Staff: Committee on Housing & Buildings

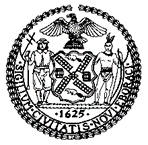
Austen Brandford, Counsel

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Audrey Son, Counsel

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Sarah Gastelum, Principal Financial Analyst



**THE COUNCIL**

**Committee Report of the Infrastructure Division**

Jeffrey Baker, Legislative Director

**Committee on Housing and Buildings**

Hon. Robert E. Cornegy, Jr., Chair

**April 11, 2019**

**INT. NO. 341:** By Council Members Rose, King and Rosenthal

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to retroactively requiring secondary power for lighting for egress paths and elevators

**ADMINISTRATIVE CODE:** Adds sections 28-315.10, 28-315.10.1 and 28-315.10.2.

**BUILDING CODE:** Amends sections 403.4.7, 403.4.8 and 1006.3.

**INT. NO. 414:** By Council Members Chin and Rosenthal

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to safety signs in elevators

**ADMINISTRATIVE CODE:** Adds section 28-315.4.2.

**BUILDING CODE:** Adds section 3002.3.2.

..Body

**INT. NO. 565:** By Council Members Treyger and Rosenthal

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to elevator service outage accommodations

**ADMINISTRATIVE CODE:** Amends section 28-304.10, adds section 28-304.11.

**INT. NO. 786:** By Council Members Torres and Rosenthal

**TITLE:** A Local Law in relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems

**ADMINISTRATIVE CODE:** N/A

**INT. NO. 787:** By Council Members Torres, Cornegy, Jr., Ampry-Samuel, Yeger, Rosenthal, Richards, the Public Advocate (Mr. Williams) and Gjonaj

**TITLE:** A Local Law to amend the New York city building code, in relation to maintaining brake monitors and elevator monitoring systems

**BUILDING CODE:** Amends section 8.6.4.6.

**PROPOSED INT. NO. 788 - A:** By Council Members Torres, Cornegy, Jr., Ampry-Samuel

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses

**ADMINISTRATIVE CODE:** Amends sections 28-304.7, 28-401.15, 28-401.3 and 28-401.15; amends article 421 of chapter 4 of title 28; renumbers article 422 of chapter 4 of title 28, repeals existing article 422 of chapter 4 of title 28, adds a new article 422.

**INT. NO. 1508:** By Council Member Levine

**TITLE:** A Local Law to amend the New York city building code, in relation to requiring that vents in elevator hoistway enclosures be closed to prevent air leakage

**ADMINISTRATIVE CODE:** Adds section 28-315.9.

**BUILDING CODE:** Amends section 3004.5.1.

**PRECONSIDERED INT. NO.\_\_\_:** By The Public Advocate (Mr. Williams) and Council Member Menchaca

**TITLE:** A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date.

**BUILDING CODE:** Amends section 3302.1.

**Introduction**

On April 11, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr. will hold a hearing on elevators, and will hear the following legislation: Int. No. 341, Int. No. 414, Int. No. 565, Int. No. 786, Int. No. 787, Proposed Int. No. 788-A, Int. No. 1508,and Preconsidered Int. No.. The Committee expects to receive testimony from the Department of Buildings (DOB), members of the real estate and elevator industries, and other interested members of the public.

**Elevator Oversight**

DOB inspects and regulates 63,000 passenger elevators throughout the City.[[1]](#footnote-1) DOB is also responsible for overseeing thousands of other types of elevator devices, such as escalators, private elevators, and wheelchair lifts.[[2]](#footnote-2) DOB does not inspect elevators in buildings under the jurisdiction of the state or federal governments or the Metropolitan Transit Authority.[[3]](#footnote-3) While DOB has jurisdiction over New York City Housing Authority (NYCHA) buildings, NYCHA is responsible for inspecting, testing, and maintaining the 3,237 elevators in the 2,350 NYCHA buildings.[[4]](#footnote-4)

In 2017, DOB issued 4,816 elevator-related violations,[[5]](#footnote-5) which constitutes violations for fewer than 7% of buildings with elevators.[[6]](#footnote-6) The New York City Building Code requires DOB to inspect and test elevators twice annually through inspection agencies that conduct inspections on DOB’s behalf.[[7]](#footnote-7) These inspections are usually unannounced, and the owner is required to provide inspectors access to the elevators for the purposes of conducting the inspections.[[8]](#footnote-8) If an inspector is unable to gain access, DOB will post a notice in a visible location requesting that the property owner reschedule the inspection.

