custodial standards and guidelines (see Recommendation 13). The Task Force's guidelines for the design and evaluation of court facilities are recommended for adoption (Appendix B). It will be incumbent upon appropriate bodies to monitor these guidelines and standards. An independent body to monitor the conditions of the State's court facilities and efforts to correct inadequacies would be highly desirable. Since courthouses are public facilities, broad civic representation in such a monitoring group would seem highly appropriate.

The following options are stated for consideration by the Chief Judge:

- The Chief Judge may want this present Task Force to continue in existence, continuing its present functions and adding such others as may be desired from time to time.

\*The Task Force staff has available detailed documentation concerning the deficiencies identified and the steps taken to correct them.

- The Chief Judge might wish to appoint a special Court Facilities Committee of the Judicial Conference of the State of New York charged with the responsibility to inspect courthouses, to identify physical and management problems, to recommend specific improvements and report on such matters as the Chief Judge wishes.
- The Chief Judge may wish to create a Court Accreditation Commission similar to that in the State of New Hampshire.\* Powers might include granting accreditation to the physical facilities of the courts based on the conformance to standards and guidelines recommended by this Task Force and based on the general quality and adequacy of the facilities. Such a Commission might also advise on the need for additional facilities and new courthouses.

\*Additional information concerning the New Hampshire Commission has been obtained by the staff and is available for review. In the last year, for example, the Commission's authority has been expanded, by an enactment of the Legislature.

#### RECOMMENDATION 16

When its fiscal condition permits, the State shall assume all responsibility for the cost of providing all facilities (whether through construction, purchase or lease) and their proper maintenance and operation of all courts other than Town and Village Courts.

The Task force believes as a matter of principle that the State should ultimately pay for the costs of operating and maintaining a State judiciary system. The financing of that system should not be dependent upon the ability to pay by, or the financial resources of, the local community. The State should not continue to expect local government to bear this expense any more than does the Federal government, with its judicial system, expect State government to bear any significant costs of the housing or functioning of the Federal judiciary.

The State could have a number of options. One could be to pay the "fair value" for the space devoted to the Unified Court System. One could propose a phase-in of the assumption of such costs over a period of years as was the case with respect to the prior State takeover of court personnel costs and as is the case in Task Force Recommendation 5 (see above pp. 20-22) with respect to the costs of "operational maintenance and custodial services."

In this recommendation endorsing the principle of State responsibility, the Task Force has suggested deferring any implementation until such time as the "fiscal condition of the State permits" -- in recognition both of the Governor's recent statements eschewing the assumption by the State of "broad new fiscal responsibilities" and the concern of Task Force members as well as to the amount of expenditure the State would be willing to take on at this time.

The previous recommendations of the Task Force, if implemented, would give substantial relief to the municipalities and, in the eyes of many, the sum of the proposals may almost equal the result of what would flow from full responsibility at the State level. Nevertheless, the Task Force feels that this report should declare support for the concept of ultimate full responsibility at the State level for court facilities when fiscal conditions permit. The Task Force supports this principle as sound, equitable, and permanent.

Our support for this principle is in no way inconsistent with prior recommendations in this report (see Recommendations 1-7, pp. 7-25). Those recommendations propose an immediate, concrete, and cost-effective program at modest levels of State expenditure to meet

urgent needs to stop deterioration in court buildings, to preserve and increase the useful life of existing courthouses, to refurbish shabby courtrooms, to build new courtrooms in existing buildings for newly created judgeships, to provide adequate furnishings and equipment, and to help pay for maintenance and custodial services in court facilities throughout the State.



HERBERT B. EVANS  
CHIEF ADMINISTRATIVE JUDGE

STATE OF NEW YORK  
OFFICE OF COURT ADMINISTRATION  
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M E M O R A N D U M

MARCH 11, 1981

TO: ADMINISTRATIVE JUDGES  
FROM: HERBERT B. EVANS *HBE*  
SUBJECT: FIRE AND SAFETY HAZARDS IN COURT FACILITIES  
\*\*\*\*\*

At its most recent meeting the Court Facilities Task Force, appointed by Chief Judge Cooke, unanimously adopted the following resolution which was forwarded to the Chief Judge by Richard F. Coyne, Chairman of the Task Force.

- that the Chairman should send an appropriate letter to the Chief Judge expressing the concern of the Task Force with certain possible fire or other safety hazards in the courts brought to the attention of the Task Force by its staff;
- that the letter suggest that the Chief Judge have District Administrative Judges review conditions which may be hazardous in courts under their supervision, and request assistance, where needed, of appropriate local officials to suggest practical and effective remedies;
- that local court administrators should develop and implement procedures to evacuate courthouses in case of emergencies, to post appropriate signs, and to hold fire drills at regular intervals.

ADMINISTRATIVE JUDGES

-2-

MARCH 11, 1981

At the Chief Judge's request and direction I recommend that you take the following actions with respect to the State-funded courts and court offices under your supervision:

1. At each court location assign a safety officer charged with the responsibility of developing and implementing procedures with regard to safety in that locality. This could be the person now in charge of security, or the security coordinator, or the chief clerk.
2. The safety officer should request the assistance of local building and fire inspectors to identify physical conditions that may be hazardous to the safety of the court personnel and the public.
3. The safety officer should appoint fire wardens and develop procedures for the evacuation of facilities in case of emergencies such as fire, bomb threats, etc.
4. The safety officer should ensure that fire drills are held at regular intervals.
5. The safety officer should ensure that appropriate signs are posted where necessary.
6. The safety officer should ensure that fire fighting equipment is checked for its operating condition at regular intervals.

Enclosed is a checklist of items to be completed by the safety officer at each location and returned to you by April 30, 1981, to indicate what actions are taken on this matter. Please send me a copy of each report.

Mr. Prakash Yerawadekar of the Office of Court Administration will be available to give you any technical assistance if required. He can be contacted at (212) 488-5918.

cc: Hon. Lawrence H. Cooke  
 Hon. E. Leo Milonas  
 Hon. Robert J. Sise  
 S. Michael Nadel  
 Paul Feigenbaum  
 Judy Harlan

To Be Completed By Safety Officer At Each Court Location and Returned to the Administrative Judge

Name and Address of the Building \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

County \_\_\_\_\_

Judicial District \_\_\_\_\_

Name of Safety Officer \_\_\_\_\_

Title \_\_\_\_\_

Telephone # \_\_\_\_\_

|  | Yes   | No    |
|--|-------|-------|
| Have you identified hazards in this building?<br>Enclose a listing | _____ | _____ |
| Have you notified the authorities?                                 | _____ | _____ |
| Have you set up evacuation procedures?                             | _____ | _____ |
| Are appropriate signs posted?                                      | _____ | _____ |
| Do you hold fire drills?   | _____ | _____ |
| When was the last fire drill held?                                 | _____ | _____ |
| Is fire fighting equipment in operating condition?                 | _____ | _____ |
| Have the hazardous conditions been corrected?                      | _____ | _____ |

If not, describe the conditions which are not corrected and explain what steps are being taken to correct them.

Date: \_\_\_\_\_

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OF TASK FORCE: COOKE, EVANS URGE NAMING SAFETY OFFICERS  
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Excerpt of Alaska's Invitation to Bid -  
Janitorial Services

the State after acceptance of the offer, shall be mutually agreed upon by both parties in writing before such changes are actually accomplished.

17. DELAYS: Time is of the essence of the lease. Delays in completing the building or in installation of the equipment and furnishing under this agreement due to unforeseeable causes beyond the control and without fault or neglect of the Lessor, including, but not restricted to, acts of God or of the public enemy, act of the Government of State in either its sovereign or contractual capacity, acts of another contractor in the performance of a contract with the Government or State, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather or delays or subcontractors or suppliers due to such cases, shall be excused if the undersigned shall within ten days from the beginning of any such delay, unless the contracting officer shall grant a further period of time, notify the contracting officer in writing of the causes of delay, who shall ascertain the facts and the extent of delay and the extent of the time for completing the project when, in his judgment, the findings of fact justify an extension and his finding of fact thereon shall be final and conclusive, unless the Lessor shall appeal to the Commissioner of Administration within thirty (30) days upon receipt of the findings of fact. The decision of Commissioner of Administration, or his duly authorized representative shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or arbitrary or capricious or so grossly erroneous as necessary to imply bad faith or not supported by substantial evidence. Provided, that if no such appeal to the Commissioner of Administration is taken, the decision of the contracting officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Lessor shall be accorded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision on an extension of time hereunder, the Lessor shall proceed diligently with the Performance of the contract, in accordance with the contracting officer's decision. Inability to comply with State, City or local construction or zoning laws or ordinances or restrictive covenants shall not be regarded as unforeseeable cause. Provided, however, that if the Lessor shall acquire the property and interest therein through assignment from the State and in the course of such acquisition the Lessor is unable to comply with such laws or ordinances or restrictive covenants, then this agreement shall become terminated with no further liability on the part of either party unless such laws or ordinances or restrictive covenants are suitably changed or removed in accordance with the option or other agreement with the owner which so provides.

18. LESSOR'S EMPLOYEES: The State may require fingerprints or conduct investigations of the Lessor's employees or other employees performing work within the space occupied by the State.

19. JANITORIAL SERVICES: The Lessor will be responsible for janitorial services as outlined below for the entire space. These services shall be performed after working hours unless otherwise specified or as convenient as possible to the occupying agencies. The premises generally are occupied Monday through Friday except State holidays. In the event that various areas are occupied at times other than specified herein, the janitorial services shall be performed at other times as convenient.

## A. Daily Services:

1. Empty wastebaskets. Empty and wipe ashtrays and place contents in a metal container separate from other waste material. Collect all wastepaper and trash and dispose of away from the premises.
  2. Sweep halls and floors in the interior of the buildings. Tile floors are to be swept with a yarn broom or a dust mop treated with polyethylene glycol or similar non-injurious material. Vacuum all carpets.
  3. Dust all visible surfaces of furniture, fixtures, and equipment as high as can be reached while standing on the floor.
  4. Mop or scrub toilet room floors, clean all plumbing fixtures, disinfect urinals and water closets, damp wipe all dispensers.
  5. Remove all fingermarks and smudges from walls, woodwork and glass surfaces.
  6. Provide and maintain adequate supplies of toilet paper, towels, soap in toilet rooms, and sanitary napkins in women's toilet rooms. Toilet supplies to be furnished by the Lessor.
  7. Police sidewalks and parking areas by collecting and removing all trash and other discarded materials.
- B. Weekly Services:
1. Damp mop all waxed floors and machine buff to remove traffic marks and restore lustre of wax.
  2. Clean all tile walls and partitions in restrooms.
- C. Every Three Month Services:
1. Remove all wax from all floors by mopping or scrubbing with a synthetic detergent or wax remover, rinse thoroughly and apply good skid resistant wax of a type recommended by floor tile manufacturers. When wax is dry, machine buff to smooth sheen.
  2. Shampoo carpets.
  3. Wash windows and glass, inside and outside, leaving no streaks or unwashed places. Wipe water spots from sills and frames. Wash windows at approximately equal intervals of time, weather conditions permitting.
- D. Every Six Month Services:
1. Dust venetian blinds or vacuum drapes as may be the case, overhead pipes or vents, moulding, etc., that must be reached by ladder.
  2. Dust or wash light fixtures as appropriate for greatest light efficiency.

E. As Required:

- 1. Replace burned out lamps (to be furnished by Lessor), remove snow from sidewalks and outside parking area as applicable to an extent which will render the areas safe to pedestrian traffic.
- 2. The Lessor agrees that after reasonable notice by the Lessee to the effect that the janitorial obligations as specified herein for the demised premises have not been satisfactorily fulfilled, that the Lessee can then obtain competent workmen to correct necessary items, all of which will be paid for by the Lessor.

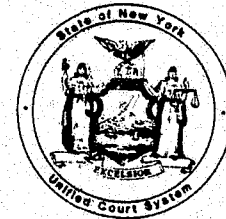
20. LESSEE'S RESPONSIBILITIES: The Lessee will:

- A. Pay said rent at the times and place set forth to the Lessor in advance on the first day of each month and every month of said term of the lease.
- B. Use and occupy the premises in a careful and proper manner.
- C. Not use or occupy the premises for any unlawful purpose.
- D. Not assign the lease nor underlet the premises nor any part thereof, without the written consent of the Lessor, provided, however, that such consent shall not be unreasonably withheld.
- E. Not use or occupy the premises or permit the same to be occupied for any purpose of business deemed extra-hazardous on account of fire or otherwise.
- F. Make no alterations or additions in or to the premises without the written consent of the Lessor, which consent shall not be unreasonably withheld.
- G. Permit the Lessor to enter upon the premises at all reasonable times to examine the conditions of same.

21. AWARD FACTORS: The following factors, in addition to rental amount, may be considered in making an award:

- A. Susceptibility of the design of the space offered to efficient layout and good utilization for use intended.
- B. Factors of environment including the physical characteristics of the building and the area surrounding it.
- C. All weather accessibility by automobile transportation and availability of parking facilities.
- D. Date(s) on which space is offered ready for occupancy.

22. PLANS AND SPECIFICATIONS: There shall be attached to each bid a floor layout plan or sketch including room numbers and floor areas in square feet or dimensions where appropriate. Such plans may be in the form of schematic diagrams drawn to a scale of no smaller than 1/8" equals one foot. Alterations or other work planned by the bidder for the purpose of meeting bid specifications should be clearly shown and/or explained in an attached narrative statement.



NEW YORK STATE  
COURT FACILITIES TASK FORCE

APPENDIX A

Richard F. Coyne  
Chairman

Warner M. Bouck  
Edward J. Cleary  
John V. Connorton, Jr.  
Geraldine T. Eiber  
Herbert B. Evans  
Joseph J. Fater  
Howard T. Ford, Jr.  
Alexander D. Forger  
Stanley H. Fuld  
Mendes Hershman  
Alfred S. Julien  
Chandler Y. Keller  
Carl Morse  
William R. Roy  
Fern Schair  
Thomas M. Stark  
Michael A. Telesca  
Samuel Yasgur

Prakash Yerawadekar  
Technical Director

Frederick Miller  
Counsel

ESTIMATED COSTS OF "TURNING AROUND"  
NEW YORK STATE COURT BUILDINGS

88206  
294

MARCH 31, 1982

ESTIMATED COSTS OF "TURNING AROUND"  
NEW YORK STATE COURT BUILDINGS

NCJRS

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ESTIMATED COSTS OF "TURNING AROUND"  
NEW YORK STATE COURT BUILDINGS

Introduction

When Chief Judge Lawrence H. Cooke appointed a 19-member State Court Facilities Task Force on December 8, 1980, he asked the Task Force "...to conduct a study of the physical court facilities of the Unified Court System of the State, to recommend measures needed to permanently improve them, and to suggest such remedial steps as may be advisable in the near future."

On February 24, 1982, the Office of Court Administration and the Task Force jointly released one of the most massive and detailed surveys of court facilities in the history of this State.\* As stated by Chief Judge Cooke:

"Thanks to their combined efforts, we now know, for the first time, where we are with respect to the condition and adequacy of court facilities throughout the state."

"Every page of their report deserves close attention. The type of report they have prepared and the thoroughness of its content lead us to believe that it is a 'first' in the Nation."

The overall purpose of that survey was to assess the adequacy of the State's court facilities on a uniform basis to the extent practicable. The survey attempted to tell "what is" and "what is lacking" in physical court facilities in New York State. Neither an engineering inspection report nor an architect's feasibility study for renovation or modernization of court facilities, the survey did not attempt to estimate costs of repairs, renovations or future building programs.

This report by the State Court Facilities Task Force now attempts to address the estimated costs of repairing, upgrading and maintaining the State's court facilities to bring them up to acceptable levels and to extend their useful life. This report covers about 7.5 million of the 8.3 million square feet of court facilities in use in New York State. The report does not include state-owned buildings, leased spaces or Town and Village Courts.

\*The Task Force earlier recommended improved fire safety and security measures for courthouses in New York State (January, 1981); adopted proposed guidelines for public information services and directional signs in courthouses (April, 1981); addressed court security measures and acoustical problems (July, 1981), and unanimously adopted a separate report containing proposed minimum guidelines for New York State court facilities (December, 1981).

Assumptions

The estimated costs in this report include the following assumptions.

1. The preservation and upgrading of the State's existing courthouses should be an immediate priority.

- o New York State has a unique, diverse and numerous collection of courthouses--many of them actual or potential historical landmarks.
- o With proper repair, upgrading and maintenance, there is every reason to expect these courthouses to have additional useful lives of forty years or more.

2. Although the above mentioned survey documented many deficiencies in court facilities, all do not need immediate correction.

- o The emphasis of the cost estimates in this report is on eliminating those inadequacies which do need correction to conserve court buildings over an increased period of years.

3. Poor courthouse maintenance--a feature of many metropolitan area courthouses--can be corrected with adequate levels of expenditure.

- o In the case of New York City, these estimates are twice the present levels of expenditure for ordinary maintenance and custodial service.

4. Overcrowding in some court locations can be reduced and more court facilities created by better utilization of existing court space or relocating less essential court-related functions or other agencies.

- o The cost estimates take into account the additional courtrooms and support space necessary in existing courthouses in New York City and several other locations, due to an expected increase in the number of judges and court staff.

5. Fiscal difficulties for local governments and low priority assigned by some localities to the upkeep and improvement of court facilities have resulted in the present deteriorated condition of many court buildings.

- o The cost estimate's first priority is to "stop deterioration". It is also imperative to correct the effects of deferred maintenance to make a real difference in the condition of many court buildings, especially in New York City.

6. The survey findings and the visits by the Task Force members to court facilities revealed an urgent need to refurbish existing courtrooms and to eliminate some wholly inadequate spaces now being used as courtrooms, particularly in New York City.

- o The worst of these courtrooms should be closed by creating additional courtrooms; others should be modernized by refurbishing. The cost estimates include provisions for such new or refurbished courtrooms.

7. Where proposals for new court buildings were made known to the Task Force and had proceeded to a definite planning stage, cost estimates received from local authorities were included in this report for information and comparison.

- o The new construction costs compare unfavorably with the far lower estimated costs of creating new court facilities by refurbishing or renovating existing court buildings.

8. No effort was made to address specifically the extra cost if any, of historic restoration and specialized upkeep of landmark court buildings.

- o The Task Force's failure to address such costs does not imply inattention to courthouse landmarks or historic preservation; other public and private bodies concerned with all types of landmarks and historic buildings appear in a better position to address this issue.

9. These cost estimates are in 1981 dollars and are for planning and budgetary purposes only. They may be conservative. They will need adjustment as conditions and needs change, as engineering surveys reveal undiscovered defects or as inflation and market forces affect costs in the different regions of the State.

- o Comparison with a recently completed engineering survey at 100 Centre Street in New York City, indicated that the Task Force estimate was within 10% of the more detailed estimate (see below, p. 2).

10. Where non-court agencies might be relocated elsewhere to make room for additional court space, the estimates have also included moving, construction and rental costs of these agencies. The Task Force, by such inclusion, does not endorse the proposition that such relocation costs are a court responsibility.

11. Wherever possible, the estimates show the entire cost for the building and an apportioned cost for the court-related square footage found in the building. Thus the estimates can be used to determine the expected cost of any state assumption of those expenditures reasonably related to the courts' share of local court buildings or other structures.

The cost estimates for court buildings in New York City were developed jointly by ranking officials of the New York City Department of General Services (DGS), cost experts from Morse/Diesel, Inc. and the Task Force staff. Cost estimates for court buildings outside New York City were based on OCA experience, Task Force staff analysis, estimated New York City cost levels adjusted for regional differences and the size of the buildings.

Cost estimating is as much an art as a science. The experience of DGS with past and present court projects and comparison with construction costs estimated by Morse/Diesel, Inc. should provide particular credibility for the New York City cost estimates in this report. Carl Morse, Chairman of the Board of Morse/Diesel, Inc. and a member of the State Court Facilities Task Force headed this effort and gave his valuable time, guidance and experience.

These estimates are the outcome of numerous drafts, many meetings, extensive review and changes. In addition to Carl Morse the expertise of Dan DeLosa of Morse/Diesel, Inc. was made available to the Task Force. Robert M. Litke, Commissioner of New York City Department of General Services, and James F. Capalino, former Commissioner, George A. Zandalasini, Director, and Rudolph J. Fatutta, Deputy Director, Division of Structures, provided the basic information and advice concerning New York City's experience with its court buildings.

The report which follows was unanimously approved by the State Court Facilities Task Force at a weekend meeting held on February 12-14, 1982.

