

# STATE OF NEW YORK

9022

## IN SENATE

January 22, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to eliminating the withholding of state aid as an enforcement mechanism for court facility compliance, and establishing an appeal process for proposed court facility plans; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds and declares that:

3 The unified court system is a core function of state government, and  
4 the state has a constitutional obligation to ensure that courts are  
5 safe, accessible, and capable of carrying out the administration of  
6 justice.

7 Pursuant to sections 39 and 39-b of the judiciary law, cities are  
8 responsible for providing suitable and sufficient court facilities, and  
9 the chief administrator of the courts is authorized to establish and  
10 enforce minimum standards for such facilities.

11 The legislature further finds that the withholding or seizure of unre-  
12 stricted state aid has become the primary enforcement mechanism for  
13 court facility compliance, notwithstanding the absence of a formal  
14 appeal process or independent review of proposed court facility plans.

15 The legislature finds that this enforcement structure may compel muni-  
16 cipalities to accept capital plans without meaningful opportunity to  
17 challenge scope, sequencing, or feasibility, and may undermine local  
18 fiscal stability and essential municipal services.

19 It is therefore the intent of the legislature to eliminate the with-  
20 holding of state aid as an enforcement mechanism for court facility  
21 compliance, while preserving court facility standards and establishing a  
22 fair, transparent, and independent process for reviewing and resolving  
23 disputes regarding proposed court facility plans.

24 § 2. Subdivision 4 of section 39-b of the judiciary law is REPEALED,  
25 and three new subdivisions 4, 5 and 6 are added to read as follows:

26 4. Notwithstanding any other provision of law, the chief administrator  
27 of the courts shall not withhold, reduce, suspend, seize, or otherwise  
28 intercept any state aid, assistance, or payment otherwise payable to a

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 city for the purpose of enforcing compliance with the requirements of  
2 this section or section thirty-nine of this article.

3 5. (a) Any written determination, directive, requirement, or proposed  
4 court facility compliance plan issued by the chief administrator of the  
5 courts that identifies deficiencies, mandates corrective action, or  
6 requires a city to undertake capital improvements or other remedial  
7 measures shall be subject to appeal pursuant to this subdivision.

8 (b) A city may file an appeal within sixty days of receipt of such  
9 determination, directive, or proposed plan. The filing of an appeal  
10 shall stay any enforcement action pending final resolution.

11 (c) Appeals shall be heard by an independent court facilities review  
12 panel, which shall be established for the purpose of reviewing the  
13 scope, reasonableness, feasibility, and proportionality of proposed  
14 court facility plans. The court facilities review panel shall consist  
15 of:

16 (i) the director of the division of the budget, or their designee;

17 (ii) the state comptroller, or their designee;

18 (iii) the chief administrator of the courts, or their designee; and

19 (iv) two members, respectively appointed by the temporary president of  
20 the senate and the speaker of the assembly, with demonstrated expertise  
21 in municipal finance, public construction, or infrastructure planning.

22 (d) The court facilities review panel shall consider, at a minimum:

23 (i) whether the proposed plan is necessary to achieve compliance with  
24 applicable court facility standards;

25 (ii) whether alternative scopes, phasing, locations, or timelines  
26 would reasonably achieve compliance;

27 (iii) whether the proposed plan would require borrowing that violates  
28 or approaches limitations imposed by the local finance law, the state  
29 constitution, or any other applicable law;

30 (iv) whether the proposed plan appropriately balances court opera-  
31 tional needs with municipal fiscal and operational constraints; and

32 (v) whether the proposed plan reflects a reasonable exercise of admin-  
33 istrative discretion.

34 (e) Within ninety days of receipt of an appeal, the court facilities  
35 review panel may affirm the proposed plan, modify the plan, or remand  
36 the plan to the office of court administration for revision consistent  
37 with such panel's findings.

38 6. (a) Upon the issuance of a final determination by the court facili-  
39 ties review panel pursuant to subdivision five of this section, the city  
40 and the office of court administration shall enter into a written court  
41 facility compliance plan consistent with such determination.

42 (b) The chief administrator of the courts may enforce compliance with  
43 an approved plan through reasonable administrative measures, provided  
44 that such enforcement shall not include the withholding, reduction,  
45 suspension, or seizure of state aid.

46 (c) Nothing in this subdivision shall be construed to relieve any city  
47 of its obligation to provide suitable and sufficient court facilities.

48 § 3. If any clause, sentence, paragraph, subdivision, section, or part  
49 of this act shall be adjudged by any court of competent jurisdiction to  
50 be invalid, such judgment shall not affect, impair, or invalidate the  
51 remainder thereof, but shall be confined in its operation to the clause,  
52 sentence, paragraph, subdivision, section, or part thereof directly  
53 involved in the controversy in which such judgment shall have been  
54 rendered.

55 § 4. This act shall take effect immediately.