Elevators are also required to undergo Category Testing, which is performed and witnessed by an approved third party agency licensed by DOB.[[9]](#footnote-9) The property owner is required to hire the DOB-licensed agency to conduct the following Category Testing:[[10]](#footnote-10)

* Category One (Cat-1): No load safety test, performed annually,[[11]](#footnote-11) which requires conducting tests involving “the visual inspection of systems and tests of safeties, while the elevator is running unloaded.”[[12]](#footnote-12)
* Category Three (Cat-3): Test performed on water hydraulic elevators every three years from the date of installation.[[13]](#footnote-13) This “test is performed on the unexposed portions of roped water hydraulic elevators and pressure vessels.”[[14]](#footnote-14)
* Category Five (Cat-5): Test performed with rated load and speed every five years from the date of installation.[[15]](#footnote-15) This test involves “inspections of systems and tests of safeties, while running the elevator at its full-load capacity.”[[16]](#footnote-16)

In order to demonstrate compliance with these requirements, completed Elevator Inspection and Test Reports are uploaded to a DOB portal called DOB NOW.[[17]](#footnote-17) These completed reports must be submitted within 60 days of the inspection.[[18]](#footnote-18) Defects highlighted in these reports must be corrected within 120 days of the inspection.[[19]](#footnote-19) 60 days after a defect has been corrected, an Affirmation of Correction must be filed.[[20]](#footnote-20) Failure to file the reports confirming inspection or an Affirmation of Correction within the set time will lead to the assessment of further penalties against the building owner.[[21]](#footnote-21) Fines for late filings range from $50 per elevator per month for residential buildings with one to two residential units to $150 to $250 per elevator per month for all other buildings.[[22]](#footnote-22) Fines for failing to file range from $1,000 per elevator for residential buildings with one to two residential units, to $3,000 to $5,000 per elevator for all other buildings.[[23]](#footnote-23)

**Current Elevator Safety Issues**

Since 2010, there have been nearly 500 elevator-related incidents in the City, leading to at least 48 serious injuries and 22 deaths.[[24]](#footnote-24) In 2015, a visitor to a seven year-old building in Williamsburg was crushed to death by elevator doors.[[25]](#footnote-25) An investigator retained by DOB found that the elevator’s brake was malfunctioning and could only hold half of its rated load. [[26]](#footnote-26) DOB inspectors had previously inspected the elevator, but they had not noticed the faulty brake.[[27]](#footnote-27)

More recently, in January 2019, a woman was rescued from an elevator in a New York City townhouse after being trapped for three days.[[28]](#footnote-28) In March 2019, a woman who had suffered from an overdose and was accompanied by at EMT died after being trapped in a homeless shelter freight elevator for an hour.[[29]](#footnote-29) The passenger elevator was out of service, and had a number of violations, including an open violation from November 2018,[[30]](#footnote-30) so the freight elevator was her only option.

While almost half of elevator-related accidents involve passengers, the majority of those killed in elevator accidents are elevator mechanics.[[31]](#footnote-31) Elevator mechanics are not licensed by DOB,[[32]](#footnote-32) and their training is not regulated, leaving questions as to whether such training is adequate.[[33]](#footnote-33) The City has taken steps to improve training for mechanics.

In an effort to incentivize regular elevator inspections, DOB announced in February 2019 that it will give owners a 90-day period to request an inspection for registered or unregistered elevators without being penalized for previously not having done so. According to DOB, the inspections and tests will be conducted by the department free of charge.[[34]](#footnote-34)

**Int. No. 341**

Int. No. 341 would make retroactive certain provisions of the Building Code related to secondary power for lighting for egress paths and elevators.

This legislation would take effect 120 days after becoming law.

**Int. No. 414**

Int. No. 414 would require signs to be posted in elevators instructing passengers on correct actions in the event the elevator stops between floors.

This legislation would take effect 120 days after becoming law.

**Int. No. 565**

Int. No. 565 would require the owners of residential buildings (R-1 or R-2 occupancies) where an elevator is used for residential service, to provide reasonable accommodations during outages longer than a day when necessary for any affected resident with a disability. It further would require that a plan detailing the accommodations during a service outage be created and maintained by building owners and that a copy of the plan be provided to residents in advance of anticipated outages.

This legislation would take effect 120 days after becoming law.

**Int. No. 786**

Int. No. 786 would require the Department of Buildings to submit by December 31, 2019 a report analyzing whether brake monitors and remote electronic monitoring systems enhance elevator safety and, if so, the feasibility of requiring installation on all elevators in residential buildings.

This legislation would take effect immediately.

**Int. No. 787**

Int. No. 787 would require building owners to maintain annually any brake monitors and monitoring systems in elevators to ensure safety standards, except that the DOB commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

This legislation would take effect 120 days after becoming law.