March 31, 1982

Richard F. Coyne, Esq.  
Task Force Chairman

**Summary of Cost Estimates : Court Portion**  
(In 1981 dollars, rounded to nearest thousand)

| Items   | NYC Owned Buildings     | 8 Large Counties      | Rest of State            | Statewide Total  |
|---|-------------------------|-----------------------|--------------------------|------------------|
| <b>I. ONE-TIME COSTS</b>  |                         |                       |                          |                  |
| <u>Physical Needs</u>   |                         |                       |                          |                  |
| A. Stop deterioration   | \$ 4,909                | \$ 1,347              | \$ 546                   | \$ 6,802         |
| C.1 Major repairs   | 4,500                   | 100                   | 410                      | 5,010            |
| 2 Elevators   | 2,250                   | 640                   | 2,720                    | 5,610            |
| 3 Replace windows   | 4,500                   | 500                   | 828                      | 5,828            |
| Sub-total   | 16,159                  | 2,587                 | 4,504                    | 23,250           |
| <u>Programmatic Needs</u>   |                         |                       |                          |                  |
| D. Additional courtrooms<br>(Incl. support staff facilities & relocation costs) | 21,396 to 25,494        | 6,852 to 7,539        | -                        | 28,240 to 33,033 |
| Refurbish courtrooms  | 3,096                   | 1,735                 | -                        | 4,831            |
| Sub-total   | 24,492 to 28,590        | 8,587 to 9,274        | -                        | 33,071 to 37,864 |
| Total*  | 40,651 to 44,749        | 11,174 to 11,861      | 4,504                    | 56,321 to 61,114 |
| <b>II. RECURRING YEARLY COSTS</b>   |                         |                       |                          |                  |
|   | (Approx. 4.3 m. sq.ft.) | (Approx. 2 m. sq.ft.) | (Approx. 1.18 m. sq.ft.) |                  |
| B.1 Normal daily maintenance  | 4,363                   | 1,500                 | 885                      | 7,363            |
| 2 Custodial services  | 5,457                   | 2,000 to 2,500        | 1,180 to 1,475           | 9,457 to 10,457  |
| 3 Utilities   | 13,093                  | 4,500 to 5,000        | 2,655 to 2,950           | 22,093 to 23,093 |
| Total   | 22,913                  | 8,000 to 9,000        | 4,720 to 5,310           | 38,913 to 40,913 |
| D. Rental costs of leases for relocations                                       | 3,000                   | 1,783                 | -                        | 4,783            |
| <b>III. PROPOSED NEW CT. CONSTRUCTION</b>                                       |                         |                       |                          |                  |
| E. Programmatic Renovations by localities                                       | -                       | 195                   | -                        | 195              |
| F.1 New buildings   | 77,000                  | 58,250                | -                        | 135,250          |
| 2 Major renovations   | -                       | 3,500                 | -                        | 3,500            |

\*Alternative approach: "Complete modernization" - \$78.5 mil. with \$7.3 mil. additional recurring yearly costs. See below, p. 9.

Summary of Cost Estimates : Court Portion

## Notes on Summary Table

1. These estimated costs are the courts' proportionate share based on percentage occupancy of the buildings. For example, in New York City the courts occupy approximately 75% of the total space in 23 City-owned buildings for which costs are projected. The court portion of costs to stop deterioration in these buildings is estimated to be \$4.9 million in 1981 dollars. The cost of the remaining 25% would be approximately \$1.6 million in 1981 dollars. Thus, a total of \$6.5 million will be necessary to stop deterioration in these buildings. Partial expenditure to improve a portion of the building will not be practical or cost-effective.
2. Statewide total of maintenance and operations costs under category B excludes the area of existing leases, areas occupied by the courts in State-owned buildings and the areas of the Town and Village Courts.
3. Estimates of costs in 1981 dollars for new buildings and major renovations is included under categories E and F only where the localities have developed plans or expended funds or committed funds on these projects. These estimates are included for information and comparison.

Cost EstimatesCourt Buildings Owned By New York City



Cost Estimates

Court Buildings Owned By New York City

A. Stop Deterioration and Bring Buildings to Acceptable Levels

The major survey by the Office of Court Administration of court facilities in New York State confirmed widespread deterioration of major court buildings in New York City. Of 24 City-owned buildings, where courts occupy space, 16 were found to contain major inadequacies related directly or indirectly to deferred maintenance. Task Force members who toured particular court facilities in Manhattan and the Bronx saw obvious evidence of deferred maintenance, such as peeling paint, leakage, missing hardware on doors, leaky and uncleaned windows and generally shabby conditions. Some of these conditions reportedly have existed for many years.

Since 1975, when the budgetary cut-backs were started due to the fiscal conditions in New York City, the City has not appropriated funds at adequate levels to stop deterioration in City-owned court buildings. According to the New York City Department of General Services, in all these buildings there is evidence of deterioration due to deferred maintenance. The painting cycle in City buildings, for example, is now 27 years, and should be about five years.

Because the cost of repairs will almost certainly escalate if deferred maintenance persists, we recommend as a priority a two-year program to stop deterioration and bring these buildings to a level of improvement where daily maintenance can be cost-effective and result in decent surroundings in the courts. As set forth below, we estimate that this will cost about \$6.5 million in 1981 dollars spread over two years.\*

For the purpose of estimating such costs, we divided court buildings into three categories based upon level of deterioration, intensity of use and prior experience with the disrepair of the building, as determined by the New York City Department of General Services ("DGS"). Level 1 is estimated to require \$1.25 per square foot, level 2 would require \$1.00 per square foot and level 3 would require \$.75 per square foot.

\*The items included in this estimate are yearly maintenance items listed in Exhibit A. However, the work required will be of larger scope. The additional estimated costs of major repairs, modernization of elevators and replacement of windows are included in Section C below at pp. 4-6.

Table 1, shows that, based on these assumptions, \$6,520,375 would be required to stop deterioration of 5,814,700 square feet of space in 23 City-owned buildings.\* Courts occupy part of the total space - 4,364,427 square feet. The apportioned court-related cost would be \$4,908,744.

The estimate may be conservative in view of a recent 100 Centre Street survey by DGS consultants. Such a survey is being undertaken by the Department of General Services for other court buildings. On February 3, 1982, the DGS supplied the Task Force, at its request, with results of the detailed survey at 100 Centre Street, (Exhibit B). The estimated cost of work related to items in Exhibit A (including also repainting, waterproofing, parapet repairs, steam leak repairs, painting and electrical upgrading) is about \$1.1 million for the entire building. This is about ten percent more than the \$1 million figure estimated in Table 1.

The Table 1 estimate applies to the condition of buildings as of August, 1981, when the Office of Court Administration survey of court facilities was completed. The City of New York has appropriated \$4 million in its operating budget for maintenance and operation for fiscal year 1982, which started in July, 1981.\*\* Since this appropriation cannot be precisely broken down into categories that may affect downward the above estimates, we stand by an estimated "one-time" cost of \$6.5 million to stop deterioration.

B. Recurring Maintenance and Operation Costs

B.1 Cost estimates of normal daily maintenance after the deterioration of buildings is stopped, major repairs completed and acceptable levels reached.

In addition to the cost of \$6,520,375 as estimated under Section A, and making major repairs as estimated in Section C, regular building maintenance work must take place, often after working hours to avoid disruption of court proceedings. Daily maintenance should include items listed in Exhibit A on a smaller scale compared with the size of the building or the work required to stop deterioration under Section A above. The maintenance work would be what is necessary to keep court buildings in good working condition and to avoid future deterioration.

Although traffic volume and intensity of use varies in different buildings and also in the different areas and floors

\*One building - 346 Broadway - is not included. (See Table 1, Note 2)

\*\*This amount may not be adequate even for required normal yearly maintenance (see B.1 below).

of the same buildings, estimated normal maintenance costs should average about \$1.00 per square foot per year. For the 23 buildings (5,814,700 square feet) listed in Table 1, the normal maintenance cost is estimated to be \$5,814,700 per year. For the court portion of the buildings, the cost allocated would be \$4,363,427 per year.

Maintenance funds are presently provided in the fiscal 1982 operating budget of the Bureau of Public Building of DGS. The current appropriation is \$4 million as listed in Exhibit A for approximately 8 million square feet of space in public buildings. This is \$.50 per square foot, or about half the amount needed as estimated by DGS, the Committee Chairman and the Task Force staff. Assuming that DGS is actually spending \$.50 per square foot on daily maintenance in court buildings, an additional \$2.9 million per year appears necessary for adequate daily maintenance of the court buildings. \$2.18 million of this would be allocable to the court related portions of these buildings.

B.2 Cost estimates of custodial cleaning services

Similar estimates indicate that, to provide satisfactory cleaning, \$1.25 per square foot per year is necessary, or \$7,268,375 for the 23 buildings. The court portion of this estimated cost would be \$5,456,596 per year.

Current operation budget appropriations of DGS for cleaning approximate \$.80 per square foot. Therefore, an additional \$.45 per square foot or \$2,020,992 would be needed to cover adequately the court portions of these buildings.

B.3 Cost of utilities

According to DGS information furnished to the Task Force, the current cost of utilities (heat, light and power) is approximately \$3.00 per square foot, or \$17,444,100 for the 23 buildings involved and \$13,093,281 for the court related portions.

City appropriations reportedly cover the entire cost of utilities. Therefore, no additional monies would be required.

B.4 Summary of recurring maintenance and operation costs

Yearly normal maintenance and operation costs (see B.1, B.2 and B.3) appropriated in the operating budget of the City appear \$.95 per square foot (\$4.94 million) short of annual needs of the 23 buildings housing court related activities.

Even after deterioration is stopped, satisfactory services have an estimated cost of \$5.25 per square foot or \$30.5 million for 5,814,700 square feet of space. The court portion would be \$22.9 million per year, requiring an estimated additional amount of \$4.1 million over present levels of expenditure.

C. Major Repairs, Modernization of Elevators and Replacement of Windows

C.1 Costs of essential major repairs

In attempting to make estimates concerning New York City court buildings, a difficult problem is to make an allowance for costly major repairs in the absence of data based on actual engineering or architectural surveys. Costs of essential major repairs can include extensive roof work, repairing cornices, repairing facade stonework, caulking, pointing, piping work or other repairs to 23 court buildings of varying styles and ages.

To comply with Local Law 10\*, the City of New York has appointed a consultant to inspect and report on in detail the facades and other appurtenances of 18 public buildings. Nine of these buildings house courts. The detailed report is expected in the summer of 1982. However, the following oral estimates have been provided by DGS for some of the buildings:

|  |             |
|--|-------------|
| Criminal Court, 100 Centre Street  | \$350,000** |
| Supreme Court, 60 Centre Street  | 300,000     |
| Queens Supreme Court   | 100,000     |
| 851 Grand Concourse, Bronx<br>(Restoring the terrace and retaining wall) | 700,000     |
| Brooklyn Family Court<br>(Pointing and caulking only)                    | 50,000      |

The above estimates do not include the cost of cleaning building facades. According to oral estimates provided to the Task Force by DGS, the exterior cleaning of 60 Centre Street

\* Local Law #10 mandates that all buildings over six stories high and within twenty-five feet of a pedestrian walkway should be examined and report filed before February, 1982. If any deficiencies or defects are found, they should be remedied immediately.

\*\* See Exhibit B, p.3.

alone may cost up to \$500,000 if undertaken independently of pointing and caulking work.

The Task Force has allowed an average of \$300,000 per building, for the 20 court buildings that may need major repairs, or a total of six million dollars (excluding the cost of facade cleaning and new windows). Under this approach, the court related portion of these costs would be \$4,500,000 over a two-year period. The estimates of costs for elevator modernization or new windows are included below in Section C.2 and C.3.

#### C.2 Modernization of public elevators

The practical useful life of elevators is about 40 to 50 years. Sixteen court buildings owned by the City are more than forty years old and have some 120 elevators. About 60 of these serving the public are estimated to need modernization at an estimated cost of \$50,000 per elevator, or about \$3 million. The court related portion of these costs would be \$2.25 million. A five-year elevator modernization program is considered practical.

#### C.3 Replacement of windows

Drafty courts and other public areas are a serious and costly problem in New York's older court buildings. The practical useful life of windows varies from 30 to 60 years. There are about 6,000 original windows in 16 City-owned court buildings that are more than 30 years old. (see Table 3) Their complete replacement, at an average cost of about \$1,000 per window, could reach \$6 million. The court related portion of the costs could be as much as \$4.5 million. A five year program is considered practical.

The DGS survey referred to in Exhibit B estimates \$3 million for replacement of the 1,800 windows at 100 Centre Street. Our overall estimate of \$1,000 per window for all sixteen buildings was reached after agreement with representatives of Morse/Diesel, Inc., OCA and DGS. This estimate may be conservative.

#### Energy conservation projects

No estimate has been included for energy conservation projects on a separate basis. Energy conservation projects should be developed on a building-by-building basis to establish cost-effectiveness. There are three elements to be considered:

Are the windows or doors energy efficient?

Are there drop ceilings to reduce the volume of space to be cooled or heated?

Is the HVAC plant cost-efficient or does it need replacing because of its condition and age? If it is more than thirty years old and inefficient, funds can be raised by floating a bond issue (Section 11, Local Finance Law).

The HVAC plants in the court buildings are not in a condition where replacement is considered imperative. Courtroom modernization and new courtroom projects may include drop ceilings which will help reduce the volume to be heated or cooled. The cost-effectiveness of the expensive energy efficient windows alone is open to question unless the windows already need replacement.

#### D. Estimates of Costs for Non-structural "Programmatic" Renovations Within Buildings to Provide Additional or Refurbished Court Facilities

The Task Force's own site visits confirm a widespread perception that New York City requires new or refurbished courtrooms in existing buildings. Task Force staff, DGS, and specialists from the private sector have arrived at the following estimates of the costs of creating additional court facilities in the 23 existing court buildings in New York City.

#### D.1 Courtrooms and ancillary facilities

The cost estimates for ongoing courtroom projects in New York City and an estimate prepared by Morse/Diesel, Inc. for 111 Centre Street show the following:

1. 100 Centre Street - 13th floor.  
Conversion of two existing courtrooms into four courtrooms. \$500,000 for approximately 10,000 square feet = \$50 per square foot.
2. 100 Centre Street - 4th floor.  
Conversion of microfilming space into three courtrooms. \$350,000 for approximately 6,000 square feet = \$58 per square foot.
3. Brooklyn Supreme Court.  
Conversion of six existing courtrooms into three courtrooms. Planned for \$50 per square foot.
4. 111 Centre Street.  
Conversion of existing large courtroom into two courtrooms. Morse/Diesel, Inc. estimate (Exhibit C) \$141,000 for approximately 2,400 square feet = \$58.75 per square foot.

Based on these estimates, discussions with DGS officials, and additional analysis and comparison of the work involved and the quality of construction and materials included in the specifications, the following per square foot cost estimates were developed and agreed upon for three levels of non-structural renovations:

|                                    |   |
|------------------------------------|---|
| <u>Level 1</u><br>\$70 per sq. ft. | Includes: Total gutting (except structural weight-bearing walls).<br><br>New systems (HVAC, electrical, etc.)<br><br>New soundproof walls.<br><br>Energy-efficient drop ceilings.<br><br>New lighting fixtures, electrical fixtures, floors, etc.<br>Complete new internal furnishings.                                 |
| <u>Level 2</u><br>\$50 per sq. ft. | Subdivision of existing courtrooms<br>Lower ceilings or restore existing ceilings.<br><br>Relocation of existing HVAC ductwork.<br><br>Reuse existing electrical system plus some new work.<br><br>Limited new walls.<br><br>Some new lighting fixtures.<br><br>Window treatment - shades or blinds.<br><br>New floors. |
| <u>Level 3</u><br>\$30 per sq. ft. | Upgrading and refurbishing existing courtrooms.<br><br>Clean and paint perimeter walls.<br><br>Some new electrical and lighting fixtures.<br><br>Window treatment - shades or blinds.<br><br>New floors.<br><br>Reuse most existing furniture.  |

The Office of Court Administration has estimated a need for 57 additional judges in New York City. In addition, OCA projects a replacement need for 12 civil trial courtrooms and ancillary facilities now covered by a soon to expire lease at

100 Church Street and for four courtrooms and ancillary facilities of the Court of Claims similarly leased at Two World Trade Center. Thus, assuming no further leasing of court space, OCA estimates a possible total of 73 additional courtrooms, ancillary facilities and corresponding support staff facilities needed in New York City in the next several years. Since the Task Force does not have the resources or expertise to confirm the validity of such estimates, we have used the OCA numbers in the cost estimates which follow.

Of the existing 434 courtrooms in City owned buildings, the Task Force has also assumed that at least ten percent, or 43 courtrooms, will need refurbishing to improve existing inadequate and unsatisfactory space. We have also made allowance for up to 15 additional new courtrooms to replace unsatisfactory spaces, now being used as criminal trial courtrooms in the City, where refurbishment would not be practicable.

Thus, the total estimate for New York City would be for 88 additional courtrooms and 43 refurbished ones in existing buildings.

The average square footage for one new courtroom in an existing building is estimated to be 2,400 square feet. For these purposes, the word "courtroom" includes a robing room, a jury deliberation room, an attorney/client conference room, a small detention area (if criminal courtrooms are planned) and a waiting area.\*

Based on the above, the following costs are estimated as capital needs of non-structural or "programmatic" courtroom renovations in existing court buildings:

|   |                  |
|---|------------------|
| 1. 55 new courtrooms at 2,400 sq. ft. at \$70/sq.ft.=                           | \$9,240,000      |
| 2. 33 new courtrooms at 2,400 sq. ft. at \$50/sq.ft.=                           | 3,960,000        |
| 3. 43 existing courtrooms to be refurbished at<br>2,400 sq.ft. at \$30/sq.ft. = | <u>3,096,000</u> |
| Total   | \$16,296,000     |

The City of New York has appropriated \$2.2 million in the current fiscal year to construct 11 new courtrooms in existing court buildings--a cost averaging \$200,000 per courtroom.

These three estimates--\$168,000, \$120,000, and \$72,000 per courtroom depending on level of renovation--may be conservative. We have assumed, for purposes of this report, that the eleven new courtrooms fit under category 1 above and

\*For more specific guidelines, see the separate Task Force report on Guidelines for New York State Court Facilities, December 8, 1981, at pp. 14-22.

reduce estimated needs therein to 44 new courtrooms. Under the estimates used in this report (\$168,000 per courtroom) the eleven new courtrooms would reduce the above estimated costs of renovated new courtrooms by \$1,848,000.

D.2 Support facilities

If the facilities for the support staff required to operate the 88 new additional courtrooms can be provided in the court buildings, it is estimated that office-type facilities can be built at a square foot cost of \$30 to \$45.

The average square footage of support facilities would be about 1,400 square feet for each additional new "courtroom". "Support facilities" include a judge's chambers (600 square feet) and space for a support staff of up to ten persons (clerks, court reporter, law assistant, typist, court officers, etc.)

Under this estimate, it would cost from \$42,000 to \$63,000 per court for support facilities. Therefore, for the 88 new additional courtrooms, support staff facilities are estimated to cost \$3,696,000 to \$5,544,000.

D.3 Indirect costs of creating new courtrooms in existing courthouses

To create new courtrooms (such as criminal trial courtrooms) in existing buildings, space may have to be vacated by moving other agencies or civil courtrooms to other locations in leased space. This could involve additional costs of construction and moving estimated at \$30 to \$45 per square foot. It could also involve leasing space. Yearly cost of rental is estimated at about \$20 per square foot.

For purposes of this estimate, it is assumed that facilities occupying a total of about 150,000 square feet (the equivalent of about 40 courtrooms and support facilities) may have to be relocated to leased premises. The one-time cost of construction and moving would be in the range of \$4.5 million to \$6.75 million. The yearly cost of rental would be estimated at \$3 million. Naturally, these are very broad estimates based on the limited data available to the Task Force.

E. "Complete Modernization": an Alternative Estimate

According to the New York City Department of General Services, "an analysis of all court buildings, which considered such criteria as age, usage and prior capital investment, indicates an immediate need of \$78.5 million to modernize, upgrade and renovate these structures in order to extend their

useful life." (DGS document received by the Task Force December 16, 1981).

According to Commissioner Litke and Deputy Director Fatutta, Division of Structures, these costs represent the court-related portion of a total cost of \$104.7 million for "complete modernization."

The New York City Department of General Services has further estimated that "Thereafter, \$7.3 million would be needed annually on a programmed basis to replace antiquated systems and to prevent deterioration." DGS officials have described such a "modernization" as a complete "gut job" with upgraded electrical systems, new windows, central air-conditioning, modernized elevators, drop ceilings, furnishings, and all necessary major repairs. Complete modernization should also allow construction of the 88 additional courtrooms projected above on page 8. The total estimated cost of stopping deterioration, major repairs, modernization of elevators, replacement of windows and providing 88 additional courtrooms under Sections A, C and D of this report is from \$41 million to \$45 million. This is less than one-half of the above estimate for "complete modernization" of New York City's courts. The difference appears to be a matter of degree of renovation since the same DGS officials helped develop and accept the methodology which was used in previous sections of this report.

F. Estimates of Costs for New Buildings

According to information provided to the Task Force, there have been plans for two new court buildings in New York City. We estimate that new court construction costs (exclusive of the cost of land and development) will generally be in the range of \$100 to \$120 per square foot in 1981 dollars. DGS indicates that the current cost estimates for these two buildings are:

1. New Civil Court Building, Queens County - 26 courtrooms  
1981 estimated cost - \$30,000,000
2. New Criminal Court Building in Brooklyn - 77 courtrooms  
1981 estimated cost - \$94,000,000

The proposed Civil Court Building in Queens would, under prior plans, have been exclusively a court building for handling civil claims below a certain dollar amount. Based on 1981 estimates, the \$30,000,000 cost in the proposed building would be about \$1.15 mil. per courtroom. The proposed criminal courts building in Brooklyn would also have housed the District Attorney, Legal Aid Society, and the Probation Department. Based on the information presented in Exhibit D,

the court portion of the proposed building represented approximately 50% of the total space or \$47,000,000. This suggests an allocated cost of over \$600,000 per courtroom. These estimated costs per courtroom (including support space) compare unfavorably with a range estimated earlier for new courtrooms in existing buildings of only \$160,000 to \$225,000 per courtroom, depending on degree of renovation required.

The total court-related estimated capital costs of the proposed two new court buildings in 1981 dollars would be \$77,000,000. Even if the City were ready to start construction on these two new buildings, it would take a minimum of five years to complete the buildings. In the meantime, it still appears necessary to carry out improvements and provide additional courtrooms as estimated earlier in this report.

