



City Council Oversight Hearing
Examining Court Accessibility in New York City
June 23, 2016

Introduction

Good Afternoon Council Member Lancman, Council Member Cohen and Members of the Committees. Thank you for the opportunity to testify today on court accessibility and the progress that New York City is making to ensure that courthouses are accessible to people with disabilities. My name is Suzanne Lynn, General Counsel at the Department of Citywide Administrative Services (DCAS) and I am joined by Joe Wagner, Chief Engineer at DCAS.

Pursuant to New York State Judiciary Law section 39, the City is responsible for the provision of and day-to-day maintenance of court facilities and for contracting capital projects. The key players involved in the programmatic and operational activities in the courthouses include: the State Unified Court System (UCS), the Mayor's Office of Criminal Justice (MOCJ) which oversees the City's budget allocated to Office of Court Administration (OCA) and DCAS.

Through its Asset Management Line of Service, DCAS manages approximately 15 million square feet of space in over 55 buildings that support various functions of government, including 28 State courthouse facilities throughout the five boroughs. In particular, under a Master Agreement with UCS, DCAS is responsible for managing the maintenance staff that work in the courts and providing services that are integral to the day-to-day operations of the Court system in New York City. DCAS' efforts include providing building related services to ensure that the sites are safe and clean such as snow and trash removal, as well as exterior and interior cleaning. In addition, DCAS maintains the mechanical operations for the Courts so

that all building systems, such as the HVAC systems, are running effectively and efficiently. Finally, DCAS provides a variety of Trade in-house repair services such as plumbing, carpentry, electrical, painting, plaster, masonry, metal working, and laborer services while also performing minor renovations at the request of the court system.

Improving Courthouse Accessibility

As I am sure you are aware, in March 2015 the New York Lawyers for the Public Interest (NYLPI) published a report alleging that many courthouses in the City are inaccessible to people with physical disabilities, resulting in a system that limits equal access to justice for people with physical disabilities.

Today, we are here to report on steps that New York City is taking to address these concerns. First, since 2013, the DCAS facilities management team has been working to ensure that the exterior signage at all DCAS-managed buildings, including the courthouses, are compliant with the Americans with Disabilities Act (ADA) and applicable local laws. This work included surveying the signage at courthouses to assess whether there was an adequate number of signs, whether they were placed properly, and whether the sign images met the most current standards. By last year, a total of 162 new ADA signs had been installed on the exteriors of courthouse buildings.

Secondly, in February of this year, DCAS issued a Request for Proposals (RFP) for the purpose of retaining an architectural firm to provide survey and design services with related engineering services, including services during construction, focused on bringing DCAS-managed court buildings into compliance with applicable laws concerning accessibility for people with disabilities.

More specifically, the selected entity will:

1. Conduct a survey of each courthouse building and site under the jurisdiction of DCAS to identify:
 - elements that are not in compliance with the 2010 ADA Standards for Accessible Design,
 - elements that are not in compliance with the accessibility requirements of the New York City Building Code,
 - signage needed to comply with Local Law 47
2. Assist the City in the process of analyzing the survey findings to determine what work should be undertaken to address the accessibility requirements of applicable laws.
3. Perform construction feasibility studies to remedy or remediate potential barriers to accessibility.
4. Prepare design development, final design and construction documents.
5. Provide design consultant services for project related build-outs at various DCAS court buildings.
6. Provide architectural and related engineering ADA design services during construction on renovation projects.

The RFP specifies that the selected consultant must have a wide range of expertise with projects of great complexity with a further requirement that the principal of the firm have at least five years of experience in ADA architectural design with regard to construction projects in secure facilities. The contract to be awarded under this RFP will run for five years with the possibility of a three year renewal, and the maximum payable under the contract for the first five years is \$12 million.

The deadline for proposals was March 21st and 17 proposals were submitted. On May 31st, the evaluation team, which included a representative of the Mayor's Office for People with Disabilities (MOPD), identified a vendor and that vendor is undergoing a background check as we speak. On July 14th, there will be a public hearing to announce the award; after which DCAS will negotiate a contract and submit it for registration with the Comptroller. If all goes according to plan, we anticipate a contract start date in October.

Structured Negotiation Agreement

At the same time as DCAS was conducting the solicitation, the City's Law Department, with the support of DCAS, MOCJ, MOPD, the NYPD, the Department of Correction (DOC), and the Administration for Children's Services (ACS), had decided to try to work with NYLPI and the clients it represents on finding common sense solutions to the problems that were identified in the report without having to resort to litigation.

The result of these talks is a Structured Negotiation Agreement, an innovative and relatively new vehicle for resolving complex disputes without the necessity of having to go to court. This Agreement was executed on June 20th. I understand that this is the first time the City has entered into such an agreement.

Under the Agreement, both the City and NYLPI will negotiate, in good faith, on issues related to physical accessibility of courthouses in the City. As an incentive to engage in these discussions, both sides preserve their claims and defenses while the negotiations are ongoing. Some of the topics that the parties have agreed to address are: the removal of physical barriers at courthouses where appropriate, ensuring that renovation and new construction comply with accessibility standards, and improving the training on accessibility issues given to city employees working in the courthouses.

The parties have also agreed to a public meeting following the execution of the Agreement where members of the disability community can give feedback and information to the City on how best to achieve the goals of increased accessibility. The Council, of course, is more than welcome to attend this meeting.

Although the confidentiality provisions in the Agreement prevent me from saying more about the details, I have given you an overview of what it contains.

Conclusion

We have been encouraged by the professional and collegial nature of these negotiations thus far, and are hopeful that a way forward can be defined without the necessity of costly and time-consuming litigation. We would welcome the opportunity to periodically update the Council on our progress. Thank you for this opportunity to address these very important issues, and we are ready to answer any questions you may have at this time.