**Proposed Int. No. 788-A**

Proposed Int. No. 788-A would require companies that perform elevator and escalator maintenance, repair, and replacement to designate a person in responsible charge of those companies’ elevator-related operations, and would require (1) elevator maintenance companies and company directors to be licensed by DOB, (2) elevator maintenance company mechanics to demonstrate their qualifications based on experience or certification, and (3) elevator maintenance company helpers to demonstrate enrollment in a vocational, trade, or apprenticeship program. The bill would include initial training and continuing education requirements and would be phased in over time, with full compliance required by January 1, 2023. This bill would also exempt DOB from the licensing and training requirements.

This local law would take effect 1 year after becoming law.

**Int. No. 1508**

Int. No. 1508 would require owners of existing buildings to partially close the elevator hoistway vents in such buildings to mitigate air leakage and owners of new buildings to install automated hoistway vents so that elevator hoistway vents in such buildings remain closed to prevent air leakage.

This local law would take effect 120 days after becoming law.

**Preconsidered Int. No.\_\_\_\_\_**

Preconsidered Int. No.\_\_\_\_\_ would extend the existing compliance dates for Local Law 196 for the year 2017 (“LL 196/17”). LL 196/17 requires, in part, that construction workers complete an Occupational Safety and Health Thirty Hour Course (OSHA-30), an Occupational Safety and Health Ten Hour Course (OSHA-10) and an additional 20 hours of safety training, or a 100-hour training program approved by DOB, and comply with the training requirements in Section 3321 of the New York City Building Code by June 1, 2019. This legislation would extend such deadline to December 1, 2019.

This local law would take effect immediately.

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Int. No. 341

By Council Member Rose

..Title

A Local Law to amend the administrative code of the city of New York, in relation to retroactively requiring secondary power for lighting for egress paths and elevators.

..Body

Be it enacted by the Council as follows:

Section 1. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding new sections 28-315.10, 28-315.10.1 and 28-315.10.2 to read as follows:

**§28-315.10** **Standby and emergency power.** The work specified in this section to enhance the safety of existing buildings in the event of power supply failure shall be completed by the dates specified herein.

**§28-315.10.1 Standby power for certain elevators.** Existing buildings shall comply with the provisions of item 3 of Section 403.4.7.2 of the New York city building code and item 3 of Section 403.4.7.3 of the New York city building code, as applicable to a building’s occupancy group, on or before April 1, 2016.

**§28-315.10.2 Emergency power for lighting for egress paths and certain elevators.** Existing buildings shall comply with the provisions of item 1 of Section 403.4.8.1 of the New York city building code and items 1 and 2 of Section 403.4.8.2 of the New York city building code, as applicable to a building’s occupancy group, on or before April 1, 2019.

§2. Section 403.4.7 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**403.4.7 Standby power.** A standby power system complying with Section 2702 shall be provided for standby power loads specified in Section 403.4.7.2 and 403.4.7.3. Item 3 of section 403.4.7.2 and item 3 of Section 403.4.7.3 shall apply retroactively to all existing buildings in accordance with Section 28-315.8.1.

§3. Section 403.4.8 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**403.4.8 Emergency power systems.** An emergency power sys­tem complying with Section 2702 shall be provided for emer­gency power loads specified in Sections 403.4.8.1 and 403.4.8.2. Fuel sources for generators shall be in accordance with Section 2702.1.1. Item 1 of Section 403.4.8.1 and items 1 and 2 of Section 403.4.8.2 shall apply retroactively to all existing buildings in accordance with Section 28-315.8.2.

§4. Section 1006.3 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**1006.3 Illumination emergency power.** The power supply for means of egress illumination shall normally be provided by the premise's electrical supply.

In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.

2. Corridors, exit enclosures and exit passageways.

3. Exterior egress components at other than their levels of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements, as permitted in Section 1027.1, in buildings required to have two or more exits.

5. Exterior landings as required by Section 1008.1.6 for exit discharge doorways in buildings required to have two or more exits.

This section shall apply retroactively to all existing buildings, in accordance with Section 28-315.10 of the administrative code of the city of New York.

§5. This local law takes effect 120 days after its enactment, except that the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

GP/MPC

LS 66/Int. No. 170-2014

LS 104

12/4/17 3:01pm

Int. No. 414

By Council Member Chin

..Title

A Local Law to amend the administrative code of the city of New York, in relation to safety signs in elevators

..Body

Be it enacted by the Council as follows:

Section 1. Article 315 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.4.2 to read as follows:

**§ 28-315.4.2 Signage in elevators.** The posting of emergency safety signs inside elevators in accordance with the retroactive requirements of section 3002.3.2 of the New York city building code shall be completed on or before March 31, 2019.