G. Estimates of Costs for Restoring Historical Landmark Buildings

The costs of landmark restoration will vary substantially from building to building, depending upon the age, existing condition of the building, materials used, decorative elements, and the degree of restoration work to be attempted. The estimated costs of restoring an historical landmark building can be quite high--perhaps 65% to 125% of new construction costs.

Table 1

|                              | Area             |       |            |                    | Court   |                    |
|------------------------------|------------------|-------|------------|--------------------|---------|--------------------|
|                              | Sq. Ft.          | Level | \$/Sq. Ft. | Total              | Portion |                    |
| <b>Manhattan</b>             |                  |       |            |                    |         |                    |
| Criminal Ct., 100 Centre St. | 795,700          | 1     | 1.25       | \$ 994,625         | 62%     | \$ 616,668         |
| New Family Ct.               | 491,000          | 2     | 1.00       | 491,000            | 70%     | 343,700            |
| Civil Ct., 111 Centre St.    | 430,000          | 2     | 1.00       | 430,000            | 100%    | 430,000            |
| Supreme Ct., 60 Centre St.   | 322,300          | 1     | 1.25       | 402,875            | 85%     | 342,444            |
| Surrogate's Ct.              | 212,500          | 1     | 1.25       | 265,625            | 68%     | 180,625            |
| East 121 St. Ct.             | 25,700           | 1     | 1.25       | 32,125             | 100%    | 32,125             |
| 27 Madison Ave.              | 65,000           | 1     | 1.25       | 81,250             | 100%    | 81,250             |
| Sub Total                    | 2,342,200        |       |            | \$2,697,500        |         | \$2,026,812        |
| <b>Bronx</b>                 |                  |       |            |                    |         |                    |
| County Courthouse            | 555,600          | 2     | 1.00       | 555,600            | 70%     | 433,368            |
| New Family/Criminal Ct.      | 490,000          | 1     | 1.25       | 612,500            | 61%     | 373,625            |
| Sub Total                    | 1,045,600        |       |            | \$1,168,100        |         | \$ 806,993         |
| <b>Brooklyn</b>              |                  |       |            |                    |         |                    |
| Supreme Ct.                  | 585,000          | 2     | 1.00       | 585,000            | 86%     | 503,100            |
| 120 Schermerhorn St.         | 264,100          | 1     | 1.25       | 330,125            | 92%     | 303,715            |
| Family Ct.                   | 138,000          | 1     | 1.25       | 172,500            | 66%     | 113,850            |
| 45 Monroe Place              | 49,500           | 3     | 0.75       | 37,125             | 100%    | 37,125             |
| Sub Total                    | 1,036,600        |       |            | \$1,124,750        |         | \$ 957,790         |
| <b>Queens</b>                |                  |       |            |                    |         |                    |
| Crim. Ct., Kew Gardens       | 450,000          | 1     | 1.25       | 562,500            | 78%     | 438,750            |
| Sup. Ct., Sutphin Blvd.      | 308,200          | 2     | 1.00       | 308,255            | 96%     | 295,872            |
| Borough Hall                 | 261,000          | 2     | 1.00       | 261,000            | 41%     | 107,010            |
| L.I.C. Courthouse            | 59,300           | 2     | 1.00       | 59,300             | 100%    | 59,300             |
| Family Court                 | 122,000          | 1     | 1.25       | 152,500            | 78%     | 118,950            |
| Sub Total                    | 1,200,500        |       |            | \$1,343,500        |         | \$1,019,882        |
| <b>Richmond</b>              |                  |       |            |                    |         |                    |
| Borough Hall                 | 76,300           | 3     | 0.75       | 57,225             | 03%     | 1,717              |
| Supreme Ct.                  | 63,200           | 1     | 1.25       | 79,000             | 60%     | 47,400             |
| Criminal Ct.                 | 21,500           | 2     | 1.00       | 21,500             | 90%     | 19,350             |
| Civil Ct.                    | 18,000           | 2     | 1.00       | 18,000             | 100%    | 18,000             |
| Family Ct.                   | 10,800           | 2     | 1.00       | 10,800             | 100%    | 10,800             |
| Sub Total                    | 189,800          |       |            | \$ 186,525         |         | \$ 97,267          |
| <b>TOTAL: 23 buildings</b>   | <b>5,814,700</b> |       |            | <b>\$6,520,375</b> |         | <b>\$4,908,744</b> |

- Notes: 1. Square foot areas are for the entire building. Courts or court related uses occupy only 4,364,427 square feet or 75% of the total plan.
2. 346 Broadway needs major capital restoration in the magnitude of \$10 million and is not included.

Table 2  
Summary of Cost Estimates - New York City  
In 1981 Dollars  
(Rounded to nearest thousand)

I. One time costs or capital costs for existing buildings

o Repairs to bring court buildings up to acceptable levels

|                               | <u>Total estimated</u> | <u>Court Portion</u> |
|-------------------------------|------------------------|----------------------|
| A. Stop deterioration         | \$ 6,520               | \$ 4,909             |
| C.1. Essential major repairs  | 6,000                  | 4,500                |
| 2. Modernization of elevators | 3,000                  | 2,250                |
| 3. Replacement of windows     | <u>6,000</u>           | <u>4,500</u>         |
| Total                         | \$21,520               | \$16,159             |

o Non-structural programmatic renovations in existing buildings

|                               |                       |                       |
|-------------------------------|-----------------------|-----------------------|
| D.1. 88 additional courtrooms | \$13,200              | \$13,200              |
| 43 refurbished courtrooms     | 3,096                 | 3,096                 |
| 2. Support staff facilities   | 3,696 to 5,544        | 3,696 to 5,544        |
| 3. Relocation costs           | <u>4,500 to 6,750</u> | <u>4,500 to 6,750</u> |
| Total                         | \$24,492 to 28,590    | \$24,492 to 28,590    |

II. Recurring yearly costs for existing buildings

o Maintenance and operation

|  |               |               |
|--|---------------|---------------|
| B.1. Normal daily maintenance @ \$1.00/sq. ft.     | \$ 5,815      | \$ 4,363      |
| 2. Custodial cleaning @ \$1.25/sq. ft.             | 7,268         | 5,457         |
| 3. Utilities - heat, light, power @ \$3.00/sq. ft. | <u>17,444</u> | <u>13,093</u> |
| Total  | \$30,527      | \$22,913      |

o Recurring yearly rental costs

|                                     |          |          |
|-------------------------------------|----------|----------|
| D.3. 150,000 sq. ft. @ \$20/sq. ft. | \$ 3,000 | \$ 3,000 |
|-------------------------------------|----------|----------|

III. Proposed new court construction      \$124,000,000      \$77,000,000

\*The City of New York has appropriated \$2.2 million in Fiscal Year 1982 and has reportedly pledged another \$3.8 million in fiscal 1983 for additional courtrooms in existing buildings.

Table 3

| <u>New York City Court Buildings<br/>Over 30 Years Old</u> | <u>Approximate Number<br/>of Windows</u> |
|--|--|
| 120 Schermerhorn   | 600                                      |
| 45 Monroe Place  | 100                                      |
| 88-11 Sutphin Boulevard                                    | 300                                      |
| 25-10 Court Square   | 150                                      |
| 100 Richmond Terrace                                       | 50                                       |
| 927 Castleton Avenue                                       | 50                                       |
| 67 Targee Street   | 50                                       |
| 18 Richmond Terrace  | 150                                      |
| 80 Centre Street   | 500                                      |
| 170 East 121st Street                                      | 150                                      |
| 27 Madison Avenue  | 150                                      |
| 60 Centre Street   | 450                                      |
| 100 Centre Street  | 1,800                                    |
| 31 Chambers Street   | 350                                      |
| 851 Grand Concourse  | 600                                      |
| East 161st Street  | <u>500</u>                               |
| Total  | 5,950                                    |

BUREAU OF OPERATING SERVICES

FY-'82 EXPENSE CODE "408"

LEVEL OF FUNDING: \$4,000,000

FY-'82

| <u>CATEGORY</u>                  | <u>SPENDING LEVEL</u> | <u>% OF TOTAL</u> |
|----------------------------------|-----------------------|-------------------|
| Painting                         | \$ 600,000            | 15.0              |
| Flooring                         | 230,000               | 5.7               |
| Roofing, Pointing, Caulking      | 100,000               | 2.5               |
| Windows, Doors, Hardware         | 200,000               | 5.0               |
| Sidewalks & Sitework             | 210,000               | 5.3               |
| Shades, Blinds, Signs            | 100,000               | 2.5               |
| Alterations, Renovations         | 300,000               | 7.5               |
| Metal Refinishing                | 160,000               | 4.0               |
| HVAC & Elevators                 | 600,000               | 15.0              |
| Facade Repairs                   | 200,000               | 5.0               |
| Electrical Renovations & Repairs | 200,000               | 5.0               |
| Energy Conservation (NON PW-290) | 200,000               | 5.0               |
| Maintenance Contracts            | 500,000               | 12.5              |
| Requirement Contracts            | 400,000               | 10.0              |
|                                  | <u>\$4,000,000</u>    | <u>100.0</u>      |

RJF  
5/29/81



**CONTINUED**

**1 OF 2**

BUREAU OF OPERATING SERVICES

FY '82 EXPENSE CODE "408"

MAINTENANCE, REPAIR AND MINOR ALTERATION PROGRAM

LEVEL OF FUNDING: \$4,000,000

| <u>CATEGORY</u>                  | <u>FY '81</u>         | <u>FY '82</u>      | <u>FY '81</u>     | <u>FY '82</u> |
|----------------------------------|-----------------------|--------------------|-------------------|---------------|
|                                  | <u>SPENDING LEVEL</u> |                    | <u>% OF TOTAL</u> |               |
| Painting                         | \$500,000             | \$600,000          | 20.0              | 15.0          |
| Flooring                         | 160,000               | 230,000            | 6.5               | 5.7           |
| Roofing, Pointing, Caulking      | 100,000               | 100,000            | 4.0               | 2.5           |
| Windows, Doors, Hardware         | 125,000               | 200,000            | 5.0               | 5.0           |
| Sidewalks & Sitework             | 75,000                | 210,000            | 3.0               | 5.3           |
| Shades, Blinds, Signs            | 50,000                | 100,000            | 2.0               | 2.5           |
| Alterations, Renovations         | 300,000               | 300,000            | 12.0              | 7.5           |
| Metal Refinishing                | 50,000                | 160,000            | 2.0               | 4.0           |
| HVAC & Elevators                 | 400,000               | 600,000            | 16.0              | 15.0          |
| Facade Repairs                   | 0                     | 200,000            | 0                 | 5.0           |
| Electrical Renovations & Repairs | 85,000                | 200,000            | 3.5               | 5.0           |
| Energy Conservation (NON PW-290) | 0                     | 200,000            | 0                 | 5.0           |
| Maintenance Contracts            | 450,000               | 500,000            | 18.0              | 12.5          |
| Requirement Contracts            | 205,000               | 400,000            | 8.0               | 10.0          |
|                                  | <u>\$2,500,000</u>    | <u>\$4,000,000</u> | <u>100.0</u>      | <u>100.0</u>  |

16

EXHIBIT A  
2 of 6

PAINTING

|                               |           |
|-------------------------------|-----------|
| *100 Centre Street            | \$ 75,000 |
| * 60 Centre Street            | 100,000   |
| *111 Centre Street            | 30,000    |
| Manhattan Municipal Building  | 30,000    |
| Brooklyn Municipal Building   | 75,000    |
| *Brooklyn Central Courts      | 75,000    |
| *Brooklyn Supreme Court       | 15,000    |
| *Brooklyn Family Court        | 15,000    |
| *Bronx County Building        | 30,000    |
| *Bronx Family/Criminal Court  | 30,000    |
| *Queens Supreme Court         | 25,000    |
| *Queens Criminal Court        | 30,000    |
| *Queens Family Court          | 15,000    |
| Queens Borough Hall           | 15,000    |
| *Long Island City Court House | 15,000    |
| Staten Island Various         | 25,000    |
| Total:                        | \$600,000 |

FLOORING

|                               |           |
|-------------------------------|-----------|
| *60 Centre Street             | \$ 30,000 |
| Manhattan Municipal Building  | 15,000    |
| Brooklyn Municipal Building   | 15,000    |
| *Brooklyn Central Courts      | 15,000    |
| *Bronx County Building        | 10,000    |
| Bergen Building               | 5,000     |
| *Queens Supreme Court         | 30,000    |
| *Queens Criminal Courts       | 5,000     |
| Queens Borough Hall           | 15,000    |
| *Long Island City Court House | 30,000    |
| Various                       | 60,000    |
| Total:                        | \$230,000 |

ROOFING, POINTING, CAULKING

|                            |           |
|----------------------------|-----------|
| Queens Borough Hall        | \$ 25,000 |
| Staten Island Village Hall | 30,000    |
| 390 Kent Avenue            | 15,000    |
| B-53 Storehouse            | 15,000    |
| *Queens Criminal Courts    | 10,000    |
| Various                    | 5,000     |
| Total:                     | \$100,000 |

WINDOWS, DOORS AND HARDWARE

|                               |           |
|-------------------------------|-----------|
| Queens Borough Hall           | \$ 15,000 |
| *Queens Criminal Courts       | 40,000    |
| *Long Island City Court House | 15,000    |
| Various                       | 130,000   |
| Total:                        | \$200,000 |

SIDEWALKS AND SITE WORK

|                               |           |
|-------------------------------|-----------|
| *Manhattan Surrogates Court   | \$ 10,000 |
| *100 Centre Street            | 5,000     |
| *111 Centre Street            | 5,000     |
| *Harlem Court                 | 2,000     |
| 346 Broadway                  | 5,000     |
| Brooklyn Borough Hall         | 10,000    |
| *Brooklyn Family Court        | 10,000    |
| *Brooklyn Appellate Court     | 15,000    |
| *Brooklyn Central Courts      | 15,000    |
| *Queens Supreme Court         | 15,000    |
| *Queens Criminal Courts       | 10,000    |
| *Queens Family Court          | 15,000    |
| *Long Island City Court House | 15,000    |
| Staten Island Borough Hall    | 25,000    |
| *Staten Island Supreme Court  | 25,000    |
| *Staten Island Family Court   | 10,000    |
| *Staten Island Criminal Court | 5,000     |
| *Staten Island Civil Court    | 5,000     |
| Various                       | 8,000     |
| Total:                        | \$210,000 |

SHADES, BLINDS, SIGNS

|   |           |
|---|-----------|
| *Various Court Buildings (Sign Program) | \$ 50,000 |
| *100 Centre Street (Blinds)             | 10,000    |
| *111 Centre Street (Blinds)             | 10,000    |
| Brooklyn Municipal Building (Blinds)    | 20,000    |
| Various Buildings (Blinds and Shades)   | 10,000    |
| Total:                                  | \$100,000 |

ALTERATIONS AND RENOVATIONS (TENANT REQUESTS)

|                     |           |
|---------------------|-----------|
| *Court Buildings    | \$150,000 |
| Non-Court Buildings | 150,000   |
| Total:              | \$300,000 |

METAL REFINISHING AND MAINTENANCE

|                             |           |
|-----------------------------|-----------|
| Brooklyn Municipal Building | 50,000    |
| *Bronx County Building      | 30,000    |
| 49-51 Chambers Street       | 50,000    |
| *100 Centre Street          | 30,000    |
| Total:                      | \$160,000 |

H.V.A.C. AND ELEVATORS (VARIOUS BUILDINGS)

|   |           |
|---|-----------|
| Cooling Towers                            | \$135,000 |
| Coil Replacements                         | 40,000    |
| Refractory Brick Repairs                  | 15,000    |
| Instrumentation and Controls              | 70,000    |
| Oil Tank Cleaning and Repairs             | 15,000    |
| Boiler Retubing                           | 15,000    |
| Motor Rewinding                           | 15,000    |
| House Tank Repairs                        | 15,000    |
| Piping and Valve Repairs/Replacement      | 55,000    |
| Repair/Replacement Pumps                  | 115,000   |
| Repair/Replacement Water and Steam Meters | 13,000    |
| Repair/Replacement Compressors            | 40,000    |
| Duct Cleaning                             | 28,000    |
| Overhaul Air Conditioning Systems         | 20,000    |
| Heating Installations and Repairs         | 9,000     |

Total: \$600,000

FACADE REPAIRS (To Comply With Local Law #10)

19 Buildings to be inspected;  
Consultant findings will determine  
nature and scope of required repairs

Estimated: \$200,000

ELECTRICAL RENOVATIONS AND REPAIRS

|   |           |
|---|-----------|
| *60 Centre Street (New D.C. Controls)               | \$ 40,000 |
| *Queens Supreme Court (New D.C. Controls)           | 30,000    |
| *Bronx Family Court (Boiler Room Lighting)          | 3,000     |
| *Brooklyn Appellate Court (New D.C. Board)          | 15,000    |
| *Central Clock Systems (Various)                    | 15,000    |
| *60 Centre Street (Light Fixture Repairs)           | 15,000    |
| *Manhattan Surrogates Court (Light Fixture Repairs) | 15,000    |
| Emergency Lighting (Various)                        | 15,000    |
| *111 Centre Street (New Court Lighting)             | 37,000    |
| Manhattan Municipal Building (Exterior Lighting)    | 15,000    |

Total: \$200,000

ENERGY CONSERVATION (NON PW-290)

PW-290 Consultant Findings and  
Recommendations will determine  
Program.

Estimated: \$200,000

MAINTENANCE CONTRACTS

| BID      | START |                                      |           |
|----------|-------|--------------------------------------|-----------|
| 6/15     | 7/1   | Boiler Water Treatment               | \$ 10,000 |
| 6/15     | 7/1   | Air Conditioning Water Treatment     | 11,000    |
| 9/15     | 10/1  | Window Air Conditioners              | 60,000    |
| IN PLACE |       | Central Air Conditioners             | 17,000    |
| 9/15     | 10/31 | Landscape                            | 80,000    |
| 5/25     | ?     | Elevator                             | 200,000   |
| 4/5      | 8/15  | Pest Control                         | 100,000   |
| 4/5      | 7/1   | Miscellaneous Building Appurtenances | 22,000    |

Total: \$500,000

REQUIREMENT (OR UNIT PRICE) CONTRACTS

|                        |           |
|------------------------|-----------|
| Emergency Boarding Up  | \$ 15,000 |
| Electrical Receptacles | 100,000   |
| Co-Axial Cables        | 75,000    |
| Ballast Replacements   | 100,000   |
| Thermostat Repairs     | 15,000    |
| Plumbing Repairs       | 30,000    |
| Plastering             | 55,000    |

Total: \$400,000

DEPARTMENT OF GENERAL SERVICES  
 DIVISION OF PUBLIC STRUCTURES  
 BUREAU OF OPERATING SERVICES

CAPITAL FIELD SURVEY

(1)

| BUILDING LOCATION:   | YES                                 | NO                                  | YEAR | PRIORITY | REMARKS  | COST      |
|--|-------------------------------------|-------------------------------------|------|----------|--|-----------|
| 100 CENTRE ST. MANHATTAN   |                                     |                                     |      |          |  |           |
| BUILDING PROFILE:<br>DATE OF CONSTRUCTION: 1938-1941<br>TYPE OF CONSTRUCTION: CLASS I FIREPROOF<br>HEIGHT IN STORIES: 19 FLS., SUB-CELLAR<br>CELLAR & TOWER<br>ELEVATORS: AUTOMATIC<br>HEATING: STEAM, SUPPLIED BY N.Y. STEAM CO.<br>WATER TUBE BOILERS-OIL FIRED<br>GROSS AREA: 866,291 SQ. FT. |                                     |                                     |      |          |  |           |
| IS NEW ROOF REQUIRED ?   |                                     | <input checked="" type="checkbox"/> |      |          |  |           |
| WHEN WAS LAST ROOF INSTALLED?  |                                     |                                     | 1979 |          |  |           |
| DO WINDOWS REQUIRE REPLACEMENT?  | <input checked="" type="checkbox"/> |                                     |      | -2-      |  | 3,000,000 |
| WHAT YEAR WERE NEW WINDOWS INSTALLED?  |                                     |                                     |      |          |  |           |
| Does HEATING SYSTEM REQUIRE UPGRADING.   |                                     | <input checked="" type="checkbox"/> |      |          |  |           |
| WHAT YEAR WAS MAJOR REPAIRS MADE.  |                                     |                                     |      |          | NO MAJOR REPAIRS WERE MADE   |           |
| ARE NEW BATHROOMS REQUIRED? COST?  |                                     | <input checked="" type="checkbox"/> |      |          | BATHROOMS ARE ORIGINAL. PROJECTED USEFULL LIFE EXCEEDED, BUT CONDITION Good. |           |
| WHAT YEAR WERE NEW BATHROOMS INSTALLED?  |                                     |                                     |      |          |  |           |
| IS ELEVATOR MODERNIZATION REQUIRED?  |                                     | <input checked="" type="checkbox"/> |      |          |  |           |
| WHAT YEAR WERE ELEVATORS MODERNIZED?   |                                     |                                     | 1968 |          |  |           |
| Does BUILDING NEED AIR-CONDITIONING? COST?   | <input checked="" type="checkbox"/> |                                     |      | -4-      |  | 6,000,000 |
| WHEN WAS BUILDING AIR-CONDITIONED?   |                                     |                                     |      |          |  |           |

LEGEND

1. ESSENTIAL
2. HIGH PRIORITY
3. PRIORITY
4. DESIRABLE

TOTAL - SEE NEXT PAGE

Signed \_\_\_\_\_

Inspector

EXHIBIT B  
1 of 5

DEPARTMENT OF GENERAL SERVICES  
 DIVISION OF PUBLIC STRUCTURES  
 BUREAU OF OPERATING SERVICES

CAPITAL FIELD SURVEY

(2)

|  | YES                                 | NO                                  | YEAR | PRIORITY | REMARKS                 | CCST    |
|--|-------------------------------------|-------------------------------------|------|----------|-------------------------|---------|
| NEW SERVICE REQUIRED?                            |                                     | <input checked="" type="checkbox"/> |      |          |                         |         |
| WHAT YEAR WAS MAJOR LIGHTING MODERNIZATION MADE? |                                     |                                     | 1960 |          |                         |         |
| LIGHTING MODERNIZATION REQUIRED?                 | <input checked="" type="checkbox"/> |                                     |      | 4        | AREAS REQUIRE UPGRADING | 500,000 |
| UPGRADE ELECTRICAL PANELS AND RISEMS             | <input checked="" type="checkbox"/> |                                     |      | 4        |                         | 200,000 |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
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|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |
|  |                                     |                                     |      |          |                         |         |

TOTAL - 9,700,000.

\_\_\_\_\_  
 Signed Inspector

EXHIBIT B  
 2 OF 5

DEPARTMENT OF GENERAL SERVICES  
 DIVISION OF PUBLIC STRUCTURES  
 BUREAU OF OPERATING SERVICES

FIELD INSPECTION REPORT

ARCHITECTURAL

CRIMINAL COURT - 100 CENTRE MAN.

(3)

| BUILDING LOCATION:                           | YES | NO | CAPITAL | PRIORITY | REMARKS   | COST      |
|--|-----|----|---------|----------|---|-----------|
| WINDOWS OR DOORS NEED REPLACEMENT            | ✓   |    | ✓       | -2-      |   | 3,000,000 |
| ROOF NEEDS REPLACEMENT                       |     | ✓  |         |          |   |           |
| WINDOWS OR DOORS NEED CAULKING OR PAINTING   | ✓   |    |         | -2-      | PART OF WINDOW JOB  | 50,000    |
| EXTERIOR METAL NEEDS REFINISHING             |     | ✓  |         |          |   |           |
| SIDEWALK NEEDS REPLACEMENT                   |     | ✓  |         |          |   |           |
| NEED HANDICAPPED ACCESS                      |     | ✓  |         |          |   |           |
| NEED LANDSCAPING                             |     | ✓  |         |          |   |           |
| PAINTING OF PARKING SPACE STRIPES            |     | ✓  |         |          |   |           |
| NEED NEW LEADERS OR GUTTERS                  |     | ✓  |         |          |   |           |
| WALLS NEED REPOINTING OR WATERPROOFING       | ✓   |    |         | -1-      |   | 350,000   |
| NEED PARAPET REPAIRS                         | ✓   |    |         |          | REPAIRS TO BE MADE TO PARAPETS TO BE MAINTAINED BY THE CONTRACTOR WITH A.P. 12-2-41 |           |
| NEED FIRE-ESCAPE REPAIRS                     |     | ✓  |         |          |   |           |
| NEED RESTORATION OF MURALS                   |     | ✓  |         |          |   |           |
| NEED TOILET MODERNIZATION                    |     | ✓  |         |          |   |           |
| ARE REST ROOMS ACCESSIBLE TO THE HANDICAPPED | ✓   |    |         |          |   |           |
| IS INTERIOR PAINTING REQUIRED                | ✓   |    |         | -3-      | PAINT TO BE DONE IN REST ROOMS TO BE MAINTAINED BY THE CONTRACTOR WITH A.P. 12-2-41 | 500,000   |
| ARE NEW FLOOR OR CEILING FINISHES REQUIRED   |     | ✓  |         |          |   |           |
| IS SECURITY REQUIRED                         |     | ✓  |         |          |   |           |
| TOTAL INCLUDING ESCALATION -                 |     |    |         |          |   | 4,000,000 |

Signed A. J. [Signature] Inspector

EXHIBIT B  
3 OF 5

23





DEPARTMENT OF GENERAL SERVICES  
DIVISION OF PUBLIC STRUCTURES  
BUREAU OF OPERATING SERVICES

FIELD INSPECTION REPORT  
MECHANICAL

5

| BUILDING LOCATION:                               | YES | NO | CAPITAL | EXPENSE | RATE | REMARKS   | CGST                               |
|--|-----|----|---------|---------|------|---|------------------------------------|
| 107 CENTRE ST. MANHATTAN                         |     |    |         |         |      |   |                                    |
| NEED AIR-CONDITIONING                            | X   |    |         |         | 4    | NEEDED IF BUDGET PERMITS  | \$ 6,000,000.                      |
| VENTILATION SYSTEM IN NEED OF REPAIR             | X   |    |         |         |      | REPLACE EXISTING AIR FILTERS<br>REPLACE FLEXIBLE CONNECTIONS BETWEEN<br>FANS AND DUCTS                | 30,000.<br>16,000.                 |
| DOES HEATING SYSTEM REQUIRE UPGRADING OR REPAIR  | X   |    |         |         | 1    | REPAIR STEAM LEAKS  | 5,000.                             |
| ELEVATOR MODERNIZATION REQUIRED                  |     | X  |         |         |      |   |                                    |
| NEW BOILER OR REPAIRS NEEDED                     | X   |    |         |         | 3    | REPLACE BOILER CONTROL PANELS<br>REPLACE BOILER FIXED WATER PIPING<br>REPLACE BOILER BLOW DOWN PIPING | 150,000.<br>25,000.<br>10,000.     |
| REFRIGERATION, DRINKING WATER & SPEC. EQUIPMENT  | X   |    |         |         | 4    | REFURBISH CENTRAL DRINKING WATER SYSTEM   | 75,000.                            |
| MISC. MECHANICAL EQUIPMENT, SEWAGE EJECTOR, ETC. |     | X  |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      |   |                                    |
|  |     |    |         |         |      | TOTAL   | 311,000.00                         |
|  |     |    |         |         |      |   | (Exclusive of<br>Air-Conditioning) |

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Signed \_\_\_\_\_

EXHIBIT B  
5 OF 5

EXHIBIT C  
1 of 2

**Morse/Diesel, Inc.**

1133 Avenue of the Americas  
New York, New York 10036  
Telephone: 212/730-4000

Construction/Consulting

March 18, 1982

Mr. Prakash Yerawadekar  
NEW YORK STATE COURT FACILITIES  
TASK FORCE  
270 Broadway - Room 1104  
New York, NY 10007

Dear Prakash:

In accordance with your request, we have prepared a preliminary budget estimate for the conversion of an existing large courtroom into two courtrooms in Civil Court Building at 111 Center Street, New York, New York.

Our budget is based on preliminary sketches of the work and a site visit to view existing conditions. We estimate the cost of the work to be \$141,000 for each large room to be divided into two rooms. This works out to be \$58.75 per s.f. for approximately 2,400 s.f. Our trade breakdown is as follows:

|   |    |         |                   |
|---|----|---------|-------------------|
| Demolition                                      | \$ | 12,600. |                   |
| Drywall   |    | 12,500. |                   |
| Floor Finishes                                  |    | 3,100.  |                   |
| Wall Finishes                                   |    | 24,600. |                   |
| Ceiling Finishes                                |    | 11,100. |                   |
| Doors & Frames                                  |    | 3,000.  |                   |
| Hardware  |    | 900.    |                   |
| Millwork  |    | 11,000. |                   |
| Electrical                                      |    | 12,300. |                   |
| H.V.A.C.  |    | 10,000. |                   |
| Scaffolding                                     |    | 5,000.  |                   |
|   |    |         |                   |
| Sub-total                                       |    |         | \$106,100.        |
| 10% General Conditions                          |    | 10,600. |                   |
| Sub-total                                       |    |         | 116,700.          |
| 21% General Contractor's<br>Overhead and Profit |    | 24,300. |                   |
| TOTAL   |    |         | <u>\$141,000.</u> |

...2

EXHIBIT C  
2 of 2

Morse/Diesel, Inc.

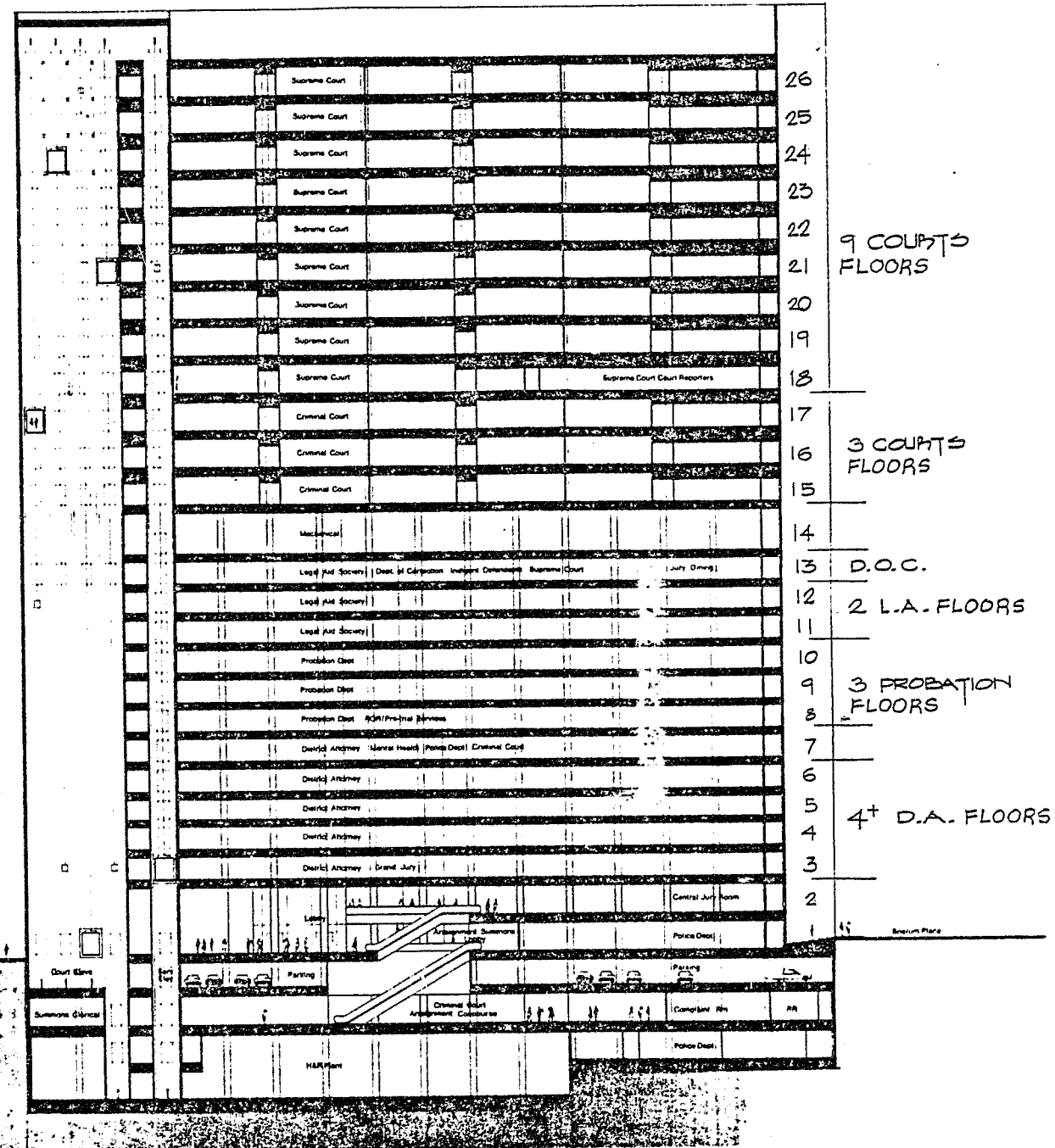
Page 2  
March 18, 1982

Mr. Prakash Yerawadekar  
N.Y.S. Court Facilities  
Task Force

We hope this information will be of use to you. Should you have any questions or require additional information, please feel free to call.

Very truly yours,  
MORSE/DIESEL, INC.  
*Daniel DeLosa*  
Daniel DeLosa  
Vice President

DD/ms



Longitudinal Section

New Criminal Courts Building  
Brooklyn, New York

Department of Public Works  
John Carl Wernicke, F.A.I.A., Architects

Feb. 10, 1975

Cost Estimates

Court Buildings in Nassau, Suffolk, Westchester, Erie  
Monroe, Broome, Onondaga and Albany Counties

Cost Estimates

Court Buildings in Nassau, Suffolk, Westchester, Erie,  
Monroe, Broome, Onondaga and Albany Counties

A. Stop Deterioration and Bring the Buildings to Acceptable Levels

There are 44 publicly owned buildings with a total gross square footage of 1,986,897 of court related space in the eight major counties outside New York City. Based on the Office of Court Administration survey, these facilities are again divided into three categories based on level of deterioration and intensity of use.\* Level 1 is estimated at \$6.00 per square foot, level 2 at \$3.50 per square foot, and level 3 at \$2.00 per square foot. Buildings without noticeable deterioration are not assigned any level.

Table 4 below estimates that, based on these levels, about \$1.35 million would be the court-related portion of the costs of stopping deterioration and bringing these buildings up to acceptable levels in these eight major counties.

Court facilities are also located in 45 leased facilities in privately owned buildings with a total rentable area of 127,554 square feet. (See Executive Summary, Table C, Survey of Court Facilities in New York State.) Eight such facilities are inadequate. However, cost estimates to remedy inadequacies in leased spaces are not included in this report because, in the opinion of OCA, the courts, through the localities, could exercise the option of moving to better buildings.

B. Cost Estimates of Normal Daily Maintenance After the Deterioration of Buildings is Stopped, Major Repairs Completed and Acceptable Levels Reached.

Using estimates similar to but lower than those for New York City's courts, we estimate the following court-related annual cleaning, maintenance and utilities costs in these eight counties.

\*Unlike New York City, the Task Force does not have information concerning prior experience with these buildings or any major repairs which they may require. Because of this and because, on an average, these buildings are smaller, the cost per square foot assigned to each level is substantially higher than that used for New York City-owned buildings. All square footage figures hereafter relate to the court's proportionate share of the buildings only. The Task Force staff and OCA survey do not have complete information on the total square footage of these buildings.

B1. Normal Maintenance

\$.75/sq.ft./year  
(approx. 2 million sq. ft. of court space) \$1,500,000

B2. Custodial cleaning services

\$1.00 to \$1.25/sq.ft./year  
(approx. 2 million sq. ft. of court space) \$2,000,000 - \$2,500,000

B3. Cost of utilities (heat, light & power)

\$2.25 to \$2.50/sq.ft./year  
(approx. 2 million sq. ft. of court space) \$4,500,000 - \$5,000,000

Total \$8,000,000 - \$9,000,000

C. Major Repairs, Modernization of Elevators, and Replacing of Windows

C1. Costs of essential major repairs

The following list is incomplete compared with the many major deficiencies identified in the OCA survey of New York State Court buildings. Based on what information is available from OCA, three buildings housing courts outside New York City have particular needs for major repairs:

The Buffalo City Court building has leakage problems. OCA has estimated the cost of repairing the external walls to stop leakage at \$100,000. Table 4 includes this estimated cost.

The State Office Building in Binghamton used to house the Court of Claims. It has been closed down due to PCB contamination. The cost of decontaminating this building is currently estimated at about \$11 million. Since this cost is already being borne by the State and only one courtroom is located in the building it is not included in Table 4.

The Westchester County Courthouse has problems of leakage and external wall cladding. There have been major problems with other elements of the building as well since its completion in 1974. The county has been engaged in litigation against parties involved in the design and construction of the building. Claims and counterclaims total about \$30 million. Under these circumstances, Table 4 includes no estimate of the costs of major repairs for this building.

C2. Elevators

List I below shows locations where elevators are not available but may be necessary because the courts are on upper floors. Although three buildings are only two stories high, applicable laws may require access to these upper floors for the handicapped. Ramping is considered impractical.

List II indicates where elevators are more than 50 years old and need modernization

I. New elevators\*

1. Lynbrook Municipal Bldg.
2. Police Station, Rye
3. State Office Bldg.,  
77 W. Eagle, Buffalo
4. City Hall, Cohoes

II. Elevators needing modernization

1. County Cthse., Riverhead (1)
2. Comm. of Jurors Bldg.,  
Riverhead (1)
3. County Cthse., Albany (4)

A total of four new elevators would have an estimated cost of \$400,000 and six elevators needing modernization would cost an estimated \$240,000.

C3. Replacing Windows

Based on OCA observations during its survey, there are six buildings more than 50 years old (County Courthouse, Mineola - three wings; County Courthouse, Riverhead; Commissioner of Jurors Building, Riverhead; and the Old County Office Building in Binghamton) which appear to require new windows. Of a total of about 1,000 windows, replacing 500 -- at an average cost of \$1,000 per window -- could have an estimated cost of \$500,000. In other buildings, the need for window replacement was not apparent.

D. Estimate of Costs for Non-Structural Renovations Within the Buildings to Provide Additional or Refurbished Court Facilities.

These cost estimates are developed by applying percentage factors recommended by Morse/Diesel, Inc. to New York City estimates (see above, pp. 6-9) to allow for regional differences in construction costs. Note that these differences often vary depending upon the degree of construction activity in the particular local area. The following percentages were applied:

|                                       |      |
|---------------------------------------|------|
| New York City                         | 100% |
| Buffalo                               | 95%  |
| Nassau, Suffolk, Westchester & Albany | 91%  |
| Monroe, Onondaga, Broome              | 90%  |

\*Since the estimate is for the total cost of an elevator, some apportionment is necessary to determine the amount of use attributable to other non-court occupants of the building.

D1. Nassau and Suffolk Counties: Additional and Support Staff Space Needs:

The Office of Court Administration has projected a combined need for 21 Supreme and County level judges for these two counties. In addition, five additional District Court judges are estimated by OCA for Nassau County and four additional District Court judges for Suffolk County.

Nassau County

Five additional courtrooms could be accommodated by extensive renovations in the existing District Court facilities in Mineola. The costs would be based on 91% of \$70 per square foot (level 1, see above p. 7) for 2,400 square feet per courtroom complex and 91% of \$30-\$45 per square foot for 1,400 square feet for the support staff per courtroom.

Thus, each additional District Court courtroom is estimated to cost \$191,000 to \$210,000 (including support staff space). Total additional construction costs of five District Court courtrooms would be estimated at:

|                          |           |               |
|--------------------------|-----------|---------------|
| Five courtroom complexes | \$764,000 | \$ 764,000    |
| Support staff space      | 191,000   | - 287,000     |
| Total                    | \$955,000 | - \$1,051,000 |

As the Nassau County project to consolidate all District Courts in Hempstead (see pp.35) may not be ready for another three to five years, it will be necessary to spend the funds as estimated here for the additional District and Supreme Court courtrooms. If the new building is completed, the existing District Court space in Mineola might be used by the Supreme Court with the necessary changes that may save the yearly rental cost as estimated below.

For purposes of this estimate, we assume ten additional Supreme Court justices will be slated for Nassau County. The addition of five courtrooms in the District Court in Mineola may use up all the available space in County-owned buildings for courtroom expansion. In such case, facilities may have to be created in leased space. Costs of facilities (assuming the owner does not alter to suit and recover costs by increased rents) are estimated as 91% of \$50 per square foot (level 2, see above, p. 7) for 2,400 square feet per courtroom complex and 91% of \$30-\$45 per square foot for 1,400 square feet for the support staff per courtroom.

Thus, each additional Supreme Court courtroom is estimated to cost \$147,400 to \$166,500 (including support staff space). Total construction costs would be estimated at:

|                              |             |               |
|------------------------------|-------------|---------------|
| Ten Supreme Court courtrooms | \$1,092,000 | \$1,092,000   |
| Support staff space          | 382,000     | 573,000       |
|                              | \$1,474,000 | - \$1,665,000 |

Thereafter, annual rental costs, estimated at \$15 per square foot per year, would be about \$570,000 per year.

In Suffolk County four out of six District Courts are in leased facilities. Additional courtrooms for four additional District Court judges will have to be constructed in leased space. The costs are estimated as:

|                               |           |           |
|-------------------------------|-----------|-----------|
| Four District Court complexes | \$437,000 | \$437,000 |
| Support staff space           | 153,000   | 229,000   |
| Total                         | \$590,000 | \$666,000 |

Thus, each additional District Court courtroom is estimated to cost \$147,500 to \$166,500 (including support staff space).

We assume that, out of the total estimated needs of 21 Supreme Court and County Court judges, 11 will require facilities in Suffolk County. Of these, facilities for six judges can be provided in the new County Courthouse in Riverhead by relocating non-court functions elsewhere. Facilities for the remaining five judges will have to be provided in leased space. Therefore, construction costs are estimated as:

|                                     |           |           |
|-------------------------------------|-----------|-----------|
| In the County Courthouse, Riverhead |           |           |
| Six Supreme Court courtrooms        | \$655,000 |           |
| Support staff space                 | 229,000   | \$344,000 |
| Total                               | \$884,000 | \$999,000 |

|                               |           |           |
|-------------------------------|-----------|-----------|
| In leased spaces              |           |           |
| Five Supreme Court courtrooms | \$546,000 |           |
| Support staff space           | 191,000   | \$287,000 |
| Total                         | \$737,000 | \$833,000 |

In leased space, relocated non-court functions  
\$622,000

Rental costs of five additional Supreme Court courtrooms, four additional District Court courtrooms and the relocated non-court agencies at \$15 per square foot is estimated as \$855,000 per year.

Thus, including the construction cost of relocation, but excluding the cost of rental, on an average, an additional Supreme Court courtroom is estimated to cost \$203,900 to \$223,100 (including support staff space).

In summary total cost of renovations in Nassau and Suffolk Counties would be \$5,263,000 to \$5,836,000 and the rental costs would be \$1,425,000 per year.

#### D2. Westchester County

The Office of Court Administration has projected a need for four additional Supreme and County level judges. The facilities for these judges can be provided in the County Courthouse by relocating non-court agencies out of the building. The costs are estimated as:

|                     |           |           |
|---------------------|-----------|-----------|
| Four courtrooms     | \$437,000 |           |
| Support staff space | 153,000   | \$229,000 |
| Total               | \$590,000 | \$666,000 |

Relocation costs \$415,000 for offices  
Rental for relocated non-court agencies \$228,000 per year rental

Thus, each additional courtroom is estimated to cost \$251,250 to \$270,250 (including support staff facilities and costs of relocation).

#### D3. Erie and Albany Counties

The projected need of one Family Court judge each in these counties can be met by renovations within the available court space. The average space needs of a Family Court judge are 1,600 square feet (chambers 200, secretary 200, law assistant 150, court reporter 100, court clerk 100, hearing room 600 and waiting 250). The costs are estimated as:

|                    |          |
|--------------------|----------|
| In Erie County :   | \$76,000 |
| In Albany County : | \$73,000 |

#### D4. Broome County

The OCA projected needs of two additional Supreme and County judges and two additional Family Court judges can be met in the Old County Building in Binghamton by relocating non-court agencies out of the building. The costs are estimated as:

|                              |           |           |
|------------------------------|-----------|-----------|
| Two Supreme Court courtrooms | \$216,000 |           |
| Support staff space          | 76,000    | \$113,000 |
| Two Family Court courtrooms  | 144,000   |           |

The costs of office relocation are estimated at \$292,000.

The rental costs are estimated as \$130,000 per year.

Thus, each additional Supreme Court courtroom is estimated to cost \$249,000 to \$267,000 and each additional Family Court courtroom is estimated to cost \$115,200 (including support staff facilities and the relocation costs).

#### D5. Courtroom Refurbishing Needs

The survey of court facilities showed that courtrooms in the following buildings will need modernization on a priority basis. Although 38 courtrooms can be identified as being in very poor condition, initially refurbishing is proposed in only 28 of them:

|   | # of Poor Courtrooms | Proposed Refurbishing |
|---|----------------------|-----------------------|
| <u>Nassau</u>                             |                      |                       |
| 1. County Cthouse, Mineola - Central Wing | 12                   | 6                     |
| East Wing                                 | 5                    | 5                     |
| West Wing                                 | 4                    | 4                     |
| 2. Family Ct., Westbury                   | 8                    | 4                     |
| 3. Admin. Bldg.                           | 1                    | 1                     |
| 4. 3rd Dist., Great Neck                  | 1                    | 1                     |
| <u>Suffolk</u>                            |                      |                       |
| 1. County Cthouse, Riverhead (12 ctrms.)  | 3                    | 3                     |
| <u>Westchester</u>                        |                      |                       |
| 1. Police Station, Rye                    | 1                    | 1                     |
| <u>Monroe</u>                             |                      |                       |
| 1. Public Safety Bldg. (3 ctrms.)         | 2                    | 2                     |
| <u>Albany</u>                             |                      |                       |
| 1. City Hall, Cohoes (2 ctrms.)           | 1                    | 1                     |
|   | 38                   | 28                    |

With the exception of the four Family Court courtrooms in Westbury, the remaining are criminal trial courtrooms with an average construction area of 2,400 square feet each. The Family Court courtroom modernization area would average approximately 1,000 square feet per courtroom. Therefore, the cost of modernization is estimated as:

|                              |             |
|------------------------------|-------------|
| 24 Criminal Trial courtrooms | \$1,555,000 |
| Four Family Court courtrooms | 180,000     |
|                              | \$1,735,000 |

E. Programmatic Renovations Planned By Localities

The following list is compiled from the information available at OCA regarding projects initiated by localities to improve court facilities. These projects are in an advanced stage of planning or under construction. There may be other projects of which the Task Force has no specific knowledge.

|   |                |
|---|----------------|
| 1. Yonkers City Court - Renovations   | \$ 80,000      |
| 2. Planned renovations at<br>Family Court, Yonkers<br>Mt. Vernon City Court<br>Long Beach City Court<br>Family Court, Hauppauge | <u>115,000</u> |
| Total   | \$195,000      |

F. Estimates of Costs for New Buildings and Major Renovations

In the eight large counties outside New York City the following major projects have reached a definite stage of planning and implementation. The following costs are estimated by localities and are included here for information and comparison only.

| <u>New Buildings</u>   | <u>Estimated Cost in 1981 Dollars</u> |
|--|---------------------------------------|
| 1. Nassau County : Consolidation of District Court in Hempstead (31 courtrooms and ancillary facilities. Nassau County has appointed an architect to develop plans.)   | \$15,000,000                          |
| 2. Sixth District Court, Patchogue (One courtroom facility. Suffolk County has appointed an architect.)  | 1,250,000                             |
| 3. White Plains City Court - in the Criminal Justice & Public Safety Building (Two courtroom facility. The City-appointed architect has completed schematic drawings.)   | 2,000,000                             |
| 4. Suffolk County Centralization of Courts in Hauppauge. (The County has already appropriated \$500,000 for this purpose.)   | 30,000,000                            |
| Sub-total  | <u>\$58,250,000</u>                   |
| <br><u>Major Renovations</u>   |                                       |
| 5. Albany County Courthouse (The County-appointed architects have completed the plans for reorganization, renovator and energy conservation. The County has moved some non-court functions out of the courthouse.) | \$ 3,500,000                          |
| Total  | <u>\$61,750,000</u>                   |

Table 4

A. Stop deterioration

|  | Gross Sq. Ft.  | Level | \$/sq.ft. | \$ Needed        |
|--|----------------|-------|-----------|------------------|
| <u>Nassau County:</u>                      |                |       |           |                  |
| 1. Supreme Court Building Mineola          | 166,883        | -     | -         | -                |
| 2. County Courthouse, Mineola Central Wing | 65,974         | 3     | 2.00      | 131,948          |
| 3. County Courthouse, Mineola East Wing    | 27,405         | 3     | 2.00      | 54,810           |
| 4. Family Court Westbury                   | 52,033         | 3     | 2.00      | 104,066          |
| 5. County Courthouse, Mineola West Wing    | 19,504         | 2     | 3.50      | 68,264           |
| 6. Administrative Building Mineola         | 11,901         | 2     | 3.50      | 41,653           |
| 7. Glen Cove Police Station <sup>1</sup>   | 2,171          | -     | -         | -                |
|  | <u>345,871</u> |       |           | <u>\$400,741</u> |
| <u>Suffolk County</u>                      |                |       |           |                  |
| 1. County Courthouse Riverhead             | 55,320         | 1     | 6.00      | 331,920          |
| 2. Supreme Court Annex Riverhead           | 16,423         | 2     | 3.50      | 57,480           |
| 3. Commissioner of Jurors Bldg. Riverhead  | 7,686          | 1     | 6.00      | 46,116           |
| 4. County Building 158 Hauppauge           | 12,874         | 3     | 2.00      | 25,748           |
|  | <u>201,058</u> |       |           | <u>\$765,934</u> |

1. Very poor condition. Large expenditure may be necessary, which may not be cost-effective.

A. Stop deterioration (Continued)

|   | Gross Sq. Ft. | Level | \$/sq.ft. | \$ Needed       |
|---|---------------|-------|-----------|-----------------|
| <u>Westchester County</u>                                     |               |       |           |                 |
| 1. Westchester County Courthouse<br>White Plains <sup>2</sup> | 227,470       | -     | -         | -               |
| 2. Health Center (City Court)<br>Yonkers <sup>3</sup>         | 8,298         | -     | -         | -               |
| 3. Police Station (City Court)<br>Rye                         | 2,012         | *     | 10.00     | 20,012          |
| 4. City Court<br>White Plains <sup>4</sup>                    | 9,529         | -     | -         | -               |
|   | 247,309       | -     | -         | \$20,012        |
| <u>Erie County</u>  |               |       |           |                 |
| 1. City Court Building<br>Buffalo                             | 232,500       | -     | -         | see p.<br>below |
|   | 232,500       | -     | -         | -               |
| <u>Monroe County</u>  |               |       |           |                 |
| 1. Public Safety Building<br>Rochester                        | 20,425        | 2     | 3.50      | 71,488          |
|   | 20,425        | -     | -         | \$71,488        |

2. Estimates are not prepared because the issue is the subject of litigation.  
3. Estimates are not prepared because the City is in the process of upgrading the bldg.  
4. No estimate because new building is planned (see below, p.35).  
\* The facility is in very poor condition; an alternative would be to close the court operations here, inasmuch as an elevator may also be required at an estimated cost of \$100,000 (see below, p.31).

A. Stop deterioration (Continued)

|   | Gross Sq. Ft. | Level     | \$/sq.ft.     | \$ Needed    |
|---|---------------|-----------|---------------|--------------|
| <u>Broome County</u>  |               |           |               |              |
| 1. Old County Office Building<br>Binghamton   | 14,791        | 1         | 6.00          | 88,746       |
|   | 14,791        | -         | -             | \$88,746     |
| <u>Summary: Stop deterioration in publicly owned buildings</u><br>(Figures are rounded to the nearest thousand) |               |           |               |              |
| Nassau County   | 7 Buildings   | 345,871   | Gross sq. ft. | \$ 401,000   |
| Suffolk County  | 6 "           | 201,058   | "             | 766,000      |
| Westchester County  | 4 "           | 247,309   | "             | 20,000       |
| Erie County   | 1 "           | 232,500   | "             | -            |
| Monroe County   | 1 "           | 20,425    | "             | 71,000       |
| Broome County   | 1 "           | 14,917    | "             | .89,000      |
|   | 20            | 1,062,080 |               | \$ 1,347,000 |



Table 5  
Summary of Cost Estimates  
Court Buildings in Nassau, Suffolk, Westchester, Erie, Monroe  
Broome, Onondaga and Erie Counties  
In 1981 Dollars  
(Rounded to nearest thousand)

I. One time costs or capital costs for existing buildings

- o Repairs to bring court buildings  
up to acceptable levels

|                               | <u>Court Portion of<br/>Estimated Cost</u> |
|-------------------------------|--|
| A. Stop deterioration         |  |
| C.1. Essential major repairs  | \$ 1,347                                   |
| 2. Modernization of elevators | 100  |
| 3. Replacement of windows     | 640  |
|                               | 500  |
| Total                         | \$ 2,587                                   |

- o Non-structural programmatic renovations in existing buildings

- D. 40 additional courtrooms  
support staff facilities and  
relocation costs, as below:

|                               |  |            |       |
|-------------------------------|--|------------|-------|
| D.1. Nassau - 15 courtrooms   |  | \$ 2,429 - | 2,716 |
| Suffolk - 15 courtrooms       |  | 2,833 -    | 3,120 |
| 2. Westchester - 4 courtrooms |  | 1,005 -    | 1,081 |
| 3. Erie - 1 courtroom         |  |            | 76    |
| Albany - 1 courtroom          |  |            | 73    |
| 4. Broome - 4 courtrooms      |  | 436 -      | 473   |

Sub-total

\$ 6,852 - 7,539  
1,735

5. 28 Refurbished courtrooms

Total

\$ 8,587 - 9,274

II. Recurring yearly costs for existing buildings

- o Maintenance and operation  
(Approx. 2 million square feet)

|  |  |                  |
|--|--|------------------|
| B.1. Normal daily maintenance<br>at \$0.75/sq. ft.               |  | \$ 1,500         |
| 2. Custodial cleaning<br>at \$1.00 to \$1.25/sq. ft.             |  | 2,000 - 2,500    |
| 3. Utilities - heat, light, power<br>at \$2.25 to \$2.50/sq. ft. |  | 4,500 - 5,000    |
| Total  |  | \$ 8,000 - 9,000 |

- o Recurring yearly rental costs

D. 121,000 sq. ft. at \$12-15/sq. ft.      \$ 1,783

III. Proposed new court construction

|   |  |        |
|---|--|--------|
| E. Programmatic renovations by localities |  | \$ 195 |
| F. New buildings                          |  | 58,250 |
| Major renovations                         |  | 3,500  |

Cost Estimates

Rest of the State  
(Excluding New York City and Eight Major Counties)

Cost Estimates

Rest of the State

(Excluding New York City and Eight Major Counties)

According to the OCA survey, outside New York City and the eight large counties discussed above, there are 97 county-owned buildings and 53 city-owned buildings with a total court area (excluding leased space) of about 1.8 million square feet. The following cost estimates relate to specific buildings which require immediate attention and are based on the approach used above for buildings in the eight large counties outside New York City. Other court buildings have major or minor deficiencies as set forth in the detailed OCA survey. We have not estimated the costs of rectifying these deficiencies (see, however, the alternative approach discussed below, p.45).

A. Stop Deterioration and Bring Buildings to Acceptable Levels

|   | Court Facility |       | Unit Cost | Cost      |
|---|----------------|-------|-----------|-----------|
|   | Gross Sq. Ft.  | Level |           |           |
| <u>County Owned</u>                         |                |       |           |           |
| 1. Rensselaer Co. Sup. Ct. Annex - Troy     | 19,350         | 1     | \$6.00    | \$116,100 |
| 2. Montgomery Co. Cths. - Fonda             | 9,252          | 2     | 3.50      | 32,400    |
| 3. Schenectady Co. Off. Bldg. - Schenectady | 5,174          | 2     | "         | 18,100    |
| 4. Washington Co. Cths. - Hudson Falls      | 5,128          | 2     | "         | 18,000    |
| 5. " " " - Salem                            | 3,578          | 1     | 6.00      | 21,500    |
| 6. Oswego Co. Cths. - Pulaski               | 4,294          | 2     | 3.50      | 15,000    |
| 7. " " Office Bldg. - Oswego                | 3,005          | 2     | "         | 10,500    |
| 8. Chemung Co. Cths. - Elmira               | 8,464          | 1     | 6.00      | 50,800    |
| 9. Seneca Co. Cths. - Waterloo              | 7,046          | 1     | "         | 42,300    |
| 10. " " " - Ovid                            | 4,368          | 1     | "         | 26,200    |
| 11. Steuben Co. Cths. - Corning             | 6,511          | 2     | 3.50      | 22,800    |
| 12. " " " - Hornell                         | 6,146          | 2     | "         | 21,500    |
| 13. " " Fam. Ct. Offices - Bath             | 2,792          | 2     | "         | 9,800     |
| 14. Niagara Co. Cths. - Lockport            | 20,176         | 3     | 2.00      | 40,400    |
| 15. Dutchess Co. Cths. Annex - Poughkeepsie | 5,162          | 2     | 3.50      | 18,000    |
| Total                                       | 110,456        |       |           | \$463,400 |

| <u>City Owned</u>        |        |   |      |           |
|--------------------------|--------|---|------|-----------|
| 1. Ogdensburg City Hall  | 3,274  | 2 | 3.50 | \$ 11,500 |
| 2. Utica Municipal Bldg. | 7,304  | * | -    | -         |
| 3. Canandaigua City Hall | 2,049  | 1 | 6.00 | 12,300    |
| 4. Dunkirk City Hall     | 4,398  | 3 | 2.00 | 8,800     |
| 5. Beacon City Court     | 824    | * | -    | -         |
| 6. Yonkers Health Center | 8,298  | 1 | 6.00 | 49,800    |
| Total                    | 26,147 |   |      | \$ 82,400 |

\* Major expenditures needed, which may not be cost-effective.

B. Recurring Maintenance and Operation Costs

Cost estimates of normal daily maintenance after the deterioration of buildings is stopped, major repairs completed and acceptable levels reached.

|  |                         |
|--|-------------------------|
| B.1. Normal daily maintenance<br>\$0.75/sq. ft./year<br>(approx. 1.18 million sq. ft. of court space)                          | \$ 885,000              |
| B.2. Custodial cleaning services<br>\$1.00 to \$1.25/sq. ft./year<br>(approx. 1.18 million sq. ft. of court space)             | \$1,180,000 - 1,475,000 |
| B.3. Cost of utilities (heat, light & power)<br>\$2.25 to \$2.50/sq. ft./year<br>(approx. 1.18 million sq. ft. of court space) | \$2,655,000 - 2,950,000 |
| Total  | \$4,720,000 - 5,310,000 |

C. Major Repairs, Modernization of Elevators and Replacement of WindowsC.1. Costs of essential major repairs

| <u>County Owned</u>                     | <u>Court Facility Gross Sq.Ft.</u> | <u>Cost \$</u> |
|---|------------------------------------|----------------|
| 1. Rensselaer Co. Sup. Ct. Annex - Troy | 19,350                             | 50,000         |
| 2. Washington Co. Cths. - Hudson Falls  | 5,128                              | 30,000         |
| 3. " " " - Salem                        | 3,578                              | 30,000         |
| 4. Oswego Co. Cths. - Pulaski           | 4,294                              | 40,000         |
| 5. " " Office Bldg. - Oswego            | 3,005                              | 20,000         |
| 6. Chemung Co. Cths. - Elmira           | 8,464                              | 80,000         |
| 7. Seneca Co. Cths. - Waterloo          | 7,046                              | 100,000        |
| 8. " " " - Ovid                         | 4,368                              | 60,000         |
| Total                                   | 55,233                             | 410,000        |

C.2. Modernization of public elevators, new elevators

The OCA detailed survey of court facilities identifies 28 county-owned buildings and 9 city-owned buildings which lack elevators but which need access for the handicapped because courts are located on an upper floor. Locations not included below will require detailed architectural and engineering studies to determine the feasibility of elevator installation. The Task Force did not have the resources to undertake these studies and to estimate related costs.

County Owned Buildings

|   |                |             |
|---|----------------|-------------|
| 1. Columbia Co. Cths. - Hudson              | - Installation | \$ 100,000  |
| 2. Greene Co. Cths. - Catskill              | - "            | "           |
| 3. Rensselaer Co. Sup. Ct. Annex - Troy     | - "            | "           |
| 4. St. Lawrence Co. Cths. - Canton          | - "            | "           |
| 5. Schenectady Co. Off. Bldg. - Schenectady | - Upgrading    | 50,000      |
| 6. Washington Co. Cths. - Hudson Falls      | - Installation | 100,000     |
| 7. " " " - Salem                            | - "            | "           |
| 8. Oswego Co. Cths. - Pulaski               | - "            | "           |
| 9. Chemung Co. Cths. - Elmira               | - "            | "           |
| 10. " " Soc. Welf. Bldg. - Elmira           | - "            | "           |
| 11. Otsego Co. Cths. - Cooperstown          | - "            | "           |
| 12. Livingston Co. Cths. - Genesee          | - "            | "           |
| 13. Seneca Co. Cths. - Waterloo             | - "            | "           |
| 14. " " " - Ovid                            | - "            | "           |
| 15. Steuben Co. Cths. - Bath                | - "            | "           |
| 16. " " " - Corning                         | - "            | "           |
| 17. " " " - Hornell                         | - "            | "           |
| 18. Genesee Co. Cths. - Batavia             | - "            | "           |
| 19. Orleans Co. Cths. - Albion              | - "            | "           |
| 20. " " Surrogate Bldg. - Albion            | - "            | "           |
| 21. Wyoming Co. Cths. - Warsaw              | - "            | "           |
| 22. Dutchess Co. Cths. Annex - Poughkeepsie | - Upgrading    | 50,000      |
| 23. Putnam Co. Cths. - Carmel               | - Installation | 100,000     |
| 24. " " Off. Bldg. - Carmel                 | - Upgrading    | 50,000      |
| Total                                       |                | \$2,250,000 |

City Owned Buildings

|                               |                |            |
|-------------------------------|----------------|------------|
| 1. Cohoes City Hall           | - Installation | \$ 100,000 |
| 2. Troy Public Safety Bldg.   | - Upgrade      | 20,000     |
| 3. Ogdensburg City Hall       | - Installation | 100,000    |
| 4. Saratoga Springs City Hall | - "            | 100,000    |
| 5. Geneva City Hall           | - Upgrade      | 50,000     |
| 6. Dunkirk City Hall          | - Installation | 100,000    |
| Total                         |                | \$ 470,000 |

A number of these buildings have historic interest or landmark status. Installation of new elevators should be so planned as to retain as much of character of these buildings as possible.

C.3. Replacement of windows

|       | County Owned                                   | Approx. | % to     | Unit   |           |
|-------|--|---------|----------|--------|-----------|
|       |  | No.     | Be       | Cost   | Cost      |
|       |  | Windows | Replaced |        |           |
| 1.    | Columbia Co. Cths. - Hudson (1907)             | 60      | 50%      | \$1000 | \$ 30,000 |
| 2.    | Greene Co. Cths. - Catskill (1909)             | 60      | 50%      | 800    | 24,000    |
| 3.    | Rensselaer Co. Cths. - Troy (1898)             | 200     | 50%      | 1000   | 100,000   |
| 4.    | Rensselaer Co. Sup. Ct. Annex - Troy (1880)    | 80      | 50%      | 1000   | 40,000    |
| 5.    | Schoharie Co. Cths. - Schoharie (1870)         | 60      | 50%      | 1000   | 30,000    |
| 6.    | Essex Co. Cths. - Elizabethtown (1824)         | 30      | 50%      | 800    | 12,000    |
| 7.    | Montgomery Co. Cths. - Fonda (1892)            | 30      | 50%      | 800    | 12,000    |
| 8.    | St. Lawrence Co. Cths. - Canton (1893)         | 60      | 25%      | 800    | 12,000    |
| 9.    | Washington Co. Cths. - Hudson Falls (1873)     | 40      | 100%     | 800    | 16,000    |
| 10.   | " " " - Salem (1869)                           | 40      | 100%     | 800    | 16,000    |
| 11.   | Oswego Co. Cths. - Pulaski (1869)              | 60      | 50%      | 800    | 24,000    |
| 12.   | " " Off. Bldg. - Oswego (1870)                 | 50      | 50%      | 800    | 20,000    |
| 13.   | Otsego Co. Cths. - Cooperstown (1880)          | 95      | 100%     | 1000   | 95,000    |
| 14.   | Seneca Co. Cths. - Waterloo (1818)             | 80      | 100%     | 800    | 80,000    |
| 15.   | " " " - Ovid (1845)                            | 40      | 100%     | 800    | 32,000    |
| 16.   | Steuben Co. Cths. - Bath (1859)                | 50      | 50%      | 1000   | 25,000    |
| 17.   | " " " - Corning (1903)                         | 45      | 50%      | 800    | 18,000    |
| 18.   | " " " - Hornell (1907)                         | 90      | 50%      | 1000   | 45,000    |
| 19.   | Orleans Co. Cths. - Albion (1858)              | 40      | 80%      | 1000   | 32,000    |
| 20.   | " " Surr. Bldg. (1865)                         | 30      | 80%      | 1000   | 24,000    |
| 21.   | Dutchess Co. Cths. Annex - Poughkeepsie (1903) | 80      | 80%      | 1000   | 64,000    |
| 22.   | Putnam Co. Cths. - Carmel (1814)               | 60      | 100%     | 800    | 48,000    |
| 23.   | " " Off. Bldg. - Carmel (1878)                 | 150     | 15%      | 800    | 18,000    |
| Total |  |         |          |        | \$817,000 |

City Owned

|       |                              |    |      |     |           |
|-------|------------------------------|----|------|-----|-----------|
| 1.    | Ogdensburg City Hall (1929)  | 20 | 50%  | 800 | \$ 8,000  |
| 2.    | Canandaigua City Hall (1824) | 4  | 100% | 800 | 3,200     |
| Total |                              |    |      |     | \$ 11,200 |

A large number of the above buildings have historic interest or landmark status. While planning for the replacement of windows consideration should be first given to the possibility of improving the effectiveness of the existing windows by repairs and by installation of inconspicuous storm windows so that the original windows can be retained. If new windows are essential they should comply with the design and style of the original windows.

D, F and GD. Estimates of Costs for Non-Structural "Programmatic" Renovations Within Buildings to Provide Additional or Refurbished Court FacilitiesF. Estimates of Costs for New BuildingsG. Estimates of Costs for Restoring Historical Landmark Buildings

Unlike in the other geographical areas, we did not have concrete information on these items related to specific buildings. Under the circumstances an alternative approach might be to assume that 1% of the total space would require non-structural renovations, alterations or upgrading every year at a cost of \$50 per square foot in 1981 dollars and 5% of the total space will need replacement annually at \$100-\$120 per square foot in 1981 dollars.

Under this approach, the yearly cost of non-structural renovations would be estimated as \$590,000 and the capital cost of new construction \$5.9 million to \$7.08 million in 1981 dollars. However, this estimate is based on a different approach than the concrete approach used elsewhere in this report and is included for informational purposes only.

The estimated costs of restoring an historical landmark building can be quite high -- perhaps 65% to 125% of new construction costs (see p.11). Estimates of costs for the preservation of historic buildings are not prepared because other public and private bodies concerned with all types of landmarks and historic buildings appear to be in a better position to address this issue.

Table 6

Summary of Cost Estimates

Rest of the State  
In 1981 Dollars  
(Rounded to nearest thousand)

I. One time costs or capital costs for existing buildings

- o Repairs to bring court buildings up to acceptable levels

|   | <u>Court Portion of<br/>Estimated Costs</u> |
|---|---|
| A. Stop deterioration                           | \$ 546                                      |
| C.1. Essential major repairs                    | 410   |
| 2. Modernization of elevators and new elevators | 2,720                                       |
| 3. Replacement of windows                       | 828   |
| Total   | <u>\$4,504</u>                              |

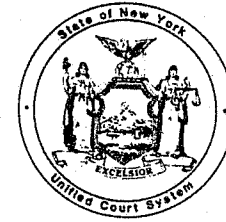
- o Non-structural programmatic renovations in existing buildings  
See alternative approaches, p.

II. Recurring yearly costs for existing buildings

- o Maintenance and Operation  
(Approx. 1.18 million square feet)

|   |                          |
|---|--------------------------|
| B.1. Normal daily maintenance at \$0.75/sq. ft.               | \$ 885                   |
| 2. Custodial cleaning at \$1.00 to \$1.25/sq. ft.             | 1,180 - 1,475            |
| 3. Utilities - heat, light, power at \$2.25 to \$2.50/sq. ft. | <u>2,655 - 2,950</u>     |
| Total   | <u>\$4,720 - \$5,310</u> |

- III. Proposed new court construction  
See alternative approaches, p.



NEW YORK STATE  
COURT FACILITIES TASK FORCE

APPENDIX B

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GUIDELINES FOR NEW YORK STATE COURT FACILITIES

8820694  
39088

COMMITTEE ON STANDARDS AND GUIDELINES FOR COURT FACILITIES  
DECEMBER 8, 1981

Guidelines for New York State Court Facilities

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## INTRODUCTION

### Need for Guidelines

On December 8, 1980 Chief Judge Lawrence H. Cooke appointed a nineteen-member task force to examine the physical status of New York State's court facilities and to recommend procedures to improve them. At that time he said "...poor physical conditions in our courthouses not only detract from the dignity of the Law, they also adversely affect the decorum of court proceedings, have a psychologically depressing effect on already burdened parties to criminal and civil actions, and lower the morale of court employees ....Citizens who seek justice in our courts and those who serve them have a right to work in decent surroundings that reflect the dignity of the Law....The goal is not pretentiousness. The goal is decency."

The Guidelines for New York State Court Facilities have been developed to fulfill that goal. They establish minimum levels of adequacy for New York State court facilities. Their primary purpose is to provide design professionals, court administrators and court users with a tool to evaluate the adequacy of existing facilities and to help develop remedial programs in existing or new buildings. However, it is clear that any one set of suggestions for over 250 courthouses in New York State can only deal with the average or typical situation. Large urban centers and remote rural communities represent the kinds of examples which may cause deviations from the suggested guidelines. It should also be observed that many courthouses presently operate in a manner satisfactory to all of the users, even though the facilities differ in some ways from the minimum guidelines. In those cases, changes are not recommended simply to impose conformity.

A nationwide survey of the financing of court facilities conducted in the summer of 1981, under the aegis of the New York State Court Facilities Task Force, revealed that fourteen other states have court facilities design guidelines and one other state is in the process of drafting guidelines.<sup>1</sup> Adoption of guidelines for the New York court system appears timely and provides an opportunity for this state to have comprehensive and practical court facilities guidelines.

---

1. The following states have court facility guidelines.

|          |          |           |                |           |
|----------|----------|-----------|----------------|-----------|
| Alaska   | Georgia  | Louisiana | Nebraska       | Vermont   |
| Arkansas | Hawaii   | Minnesota | North Carolina | Wisconsin |
| Colorado | Illinois | Missouri  | North Dakota   |           |

Michigan is in the process of drafting guidelines.  
New Hampshire has a Courthouse Accreditation Commission.



### Content of the Guidelines

These guidelines deal primarily with the design requirements of trial courts (excluding town and village courts). Guidelines for the maintenance, custodial or cleaning services respecting court facilities are not included. Also not considered are the requirements of appellate courts. New York State's present court structure dictated some of the considerations; if there is significant trial court consolidation or merger, modification of these guidelines may be necessary.

The information used in these guidelines was gathered from several sources. A review was made of past studies and guidelines prepared for selected courts in New York City and for court systems in other states. Preliminary guidelines were prepared and tested in extensive surveys of court facilities throughout New York State. The findings were circulated to court officials for their comments.

The guidelines provide criteria which would be useful in the overall design of a court facility as well as in the detailed design of its components. They can also be used in identifying problems in the existing facilities and in developing solutions which will avoid costly design errors.

### General Considerations

Court facilities should have an overall appearance of dignity and efficiency. The appearance of court facilities affects the attitude of litigants, lawyers, the public and court employees. Therefore, court facilities should be well maintained. Deteriorated conditions, substandard environment and unkempt facilities do not convey a proper image of the courts.

Court facilities should provide the required number of courtrooms, chambers, jury deliberation rooms, attorney/client conference rooms, clerical and other offices of adequate size as set forth in the guidelines. Inadequate areas in court facilities create overcrowding which adversely affects the attitude of users and is detrimental to efficiency and the upkeep of facilities.

An intrinsic part of these guidelines is the consideration of the adequacy of information services. Almost ten years ago, in a National Advisory Commission Task Force on Court Reform report, the observation was made that "Provision of adequate physical facilities must be accompanied by information services..."<sup>2</sup>

2. National Advisory Commission on Criminal Justice Standards & Goals, Task Force on Courts Report, Washington, D.C. January 23, 1973.

In general, the major reason given for courts to initiate and maintain adequate information services has been to assist the public. Since going to court is often a confusing experience under the best of circumstances, members of the public should at least encounter clear, easily understood signs and directions when they enter a courthouse. Clear, complete information services in a courthouse could minimize some unnecessary adjournments, limit the time that busy personnel must spend in giving simple directions, and help avoid encounters which may diminish the view of the courts.

The increase of crime and vandalism in society and even in courthouses has created a need for providing an adequate degree of security in court facilities. This need appears greatest in criminal trial facilities where detainees are brought to the courthouse and precautions are necessary to prevent escape. A highly emotional atmosphere can also exist among the litigants in Family Courts and Landlord and Tenant Parts. In metropolitan areas, busy calendars and overcrowded facilities increase the probability of incidents taking place which could be deterred by security measures. Concern for the safety of judges and others has been growing as security spotchecks have documented that a number of people come in to court with lethal weapons. Vandalism during and after working hours is also a problem. The guidelines therefore include a section intended to enhance the security of new or renovated courthouses by effective building design.

### Committee on Standards and Guidelines for Court Facilities

On January 18, 1981, the State Court Facilities Task Force established a Committee on Standards and Guidelines for Court Facilities consisting of the following Task Force members:

The Hon. Thomas M. Stark, Committee Chairman  
Justice of the Supreme Court of the State of New York

Warner M. Bouck  
Bouck, Holloway & Kiernan

The Hon. Herbert B. Evans  
Chief Administrative Judge of the State of New York

The Hon. Stanley H. Fuld  
Former Chief Judge of the State of New York

Fern Schair  
Executive Director, Fund for Modern Courts

Richard F. Coyne, Ex officio  
Economic Development Council of New York City, Inc.

After extensive meetings to review and make numerous changes to a draft set of proposed guidelines prepared by staff, the Committee unanimously recommended a revised draft which was presented to the full Task Force at its meeting on December 8, 1981. The Task Force, after agreeing to several amendments incorporated herein, unanimously approved these recommended guidelines for New York State court facilities.

December 8, 1981

Richard F. Coyne, Esq.  
Task Force Chairman

GUIDELINES FOR NEW YORK STATE

COURT FACILITIES

GUIDELINE I: SAFETY

I.1: Safety : Court facilities should have structural design, building materials, methods of construction and fire rating as required by local or state building codes that are applicable in the locality.

Court facilities should have fire alarms, fire extinguisher systems, means of egress and emergency exits as required by applicable building and fire codes.

The use of court facilities should conform, to the extent required, to the Occupational Safety and Health Administration Standards of the U. S. Department of Labor for public buildings.

I.2: Emergency Planning and Evacuation Procedures : Court facilities should have established procedures for the evacuation of facilities in case of fire or bomb threats, a system of communication in case of an emergency and the appointment of wardens to conduct fire drills at regular intervals. In addition, there should be safety officers to assure that required safety measures are established and followed at all times. A multi-court facility should have one safety officer with responsibility for the entire facility.

GUIDELINE II: ACCESS FOR THE HANDICAPPED

Court facilities should be accessible to the physically handicapped as required by Article 15 of the State's Executive Law and accepted architectural standards.

GUIDELINE III: ENVIRONMENT\*

III.1: Overall Appearance : Court facilities should have an overall appearance of dignity and efficiency.

The appearance of court facilities effects the attitude of litigants, attorneys, the public and court employees. Therefore, court facilities should be continuously well maintained.

III.2: Adequate Facilities and Areas : Court facilities should provide the required number of courtrooms, chambers, jury deliberation rooms, attorney/client conference rooms, clerical and other offices of adequate size as set forth below in these guidelines. An inadequate number of facilities delays the administration of justice.

III.3: Heating, Cooling and Humidity : Design should emphasize energy conservation. Court facilities should follow the standards set by the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE).

III.4: Ventilation : A fresh, contaminant-free air supply should be provided. ASHRAE standards should be followed.

III.5: Lighting : Court facilities should have adequate lighting levels that comply with the standards set by the Illuminating Engineering Society. Consideration should be given to energy conservation.

III.6: Color Scheme and Contrast : The color scheme should be sober and dignified, the colors easy to maintain. The following level of color contrast is suggested:

- . Courtrooms                      Low contrast
- . Offices, jury rooms, conference rooms, chambers      Medium contrast
- . Public lobbies, conference rooms, storage areas      Heavy contrast

\* Detailed technical criteria may be obtained from the New York State Office of Court Administration.

III.7: Acoustics : Court facilities should provide a comfortable acoustical environment suitable for public trials, hearings, office work and research.

- . There should be no vibration noise due to mechanical systems (heating, air-conditioning, elevators, plumbing, creaky staircases, doors, windows and mechanical equipment).
- . Jury deliberation rooms and family court hearing rooms (courtrooms) should be soundproof.
- . Courtrooms should be free from outside noise disturbance and should be so constructed as to assure that all the participants in the well area are able to hear the proceedings.
- . Sound amplification may be necessary in large courtrooms, jury assembly areas, and large family court waiting rooms.

III.8: Vision and Sightlines : In courtrooms, every participant in the well area should have a clear and adequate view of all other participants.

Prisoner detention areas and prisoner travel path should provide clear and maximum vision for easy supervision of detainees.

III.9: Confidentiality : Functions which require a considerable degree of confidentiality -- such as jury deliberation; attorney/client conferences; attorney/defendant interviews; conferences with judges, clerks and probation officers; and adoption proceedings -- should be housed in private rooms.

III.10: Cleaning and Maintenance : Court facilities should be clean and hygienic. Floor, wall, ceiling, door and window components should be devoid of deterioration and in working condition. Electrical, plumbing, heating and cooling systems should be maintained in an operating condition.

GUIDELINE IV: SIGNS AND PUBLIC INFORMATION

IV.1: Exterior of the Building : The building should clearly be designated as a courthouse. If there are one or more courtrooms within a building housing other functions, it is particularly important that the existence of these courtrooms is made clear in a place easily seen by the public.

IV.2: Directory : Prominently displayed just within the main doors should be a building directory, bilingual where appropriate. There should be a listing of the location of courtrooms, court-related services, and ancillary agencies. If the courthouse functions are spread among a number of buildings, the courtroom services and the addresses of (and directions to) the other buildings should be posted.

IV.3: Door and Wall Signs : Signs should be posted at the door to each courtroom clearly identifying that part. In addition, directional wall signs, bilingual where appropriate, should be used in buildings where long corridors or confusing layouts indicate they would be useful.

IV.4: Information Service : Where possible, there should be information desks strategically placed in public areas of the courthouse and staffed where necessary by bilingual personnel to direct defendants and their friends and relatives, witnesses, jurors, and spectators to their destinations.

Where personnel are not available to establish such a service, consideration should be given to employing well-trained citizen volunteers.

If such a service is not established, there should be an office, such as that of the Court Clerk, designated as the place for the public to receive information and have their questions answered. Such public information offices should be clearly marked as such, and should be listed in the directory.

IV.5: Posting of Calendars : Copies of all daily part calendars in that courthouse should be posted at a central location, and each courtroom should have that room's calendar posted immediately outside.

GUIDELINE V: DESIGN GUIDELINES FOR PROPOSED COURTHOUSES

V.1: When to Build a New Courthouse : Building a new courthouse should be considered when:

- A. The existing structure needs replacement because of structural and other deterioration which would require more financing to remedy than would be needed for a new courthouse.
- B. The existing needs for court facilities far exceed those that can be accommodated in the existing structure even with extensive renovation.
- C. Expansion of the existing structure to accommodate present and projected future needs cannot be accomplished by building an addition to the existing structure.
- D. The space and facility needs of the courts in conjunction with the needs of other governmental agencies would be best met by building a new structure.
- E. Where court facilities are substantially located in leased spaces and where it would be more cost-effective to house them in a new publicly-owned structure.
- F. Where the historic landmark status or the structure prohibits suitable renovations of the existing courthouse.

V.2: Recycling of Existing Structures : New court facilities may be created by renovating existing structures, such as schools, commercial structures, warehouses or hospitals, as long as the existing structure allows functional layout and design of court facilities with appropriate internal and external symbolism and aesthetic qualities appropriate for a courthouse.

V.3: Long-Term Court Needs : New court facilities should be built to accommodate current and projected needs over the period of the expected life of the new structure. The space and facility needs should be based, wherever possible, on projection of workload, the number of people required to carry out the workload and the space required to house these people.

V.4: Multipurpose Use, Time-Sharing and Flexibility : The translation of projected space and facility needs into a building program should take into account multiple use of facilities, time sharing of facilities, and inbuilt flexibility of use of spaces.

- A. The total number of large courtrooms should be based on the absolute number of full time, year-round requirements for court parts that have a need for a large public seating capacity (between 100-120).
- B. The number of small courtrooms should be based on the total projected needs of all the courts to be housed in the building. No courtroom should be so small that it cannot be converted to properly accommodate a 16-person jury box in its well area.
- C. Courtrooms should be so located on the floor as to allow separate prisoner access to all the courtrooms, if so required, in the future.
- D. Where judges' chambers are located on the same floor in close proximity to the courtrooms, separate robing and conference rooms adjacent to the courtrooms are not required.
- E. The number of jury deliberation rooms to be provided should be based on the current and projected future jury trial rate within the jurisdiction, but that number should not be less than the jury trial rate throughout the State. One jury deliberation room for each courtroom may not be required.
- F. The number of attorney/client conference rooms, waiting rooms, and alternate jurors waiting rooms should be based on the principle of shared use of rooms.
- G. The prisoner holding facilities adjacent to courtrooms should allow the separation of males and females.
- H. Prisoner holding facilities adjacent to courtrooms should provide for at least one secure attorney/defendant interview room.
- I. Large multi-courtroom facilities proposed for construction or major renovation should take into account, to the extent feasible, the need for attorneys' waiting rooms, accessible law libraries, public waiting areas, public address systems in public areas, jurors' areas, and designated eating areas or cafeteria facilities.

V.5: Transportation/Accessibility : The courthouse site should be convenient to transportation of the public, attorneys and prisoners.

V.6: Proximity to Court-Related Agencies : The courthouse site should be in close proximity to other related agency locations such as District Attorney's offices, probation offices and County Clerks' offices.

V.7: Separate Building Blocks : Consideration should be given to building two separate blocks - one for courtrooms and ancillary spaces, which require higher ceilings, and the other to accommodate office-type functions with lower ceilings. If appropriately connected to each other, these could lend themselves to the design and installation of cost-effective systems for heating, cooling, security and maintenance, at the same time providing vertical expansion in the future, if required.

V.8: Site Layout, Parking and Landscaping : The site layout should, where feasible, take into account parking needs of court users. Consideration should be given to the security of the parking areas and the separate entrances to the courthouse. The site layout should provide for aesthetically planned, but easy to maintain, grounds and landscape of the surrounding area.

V.9: Character of Building Design and Symbolism : The new courthouse design should project the traditional values of symbolism and retain the character of the area by using appropriate materials and fenestration.

V.10: Placement of Related Functions : Within the building, the functions that require heavy public access, such as clerks' offices and jury assembly area, should be placed on the main and lower floors to minimize the use of elevators, to allow closing off of the upper floors when not in use, and to allow zoning of the heating and cooling systems which can be shut off when the other floors are not in use. By providing clerical space for all courts in the structure on the same or adjacent floors, greater flexibility should be achieved in the allocation of space for clerical functions of different courts. Space can be saved by combining public areas for clerks' offices and photocopying, mail, supplies and general storage areas of all courts. Space can also be saved by allowing flexible use of secondary spaces for record storage by all courts.

V.11: Use of Building Components Offering Flexibility : The design of building components such as non load-bearing partitions, doors, electrical fixtures, ceiling and floor finishes into integrated systems should allow flexibility in rearranging spaces.

V.12: Choice of Building Materials : Building materials should be chosen for cost-effective maintenance, resistance to vandalism, acoustical qualities and safety.

V.13: Separate Circulation Patterns : The layout should provide for a separate pattern of circulation of judges, jurors, prisoners and the public. Spaces and facilities should be appropriately grouped together as secure, private, semi-private and public areas.

The layout should also be readily understandable to users unfamiliar with the facility. This should minimize the need for signs and avoid intrusion of the public into private areas.

#### GUIDELINE VI: DESIGN GUIDELINES FOR SECURITY

VI.1: Entrances : The entrances to the structure should be kept to a minimum. Separate entrances may be necessary for the public, judges, staff, prisoners and court-related agencies. However, the entrances for judges and staff can be provided with key or card access to minimize security staffing needs.

VI.2: Visibility : The plan and design should provide public corridors and spaces with uninterrupted visibility.

VI.3: Layout and Design : The layout should be devised so that there are three separate patterns of circulation: the first for judges, impanelled jurors and the court staff; the second for prisoners; and the third for the public. Such circulation should limit the crossing of paths of these separate groups in order to minimize conflicts and to provide a degree of privacy for judges and jurors.

The courthouse design and layout should delineate public, semi-private, private and secure areas. Private areas would include such areas as judges' chambers or robing rooms, impanelled or sequestered jurors' areas, jury deliberation rooms and secure areas. The semi-private areas would

include the clerical offices. The public areas would include such areas as courtrooms, jury assembly areas, public lobbies, corridors, and public restrooms.

In the Family Court, all areas except the public lobbies, waiting rooms, public restrooms and public areas of the clerk's office should be delineated as private areas to insure confidentiality of proceedings and records.

VI.4: Staircases : Staircases should be so constructed as to prevent unauthorized access to secure areas on other floors.

VI.5: Zoned Areas : The courthouse design and layout should allow for the locking off of entire areas or floors when not in use.

VI.6: Doors and Windows : The design of windows and doors should deter access without compromising aesthetic, natural light and view considerations. The use of better components at somewhat higher initial cost should be considered in order to provide better security than afforded by traditional windows, doors, locks and keys. The use of impact-resistant glass or plastic material should be considered in strategic locations.

VI.7: Lighting and Signs : There should be proper and adequate lighting at strategic locations.

VI.8: Comprehensive Design Approach : When a group of structures is being designed, or a new structure is being added to a group of existing buildings, the layout should consider the security needs of all the structures as a group to eliminate the need for separate security forces and electronic surveillance systems for each structure.

GUIDELINE VII: COURTROOM

VII.1: Courtroom - General : The courtroom is one of the most complex design problems of any courthouse, as well as its focal point. Although there are only four (4) basic types of courtrooms -- non-jury, civil, criminal and appellate -- a large variety of courtroom layouts are used. Hearing rooms are less formal courtrooms.

All public courtrooms should have two major functional areas:

- i) The well area should provide for the active participants in the judicial proceeding, and
- ii) The public area should provide seating for jurors to be empanelled, attorneys waiting for their cases and the public.

The well area and the public area should be divided by a 3-foot high rail with gates or openings at appropriate places.

The public area should be large enough to accommodate jurors to be empanelled, the attorneys waiting for their cases and the public. In jury trial courtrooms the public seating capacity should not be less than 20.

All courtrooms require a minimum of two and a maximum of four entry/exit points. In a jury courtroom, where possible, an entry/exit point should be provided that allows jurors to avoid mixing with the public. Juries should also be seated at an appropriate distance from the public rail in courtrooms. The judge should have separate direct access to the bench. The public and attorneys should also have an entry/exit point that leads through or by a public seating area. In criminal courtrooms, where possible, a separate entry/exit point should be provided for prisoners away from the bench and the jury box.

Newly constructed or renovated courtrooms in jurisdictions which may wish to hold criminal and civil jury trials in the same courtroom should provide sufficient space in the well area to accommodate a 16-person jury box to handle either criminal or civil cases. (See also guideline V.4 B above.)

Every courtroom should also allow the participants and public to hear all proceedings clearly in normal conversation. Microphones should be used where necessary. (See separate Task Force report on the use of microphones in courtrooms.) The materials used in the courtroom should not produce excessive reverberation or echo. The materials and construction methods used should prevent disruption of court proceedings by outside noise. Where possible, vestibule should be provided at the public entrance to the courtroom or the doors should be soundproof. In

existing courtrooms where audibility is poor, microphones should be used. Lighting should be adequate for reading on the work surfaces and for viewing exhibits without producing glare or heat.

The courtroom should have an assigned space for the viewing of exhibits. An exhibit board may be included as an integral part of the courtroom design. If portable stands are to be used, storage space should be provided in an adjacent area, but not necessarily in the courtroom. Coat closets for the public should not be located within the courtroom. Every courtroom should have a working wall clock on the opposite side of the judge's bench.

Where required, adequate electrical outlets and wiring should be provided for the use of audio tapes in evidence, for electronic case processing equipment, for security equipment and for the use of cameras in courtrooms. The basic courtroom design need not be radically changed to accommodate the use of this equipment because the advances in technology are expected to make this equipment unobtrusive.

VII.2: Non-Jury, Public Courtroom (Minimum 600 square feet) :  
The least complicated courtroom type is the non-jury courtroom. Its basic components and requirements are:

- A minimum well area of 24 feet depth and 20 feet width
- A judge's bench
  - . separate exit/entrance
  - . 8'x7' minimum work area raised 12" or 18" above floor level
  - . a shielded working desk 8'x2'
  - . ability to hear and see all court participants
  - . ability to be heard and seen in all parts of the courtroom
  - . a microphone
  - . adequate overhead lighting
  - . if local conditions require, an emergency alarm audible in the court security office
- A witness stand
  - . raised 6" or 12" above floor level
  - . visible to the bench, attorneys and court reporter
  - . audible throughout the courtroom
  - . a rail and shelf
  - . a microphone
  - . a 3'x5' minimum area, including circulation space

- A court reporter station
  - . adjacent to the witness stand
  - . ability to observe witness, judge and attorneys
  - . ability to hear every word spoken on record
  - . lockable drawer for storage, if required
  - . lighting similar to judge's
  - . a 3'x4' work space
- A clerk's station
  - . location next to judge's bench
  - . shielded working desk
  - . lockable drawers
  - . a 5'x6' area
- Litigants' tables
  - . two separate 6'x3' tables with at least 3 seats for each table so located as to allow private conversations
  - . easy access to the judge's bench and witness stand
  - . ability to be heard at bench when speaking conversationally
  - . lighting similar to judge's bench
  - . clear view of court proceedings
- Spectator seating
  - . separated by rail from well area
  - . clear view of court proceedings
  - . 8-12 square feet per person

VII.3: Civil Jury Trial Courtroom (Minimum 1200 square feet) : Civil courtrooms have components and requirements similar to those in the non-jury courtrooms, with the need for the following spaces as well:

- A minimum well area of 24 feet depth and 30 feet width
- Seven-person jury box, requiring
  - . seating for six jurors and one alternate in one or two rows, using comfortable arm swivel chairs in 4'x2' minimum space per juror
  - . one step between seat rows
  - . ability to clearly see and hear witnesses, judge and attorneys
  - . a rail and display shelf with adequate lighting
  - . location of the rail at least three feet from nearest attorney table and the rail separating the spectator area and the public
  - . a footrest may be included
  - . exit/entry outside spectator area

VII.4: Criminal Jury Trial Courtroom (Minimum 1600 square feet) : Criminal courtrooms use these additional components and requirements in addition to those listed above:

- Fourteen (instead of seven) person jury box with capacity to add up to additional jurors
  - . seating for twelve jurors and two to four alternates in two or three rows, using comfortable arm swivel chairs in 4'x2' minimum per juror

VII.5: Hearing Rooms (Minimum 300 square feet) : Hearing rooms are less formal courtrooms. They may have a judge's bench and a witness stand. Large hearing rooms for civil proceedings may range in size from 900 to 1,200 square feet, depending upon the need for space for attorneys and public waiting for their cases. They may also be used for sentencing in bail or parole cases if secure access to detention areas is available to transport defendants to custody after sentencing.

VII.5a: Hearing Rooms in Family Court (600-900 square feet) : Family court hearing rooms should have a minimum of 600 square feet in area. The trend towards increased representation and opening of the proceedings to authorized observers may need an area up to 900 square feet. The hearing rooms should be so constructed as to assure the confidentiality of the proceedings both as to sound and vision. The layout and design should satisfy local procedures and degree of formality. Where feasible, separate access and circulation should be provided for persons in custody.

VII.5b: Hearing Rooms for Other Civil Proceedings (Minimum 300 square feet) : These should not be less than 300 square feet in area.

The types of courtrooms used in the New York State court system and their minimum square feet requirements are listed in Table 1 on the next page.



VII.6: Table 1

MINIMUM AREA REQUIREMENTS

COURTROOMS

| <u>Facility</u>  | <u>Net Sq. Ft. Minimum Per Unit<sup>1</sup></u> |
|--|---|
| Court of Claims Courtroom                                | 1,200   |
| Appellate Term Courtroom                                 | 1,200   |
| Special Term Courtroom                                   | 1,200   |
| <u>Civil Litigation</u>                                  |   |
| Civil Trial Courtroom (7-person jury box)                | 1,200   |
| Small Claims Courtroom <sup>2</sup>                      | 1,200   |
| Hearing Room (Large)                                     | 900   |
| Hearing Room (Medium)                                    | 600   |
| Hearing Room (Small)                                     | 300   |
| <u>Criminal Litigation</u>                               |   |
| Felony Trial Courtroom (14-person jury box) <sup>3</sup> | 1,600   |
| Misdemeanor Trial Courtroom (7-person jury box)          | 1,200   |
| Arraignment Courtroom and Summons Part Courtroom         | 1,200   |
| <u>Family Court</u>                                      |   |
| Hearing Room   | 600 - 900                                       |
| <u>Surrogate's Court</u>                                 |   |
| Courtroom (7-person jury box)                            | 1,200   |
| <u>City Court</u>  |   |
| Courtroom (7-person jury box)                            | 1,200   |

<sup>1</sup>These are recommended minimum net areas. Smaller courtrooms with original or unusual design may be satisfactory and adequate for local needs.

<sup>2</sup>Larger courtrooms may be needed where volume of cases and the number of spectators are greater.

<sup>3</sup>For 4 alternate jurors, 2 additional chairs could be placed on the side or in front of the jury box.

GUIDELINE VIII: COURTROOM ANCILLARY FACILITIES

VIII.1: Robing Room (Minimum 200 square feet) : If the judge's chambers are located away from the courtrooms, robing rooms should be provided adjacent thereto. Direct access from the robing room to the bench in the courtroom should be provided. The robing rooms should have a table and chairs where the judge can hold conference with attorneys and parties. A robing room should also have a restroom or private access to judges' restroom.

VIII.2: Jury Deliberation Rooms :

Six-Person Jury Deliberation Room (Minimum 200 square feet)  
Twelve-Person Deliberation Room (Minimum 325 square feet)

The jury deliberation room should be adjacent to courtrooms with access through non-public corridors. It should not be accessible to the public and should be so planned as to allow use of the courtroom for other matters while the jury is deliberating. It should be so constructed as to ensure confidentiality and should include:

- . a coat closet
- . a minimum of one restroom
- . proper ventilation
- . a table large enough to accommodate all jurors
- . comfortable chairs
- . alarm buzzer to call guard
- . privacy should be assured both as to vision and sound

VIII.3: Attorney/Client Conference Room, Witness Waiting Room,

Alternate Juror Waiting Room (Minimum 100 square feet - a somewhat larger size is recommended to allow flexibility in use) : An adequate number of rooms should be provided on each courtroom floor, adjacent to courtrooms and accessible from public waiting areas or from the courtrooms. The rooms should provide convenient access to a telephone. They should be located and furnished to allow them to be also used in other ways.

Note: In larger, high volume courthouses, it may be desirable or feasible to provide for attorneys' waiting rooms, public address systems in public areas, and additional conveniently located telephones. It is also desirable to take into account, to the extent feasible, the particular needs of defense and prosecution attorneys and court related agencies in busy courthouses handling criminal (or juvenile) matters.

VIII.4: Prisoner Holding Facilities Adjacent To Courtroom  
(Minimum 20 square feet per person, 80 square feet per cell)

Courtrooms planned for criminal proceedings should have adjacent prisoner holding facilities planned to allow for separate holding of males and females with adequate privacy. Where feasible, the access to the courtroom should be located away from the bench and the jury box. Access to the central holding area in the courthouse or to the prisoner receiving area of the building should be by secure elevators. Adequate space for the guards should be located so as to allow easy supervision of the prisoners.

Prisoner holding facilities should be provided with a secure alternative means of egress, such as separate staircases, in case of fire. The building materials and methods of construction should comply with appropriate provisions of the New York State Commission of Correction Planning and Design Guidelines for Construction Renovation Programs. Plans for new holding areas are required to be filed with the Commission for approval prior to commencement of construction (Corr. Law, Section 45(10) ).

VIII.5 : Secure Attorney/Prisoner Interview Room (Minimum 50 square feet) : Prisoner holding facilities next to courtrooms as well as any court supervised central holding facility (if any) in the courthouse should provide secure interview rooms for attorneys to confer with their clients. For busy arraignment courtrooms large holding areas may be necessary and should provide an adequate number of secure interview rooms. The interview rooms should provide for visual surveillance by security personnel and should be so constructed that the conversation between the attorney and his client is private.

VIII.6 : Public Waiting Areas Adjacent to Courtroom (Minimum 12 square feet per person) : Adequate public waiting areas should be provided adjacent to courtrooms with easy access to public restrooms and telephones. These areas should be easy to maintain and should have such ashtrays and refuse receptacles as are necessary. The courtroom number, name of the presiding judge, display of case calendars and emergency exit signs should be clearly visible. Where court procedures prevent wearing of hats and coats in the courtroom, coat racks should be provided.

In Family Courts separate waiting rooms for juveniles and adults are mandatory.

VIII.7 : Examination Before Trial Room (Minimum 200 square feet) : It is desirable to include an adequate number of Examination Before Trial (EBT) rooms which are accessible from the public area but which can be supervised by the court clerk. These rooms can be used for other purposes when not in use as EBT rooms.

The minimum square foot requirements of courtroom ancillary facilities are listed in Table 2.

VIII.8 : Table 2

MINIMUM AREA REQUIREMENTS  
COURTROOM ANCILLARY FACILITIES

| <u>Facility</u>  | <u>Net Sq. Ft. Minimum Per Unit</u> |
|--|-------------------------------------|
| Robing Room  | 200                                 |
| Six-Person Jury Deliberation Room  | 200                                 |
| Twelve-Person Jury Deliberation Room   | 325                                 |
| Attorney/Client Conference Room,<br>Witness Waiting Room and<br>Alternate Juror Waiting Room | 100                                 |
| Prisoner Holding Facilities Adjacent<br>to Courtrooms  | 20/Per Person<br>80/Per Cell        |
| Secure Attorney/Prisoner Interview Room  | 50                                  |
| Public Waiting Adjacent to Courtroom   | 12/Per Person                       |
| Examination Before Trial Room  | 200                                 |

GUIDELINE IX: JUDGE'S FACILITIES

IX.1: Judge's Chambers : The office occupied by the judge (200 square feet minimum) should be located close to the courtrooms or, in large courthouses, on a separate floor. In either case, judge's chambers should be private with as convenient an access to the courtroom as is reasonably possible.

- The judge's chambers should have:

- . a private office and working area for the judge
- . a private restroom or access to a private judges' restroom
- . space in the office or in an adjacent conference area
- . immediate access to the secretary and any law clerk
- . privacy both as to sound and vision

IX.2: Judge's Secretary's Office/Reception (Minimum 200 square feet) : Located at the public access to the chambers, this office should provide waiting space for visitors and work/storage space for the judge's secretary.

IX.3: Law Clerk's Office (Minimum 150 square feet) : The judge's law clerk should have a private office with work area and shelving for a working law library. The law clerk should have easy access to the judge.

IX.4: Central Reception Area (200-300 square feet) : In larger courthouses, if judges's chambers are grouped together on a separate floor or in a separate area, a central reception area should be provided to screen and announce the visitors. Where necessary, security personnel should be present in such an area.

IX.5: Judges' Conference Room (Minimum 20 square feet per person) : In larger courthouses, a room may be provided for the judges for conferences and use as a lunchroom. This room should provide a kitchenette and area for a refrigerator and storage.

IX.6: Law Library : In larger courthouses, a central law library should be conveniently located for use by the judges and the legal staff and, where appropriate, for shared use by such attorneys as are active in the courthouse at the time. X

IX.7: Judges' Parking : If car parking provisions are possible, judges' parking should be so planned as to provide adequate security and direct access to the judges' entrance of the courthouse.

The minimum square foot requirements of judges' facilities are listed in Table 3.

IX.8: Table 3

MINIMUM AREA REQUIREMENTS  
JUDGE'S FACILITIES

| Facility                     | Net Sq. Ft. Minimum Per Unit |
|------------------------------|------------------------------|
| Judge's Office               | 200                          |
| Secretary's Office/Reception | 200                          |
| Law Clerk's Office           | 150                          |
| Central Reception Area       | 200-300                      |
| Judge's Room                 | 20/Per Person                |
| Law Library                  | As Required                  |
| Judge's Parking              | As Required                  |

GUIDELINE X: JUROR FACILITIES

X.1: Jury Assembly (12-20 square feet per person) : Courthouses with three (3) or more jury trial courtrooms should include a juror assembly area adequate in size to accommodate the number of jurors required on an average busy day. The assembly area should be comfortably furnished, with separate restrooms and adequate space designed for appropriate orientation. Separation of smokers and non-smokers may be advisable.

The assembly area should

- . be close to the building entrance, but separated from public areas
- . have a public counter for identification and processing by court employees
- . have adequate means to make announcements in all areas
- . be accessible to impanelling rooms
- . be accessible to courtrooms without unnecessary exposure to the public

X.2: Jury Impanelling Room - Civil Cases (Minimum 300 square feet for 7-person panel) : Jury impanelling rooms should be planned to accommodate up to 20 jurors, attorneys for parties, a table to conduct voir dire, and 7 seats for jurors selected. The impanelling room can double as a waiting room.

X.3: Commissioner of Jurors (Jury Clerk's) Office : Depending upon the size of the jury operation, offices are necessary to provide adequate space and offices for the Commissioner of Jurors (or the Jury Clerk) and his staff. The following may be necessary:

- . private offices
- . shared clerical offices
- . interview booths for juror qualification
- . space for juror call-in equipment
- . records storage space
- . mail, copying and supply storage

These offices should be planned as close to the juror assembly areas as possible to allow better utilization of staff resources.

The minimum square foot requirements of juror facilities are listed in Table 4.

X.4: Table 4

MINIMUM AREA REQUIREMENTS

JUROR FACILITIES

| Facility                      | Net Sq. Ft. Minimum Per Unit |
|-------------------------------|------------------------------|
| Assembly                      | 12-20/Per Person             |
| Impanelling Room              | 300                          |
| Commissioner of Jurors Office | As Required                  |

GUIDELINE XI: CLERICAL FACILITIES

XI.1: Clerk's Office : The clerk's office is generally the most visible and heavily used part of the courthouse. It is responsible for processing all documents, keeping records, and answering questions from the public. The clerks' offices should be located near the main entrance of the building but should, to the extent possible, have private access to judges' chambers and the courtrooms.

The clerk's office should include:

- A public area for waiting/reception (20 square feet per person - minimum 100 square feet)

- . a public counter
- . a cashier's station with adequate security
- . a table for public use
- . seats for waiting
- . copying machine (coin operated) for public use
- . display boards
- . public records access area

- General office area behind counter with no public access

- . working desks - 85-95 square feet per employee
- . record files for current work
- . electronic data processing equipment, if necessary

- Private areas

- . offices for chief clerk and assistants
- . conference room (20 square feet/person)
- . microfilm room, if necessary
- . records storage area
- . mail, supply, photocopying and general supplies areas
- . vault or safe for storage of cash, important records or evidence

- Staff facilities as required by law

Table 5 shows the minimum square foot requirements of clerks' offices by title and type of office.

XI.2: Table 5

MINIMUM AREA REQUIREMENTS  
CLERICAL FACILITIES

| Facility                   | Type of Office         | Net Sq. Ft. Minimum Per Unit         |
|----------------------------|------------------------|--------------------------------------|
| Chief Clerk Assistants     | Private<br>As Required | 200                                  |
| Public Space and Counter   | -                      | 20 sq. ft. per person<br>minimum 100 |
| General Office Area        | -                      | 85-95 sq. ft. per person             |
| Records Storage, Vault     | -                      | As Required                          |
| Microfilm Room, Storage    | -                      | As Required                          |
| Supplies, General Storage  | -                      | As Required                          |
| Reproduction and Mail Room | -                      | As Required                          |
| Staff Facilities:          |                        |                                      |
| Male/Female Restrooms      | -                      | As Required by Law                   |
| Sick Room for Women        | -                      | As Required by Law                   |
| Lounge/Lunch Room          | -                      | As Required                          |

GUIDELINE XII: SUPPORT STAFF FACILITIES

XII.1: General : Office-type space should be provided for law assistants, law stenographers, court reporters, transcribers and interpreters. In large courthouses a number of personnel of the same title performing similar functions may be housed in one area close to other related functions for ease of supervision and assignments and to provide the required degree of privacy or public accessibility to the group as a whole.

XII.2: Law Assistant's Office (Minimum 150 square feet per office) : Private offices should be provided close to the law library and to the judge's chambers. Law assistants perform legal research on pending cases and, therefore, the location of their offices should provide adequate confidentiality.

XII.3: Law Stenographer's Office (Minimum 80 square feet per person) : Law Stenographers type legal memoranda prepared by law assistants on pending cases as well as decisions and rulings rendered by judges in cases before them. Location of their offices should not allow public access. A pool of law stenographers should be housed in a shared space with access to photocopy equipment and lockable short-time storage equipment. A private office for the supervisor may be necessary.

XII.4: Court Reporter's Office (Minimum 100 square feet per office) : Court reporters should have the use of offices in which to transcribe testimony.

In locations where electronic recording equipment is used, secure storage space for equipment, and tapes and space for transcribers should be provided.

XII.5: Transcriber's Office (Minimum 60 square feet per person) : Semi-private offices using sound-absorbent cubicles or shared offices should be provided to transcribers close to the court reporters' offices and tape/equipment storage room. Soundproofing may be necessary.

XII.6: Interpreter's Office (Minimum 60 square feet per person) : Should the court employ full-time interpreters they should be provided with a designated waiting station.

The minimum area requirements for support staff facilities are listed in Table 6.

XII.7: Table 6

MINIMUM AREA REQUIREMENTS  
SUPPORT STAFF FACILITIES

| Facility                  | Type of Office | Net Sq. Ft. Minimum Per Unit |
|---------------------------|----------------|------------------------------|
| Law Assistant's Office    | Private        | 150                          |
| Law Stenographer's Office | Shared         | 80                           |
| Court Reporter's Office   | Shared         | 100                          |
| Transcriber's Office      | Shared         | 60                           |
| Interpreter's Station     | Shared         | As Required                  |

GUIDELINE XIII: SECURITY PERSONNEL FACILITIES

XIII.1: Security Station with First-Aid Facilities (Minimum 160 square feet) : Security stations should be located at strategic locations in the courthouse to complement the courthouse security system composed of electronic equipment, if any, and the security personnel. A security station at the main entrance should allow screening of the persons entering the courthouse. A security control station should also be established as a communication center to act in emergencies. The office of the person in charge of security may act as the control station or the command station.

XIII.2: Security Chief's Office (Minimum 120 square feet) : The person in charge of security should have a private office which acts as a communications center and a command/control station. Any audio/visual security system should be connected to this station and should be able to be activated from this station in case of emergencies. The security personnel may be required to report here for duty. This office should have a safe for deposit of firearms or confiscated weapons.

XIII.3: Security Personnel Lockers (12 square feet per person) : Where a courthouse utilizes uniformed security personnel, secure separate locker spaces should be provided. This facility can be located in secondary spaces (basement or windowless spaces) in the building.

The minimum area requirement of security personnel facilities are listed in Table 7.

XIII.4: Table 7

MINIMUM AREA REQUIREMENTS  
SECURITY PERSONNEL FACILITIES

| Facility                                   | Type of Office  | Net Sq. Ft. Minimum Per Unit |
|--|-----------------|------------------------------|
| Security Station with first-aid facilities | -               | 160                          |
| Security Chief's Office                    | Private         | 120                          |
| Uniformed Security Personnel Lockers       | Secondary Space | 12/Per Locker                |

GUIDELINE XIV: FACILITIES FOR THE PUBLIC

XIV.1: Public Waiting and Information Spaces : The main entrance lobby and areas outside the courtrooms should be adequate for public waiting. These spaces should also prominently display courthouse directory, directional signs, and court calendars. Adequate public pay telephones should be placed in this area. Access doors to private areas should be clearly marked as private. Unmarked doors and panels should be kept locked. Drinking water fountains should be located in these areas.

XIV.2: Public Restrooms - Male/Female (As per building code) : Restrooms for public use should be located close to public waiting areas and clearly marked.

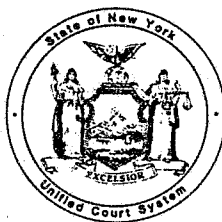
XIV.3: Press Room (120 square feet) : A room may be set aside for use by media representatives when assigned to the courthouse. Public pay telephones should be located in or close to this room.

XIV.4: Table 8

MINIMUM AREA REQUIREMENTS  
FACILITIES FOR THE PUBLIC

| Facility              | Net Sq. Ft. Minimum Per Unit |
|-----------------------|------------------------------|
| Public Waiting        | 12/Per Person                |
| Information Booth     | As Required                  |
| Male/Female Restrooms | As Per Building Code         |
| Press Room            | 120                          |

XIV.5: Eating Facilities : Where other alternatives are not readily accessible, consideration should be given to providing eating facilities for court employees, attorneys, jury members or the public.



NEW YORK STATE  
COURT FACILITIES TASK FORCE

APPENDIX C

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REPORT ON FINANCING ALTERNATIVES  
FOR NEW COURT CONSTRUCTION

COMMITTEE ON CAPITAL CONSTRUCTION FINANCING  
JULY 10, 1982

8820694

INTRODUCTION

To permanently improve the condition of court facilities, new courthouses may be proposed in some localities as an ideal solution.

There are several issues presented by such a proposal:

o When shall a new courthouse be built?

The Guidelines for New York State Court Facilities (Appendix B) approved by the Task Force and recommended for adoption (Recommendation 8, Final Report) discuss in detail the conditions that would justify building a new courthouse. The Guidelines also discuss the planning criteria that must be considered in the development of a proposal for a new courthouse. (See Appendix B, pp. 9-12)

o Who should pay for it?

The Task Force recommendations in the Final Report do not include the State assuming, at this time, all costs of new courthouse construction throughout the State. The Task Force recommended, however, that the State should assume greater responsibility in providing financial support for the construction of any new court facilities. (Recommendation 7, Final Report)

o What are the practical realities of publicly financing for new courthouses?

Members of the Task Force who are acknowledged experts in public financing prepared this report concerning financing alternatives for new court construction.

On January 18, 1981, the Task Force established a Committee on Capital Construction Financing consisting of the following Task Force members:

Mendes Hershman, Esq., Chairman  
Rosenman, Colin, Freund, Lewis & Cohen

John V. Connorton, Jr., Esq.  
Hawkins, Delafield & Woods

The Hon. Herbert B. Evans  
Chief Administrative Judge of the State of New York

The Hon. William R. Roy  
Justice of the Supreme Court  
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Howard T. Ford, Jr., Esq.  
Chairman of the Board and Chief Executive Officer  
Erie Savings Bank

Richard F. Coyne, Esq.  
Ex-Officio

The enclosed report prepared for this Committee was approved unanimously by the Task Force at a weekend meeting held on February 12 - 14, 1982. It discusses the legal and practical aspects of public financing of courthouses by

- A. Issuance of bonds by the State
- B. Issuance of bonds by a municipality
- C. Issuance of debt by a public authority
- D. Adapting the law now applicable to educational facilities in New York City and Yonkers.

This report should be of great interest to anyone interested in public financing of capital construction needs for the Courts.

July 10, 1982

Richard F. Coyne, Esq.  
Task Force Chairman

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Task Force Chairman

## I. Financing Court Facilities under Present Law

At the present time, courthouse and related capital facilities may be financed in New York through the issuance of general obligation bonds by the State of New York or by individual municipalities within the State. In either case certain constitutional and statutory requirements would have to be met before any bonds could be issued.

### A. Issuance of Bonds by the State

Article VII, §11 of the New York State Constitution provides in part as follows:

Except the debts specified in sections 9 and 10 (relating to short term debt and debts on account of invasion, insurrection or war) of this article, no debt shall be hereafter contracted by or in behalf of the state, unless such debt shall be authorized by law, for some single work or purpose, to be distinctly specified therein. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election nor shall it be submitted to be voted on within three months after its passage nor at any general election when any other law or any bill shall be submitted to be voted for or against.

Under this provision, then, a bond issue to finance court facilities would have to be approved by the voters in a statewide referendum. Financing court facilities through the issuance of State bonds authorized pursuant to a statewide referendum is consistent with the policy of

a State takeover of the court system. The referendum route, however, is both cumbersome and uncertain. Both houses of the State Legislature must pass a concurrent resolution submitting a debt question to the people in a November general election. In addition, Article VII, §11 prohibits more than one debt issue at a time being submitted to the people. In 1981, for example, advocates of a bond issue for prison construction had to compete with advocates of a bond issue for construction of hazardous waste facilities for the only place on the November ballot for a debt referendum. (The New York Constitution does not, however, prohibit a debt referendum and a constitutional amendment from being on the same general election ballot. Thus, in November 1981 the people were able to vote on both a debt referendum for prison construction and an amendment to the Constitution allowing the State to guarantee a certain amount of Job Development Authority bonds.)

The recent defeat of the prison bond issue, however, is an indication how uncertain the result can be in a statewide referendum. The people of the State are clearly concerned about authorizing sizeable long-term debt issues.

Once bonds have been authorized by the people and been issued, Article VII, §12, N.Y. Const. requires that State debt be paid in equal annual installments, with the first installment to be paid not more than one year, and the last

installment to be paid not more than forty years, after the issuance of the bonds. The possible term of bonds issued by the State to finance court facilities is further limited by the requirement that bonds may not be issued for a period longer than the probable life of the "work or purpose" authorized. Under State Finance Law §61 the probable life of most buildings ("Class A Buildings") is determined to be thirty years.

B. Issuance of Bonds by a Municipality

Individual municipalities in the State such as counties, cities, towns and villages are authorized by Article VIII, §2, N.Y. Const. to contract indebtedness and issue bonds for county, city, town and village purposes, which would include facilities for courts. In all cases, however, that provision requires that the municipality pledge its "faith and credit for the payment of the principal thereof and the interest thereon." The effect of this requirement is that municipalities may not issue revenue bonds guaranteed by revenues of a particular project; they may issue only general obligation bonds, which must be paid out of the general tax revenues of the municipality and which are subject to certain debt limitations.

A municipality's total general obligation debt issued for municipal purposes (including any bonds issued for court facilities) may not exceed certain debt limitations provided

in Article VIII, §4, N.Y. Const. and elaborated in Local Finance Law §104. Thus, for example, a county may not contract indebtedness exceeding seven per cent of the average full valuation of taxable real estate in that county (with the exception of Nassau County, where the debt limit is ten per cent). In addition, the term of any bonds so issued is limited by Article VIII, §2 to the "period of probable usefulness" for that particular work or object. For most buildings ("Class A Buildings") the period of probable usefulness has been set by Local Finance Law §11.00 at thirty years.

The referendum requirements for a municipality desiring to issue debt obligations are considerably different from (and less restrictive than) the requirements for the State discussed above. Local Finance Law §33.10 provides that neither the expenditure of money for an object or purpose for which it is proposed to issue obligations nor a bond resolution or a capital note resolution shall be subject to a mandatory or permissive referendum in any county except in Westchester County, where the issuance of bonds or bonds and capital notes in an amount in excess of \$5 million to finance any capital improvement shall be subject to a mandatory referendum. With respect to cities, Local Finance Law §34.00 authorizes any city to adopt a local law requiring that all or certain bond

resolutions be subject to either a mandatory or permissive referendum after such resolutions have been adopted by the finance board. Local Finance Law §35.00 provides that, except for certain town highway improvements, resolutions adopted by the finance board of a town authorizing the issuance of bonds with a proposed maturity of more than five years shall be subject to a permissive referendum or may be submitted to a referendum by the town finance board on its motion. Local Finance Law §36.00 provides that resolutions adopted by the finance board of a village authorizing the issuance of bonds with a proposed maturity of more than five years shall be subject to a permissive referendum or such resolution may be submitted to a referendum by the village finance board in the manner prescribed in Article 9 of the Village Law.

Municipalities, therefore, can issue bonds for capital facilities such as court houses more expeditiously than can the State, but there are several problems associated with proposals for municipal financing of court facilities. First, most municipalities believe that the State should take over the construction, operation and maintenance of the court facilities in the State. Municipal financing of court facilities is inconsistent with this belief. Second, even if municipal governments were willing to issue their general obligation bonds, many

municipalities are close to their constitutional debt limits or are saving their debt margins for capital improvements to other parts of their infrastructures.

## II. Other Proposals

Other methods for financing court facilities involve using a combination of State or municipal credit with the issuance of debt by a public authority, either newly created on the State or municipal level or an existing one with expanded powers. There is at least one public authority in the State that arguably has the existing power to finance court facilities with revenue bonds, namely the Urban Development Corporation ("UDC"). UDC is authorized to finance, "civic projects" (Unconsol. Laws §§6251-6285), which would presumably include court facilities. A difficult problem in using UDC as a financing vehicle, however, is the questionable marketability of any UDC bonds after UDC's default on \$105 million in notes in 1975. In its recent creative efforts to build the New York City Convention Center, UDC was forced to team up with the Triborough Bridge and Tunnel Authority, which actually issued the bonds to finance the center.

Financings, whether through a new or already existing authority, could be structured using variations on the Albany South Mall financing or the New York City Convention Center financing. An analysis of both financings illustrates the various possibilities available.

The billion-dollar Albany South Mall project was financed pursuant to an agreement among the State, City of Albany and County of Albany providing for the acquisition of land by the State and its transfer to the County, on which land the County was to construct State office buildings, a museum and an auditorium, to the State's specifications. Under the agreement, the construction was to be financed by the issuance of general obligation bonds issued by Albany County. The County leased the facility to the State for an annual rental sufficient to pay the principal of and interest on the bonds (as well as to pay necessary administrative costs). At the end of the lease term title to the property would vest in the State.

The State's obligation to pay rent, however, was executory - subject to the availability of appropriations by the State Legislature. (The executory lease arrangement was intended to avoid creating long-term State debt without a referendum.) In New York Public Interest Research Group v. Levitt, 62 A.D. 2d 1074, 404 N.Y.S. 2d 55, appeal dismissed 46 N.Y. 2d 849 (1979), the Court of Appeals sidestepped the issue whether the financing arrangement violated N.Y. Const., Art. VII, §11 requiring State debt to be contracted pursuant to a referendum by holding that the plaintiff's complaint was barred by the six-year statute

of limitations and by laches.

The State executory lease was used again in the recent New York City convention center financing. Under that arrangement, the Triborough Bridge and Tunnel Authority (the "TBTA") issued bonds to finance the Convention Center project being constructed by the New York Convention Center Development Corporation (the "Development Corporation"), a subsidiary of UDC, pursuant to a development agreement between TBTA and the Development Corporation. The Development Corporation has leased the Convention Center project to TBTA pursuant to a lease agreement, which permits TBTA to acquire title to the Convention Center project upon its completion, for a nominal consideration. TBTA has, in turn, subleased the facility to the State at annual rentals equal to the amount necessary to pay the debt service on all obligations issued by TBTA to finance the Convention Center project. The sublease with the State relieves TBTA of any obligation to operate, repair, maintain or reconstruct the Convention Center project. The State's obligations to make the rental payments and to make all other payments under the sublease, like its obligations in the South Mall lease, are subject to appropriations being made by the State Legislature.

In both the South Mall and Convention Center transactions it is the State lease obligations that make the transactions credit worthy in the bond market. While

it is true that the State cannot be legally compelled to appropriate money sufficient to pay its annual rental obligations, in reality it is forced to do so. Failure to pay rent would be a default under either lease obligation and would constitute grounds for eviction from the premises involved. Moreover, it would gravely weaken the State's credit standing with the rating agencies and the bond market, making difficult, if not impossible, the issuance of State general obligation indebtedness for any purpose whatsoever.

Applying these techniques to the financing of court facilities, financings could be structured in any of the following ways:

- 1) State public authority would issue revenue bonds to finance a court facility, which would be leased either to the State or to a municipality pursuant to an executory lease subject to the availability of State or municipal appropriations, as the case may be.
- 2) Municipal public authority would issue revenue bonds to finance a court facility, which would be leased either to the State or to a municipality pursuant to an executory lease subject to the availability of State or municipal appropriations, as the case may be.

Special legislation similar to that enacted for the Albany South Mall and the New York City Convention Center projects would be necessary to enable the State to enter into long-term leases equal to the term of the bonds issued. In addition, creation of a new public authority, whether county or statewide, would also require a special act of the State Legislature.

Special state legislation should not be necessary, however, in order to authorize a county to enter into long-term leases equal to the term of the bonds issued. County Law §215(3) authorizes a county board of supervisors to:

...lease for county purposes real property for terms not exceeding five years with the privilege of renewal, except that in the County of Cattaraugus the board may, subject to referendum provided for in section twenty-four of the municipal home rule law, lease for county purposes real property for terms not exceeding ten years with the privilege of renewal.

Thus, it would appear that all counties, with the exception of Cattaraugus, are restricted in the acquisition of property by lease to a term not exceeding five years, with the right to renew beyond such term if the contract so provides.

Local governments, however, are given broad home rule powers under Municipal Home Rule Law §10(1)(i) to adopt local laws that are not inconsistent with the provisions of the Constitution or with any general law relating to their property, affairs or government. The lease of real property, including the term thereof, for county purposes is a matter within the local law powers of a

county board of supervisors, except that no action taken with respect thereto be inconsistent with a general law. In 68 Opinion of the State Comptroller 857 the Comptroller determined that County Law §215 is not a general law because the five-year limitation does not apply to Cattaraugus County, and therefore it can be superseded by act of the county legislature. As a result, so long as a county adopts a local law providing for the lease of real property for a term exceeding five years, it may enter into the long-term lease proposed.

III. Financing court facilities by adapting for court facilities the law now applicable to educational facilities in New York City and Yonkers (Article 10 and Article 10-B of the Education Law, McKinney's Consolidated Laws of New York, Annotated, Book 16)

As noted above (I), financing capital expenditures for court facilities through the issuance of general obligation bonds of the State of New York, or of individual municipalities within the State, presents serious difficulties. For State obligations, the required referenda in the light of recent experience, such as the defeat of the prison bond issue (despite public awareness of the critical need for additional prison facilities and widely publicized executive support) spell almost certain defeat for general obligation bond financing. For municipal general obligation bonds, the problems are almost as difficult of solution because of the narrow debt margin for capital improvements within constitutional debt limitations, the priority of other capital expenditures for which those margins are maintained and the popular belief that capital expenditures for court facilities are a State function.

Public authority financing (with revenue bonds), particularly by utilization of executory leases to the State or to appropriate municipalities as described in (II) above, has greater potential of practical realization. Such financing

avoids the pitfalls of referenda and constitutional debt limitations. The form of public authority financing which seems uniquely applicable to the financing of capital expenditures for court facilities is an adaptation to court facilities of the provisions of Article 10 of the Education Law, which has been utilized in the financing of educational facilities in New York City.

Article 10 of the Education Law § 453 created the "New York City Educational Construction Fund" (ECF), a corporate governmental agency constituting a public benefit corporation, administered by a board of trustees consisting of the President of the Board of Education of the City of New York, four members of the Board of Education appointed by the President of the Board and four members appointed by the Mayor of the City of New York. The trustees serve without compensation. ECF was created in 1966 to plan and finance the construction of public schools outside the City's budget and debt limit. ECF was given the power to sell or lease for residential or commercial development the air rights over planned school facilities. The completed projects, consisting of a school and non-school portion, were referred to as "combined use occupancy" structures. A "combined occupancy structure is defined in the Act as:

"any improvement on real property or any interests therein or thereto, including fee interests, easements, space rights or air rights, containing school accommodations or other facilities of the board of education of the city of New York in combination with other compatible and lawful non-school uses designed and intended to increase, from both a planning and an economic viewpoint, the efficient utilization of available land areas. A combined occupancy structure shall also include a structure in a project or development under the auspices of the fund wherein non-school portions of structures placed upon the overall site are not built in space rights over the school portion, so long as some part of the non-school portion is constructed over the school."

The combined structure is constructed as a single project by the private developer who purchases the space rights for the construction of the non-school portion. Financing the non-school portion is the responsibility of the private developer. Financing of the school portion is the responsibility of ECF. To accomplish this, ECF is authorized to sell tax exempt notes which are not legal obligations of the City or the State but of ECF. The revenues from the sale or lease of the school's space rights derived from the private developer are earmarked to meet the debt service on the bonds or notes issued by ECF.\*

Since its organization in 1966, ECF has been responsible for the development of 13 combined use occupancy structures: four financed with a \$51.1 million long term bond issue, eight financed with a short term note issue totalling \$81 million and the remaining project financed by New York State Urban

\* The private developer also, of course, makes real estate tax equivalency payments since the land is owned by the public facility and off the tax rolls.

Development Corporation (UDC) at an approximate cost of \$9 million. A combined structure placed in a commercially viable area as, for example, a high school in lower Manhattan where the non-school portion consisted of a building constructed by the New York Telephone Company for its use generated payments by the private developer for the non-school portion sufficient - indeed, more than sufficient - to meet real estate tax equivalency costs plus debt service on the school portion, a \$25.7 million structure. Other projects, for reasons not related to the validity of the combined use structure concept, were not so successful and, as a consequence, the Controller of the City of New York is reported in the press (The Bond Buyer, issue of January 12, 1982) as having "called for a gradual phaseout of the city's Educational Construction Fund, set up in 1966 to build new schools." The requirements of the Board of Education for location of schools dictated by the needs of the elementary school population, and size and cost of school facilities, also dictated by such needs, were not related to anticipated income from the non-school portions in the planning and construction of the combined use structures.

Courthouses are generally located in central business and commercial areas and their planning would, if Article 10 of the Education Law is adapted, be performed by a board selected from officials of the State having to do with the administration of



the court system with priorities very much different from those of the Board of Education. They, much more easily than a board whose priority is serving needs of young children in neighborhoods, can carefully craft a plan which would balance revenue from private sources with the debt service of the revenue bonds, thereby avoiding the short fall losses which took place in connection with ECF projects. The capital expenditures for court facilities are much more likely to be free of cost to the municipality.

The City of New York suffered financial losses in a number of the ECF projects because they included middle income residential properties financed under the City's Mitchell Lama program. The non-school portions in these instances were built to perform a public service and had inherent financial weaknesses which would not be present in a non-public portion built for strictly business reasons. They were located and built to meet needs of low to middle income families and turned out not to be self-supporting. Obviously, if the non-public portion of the combined structure is weak financially it cannot be expected to support the public portion. The private portion can have adequate financial strength if it is in a well-located office building, or even a well-located apartment building, because then the price paid by the private developer for the benefit of the space rights acquired from the public authority

can be equated to the total of the real estate tax equivalencies and the debt service required to repay the bonds issued by the fund created for that purpose.

The language of Article 10 is easily adaptable to legislation necessary to create a court facilities' authority to perform similar functions as ECF, if the concept or policy is supported by the legislative leadership, i.e., that the combined structures resulting from the proposed authority's efforts consist of new or rehabilitated courthouses or other construction costs for courthouses rather than public schools.

**END**