§ 2. Section BC 3002 of the New York city building code is amended by adding a new section 3002.3.2 to read as follows:

**3002.3.2 Emergency safety signs in elevators.** A sign shall be posted and maintained in a conspicuous location inside each elevator instructing passengers on what to do in the event of an elevator malfunction. Such sign shall be in a form approved by the department and shall be posted in a manner established by the department. This provision shall be retroactive and shall apply to all elevators in existence on the effective date of this provision, and such elevators shall achieve compliance no later than March 31, 2019.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

MPC

LS# 3142

1/9/18

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Int. No. 565

By Council Member Treyger

..Title

A Local Law to amend the administrative code of the city of New York, in relation to elevator service outage accommodations

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-304.10 of the administrative code of the city of New York, as added by local law number 141 for the year 2013 and amended by local law number 47 of 2015, is amended to read as follows:

**§ 28-304.10 Occupant notification.** In occupancy groups R-1 and R-2, when an elevator is to be out of service, a notice identifying the type of work to be performed and the expected start and end dates for such outage shall be provided in English, Spanish, and such other languages as the department may provide by rule, in accordance with sections 28-304.10.1 and 28-304.10.2. Such notification shall include a copy of the elevator service outage accommodation plan required by section 28-304.11.1.

§ 2. Article 304 of title 28 of the administrative code of the city of New York is amended to add a new section 28-304.11 to read as follows:

**§ 28-304.11 Service outage accommodation.** In addition to any reasonable accommodations required by other city, state or federal laws or rules, when a passenger elevator in a building that contains space classified in occupancy group R-1 or R-2 is or will be out of service for more than twenty-four hours, the owner shall, upon request of an affected resident with a disability, as defined by rules promulgated by the department in conjunction with the department of health and mental hygiene and the mayor’s office for people with disabilities, provide, for the duration of such outage, a reasonable alternative method of transportation between floors, exclusive of stairs, or a reasonable accommodation for such resident.

**Exceptions:**

1. An elevator that serves only one dwelling unit, provided that such unit is occupied by the owner of the building containing such unit.

2. An elevator service outage that results from a general public utility outage, as defined by department rule.

**§ 28-304.11.1 Elevator service outage accommodation plan.** An owner of a building that contains space classified in occupancy group R-1 or R-2 must develop an elevator service outage accommodation plan detailing any alternative method of transportation or accommodation that will be provided in accordance with section 28-304.11 during an elevator service outage. Such plan must be made available for inspection by the department, the department of housing preservation and development or residents of the building, upon request.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

BJR

LS 958

Int. 801-2015

1/3/18 1:06PM

Int. No. 786

By Council Members Torres, Cornegy and Ampry-Samuel

..Title

A Local Law in relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems

..Body

Be it enacted by the Council as follows:

Section 1. As used in this local law:

Brake monitor. The phrase “brake monitor” means software or a device that is installed on an elevator and is designed to identify when an elevator brake fails to disengage and which has the capability to shut down the elevator, or reset the elevator.

Remote electronic monitoring system. The phrase “remote electronic monitoring system” means software or a device installed on an elevator that remotely checks whether elevators are properly functioning, and logs all elevator error messages.

§ 2. By no later than December 31, 2019, the department of buildings shall prepare and file with the mayor and the council, and post on its website, a report analyzing whether brake monitors and remote electronic monitoring systems enhance elevator safety and, if so, the feasibility of requiring the installation of such monitors and systems on all elevators in residential buildings.

§ 3. This local law takes effect immediately.

MPC

LS #7949/Int. No. 1553-2017

12/20/17 12:03pm

LS 296

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Int. No. 787

By Council Members Torres, Cornegy, Ampry-Samuel, Yeger, Rosenthal, Richards, the Public Advocate (Mr. Williams) and Gjonaj

..Title

A Local Law to amend the New York city building code, in relation to maintaining brake monitors and elevator monitoring systems

..Body

Be it enacted by the Council as follows:

Section 1. The New York city amendments to section 8.6.4.6 of ASME A17.1-2000, with supplements A17.1a-2002 and A17.1b-2003, as set forth in section 8.6 of chapter K1 of appendix K of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

**SECTION 8.6**

**MAINTENANCE, REPAIR, AND REPLACEMENT**

**Delete and revise section 8.6.4.6 to read as follows:**

**8.6.4.6 Brakes**

**8.6.4.6.1** The driving-machine brake shall be maintained annually to ensure proper operations, including, but not limited to the following:

(a) residual pads (anti-magnetic pads);

(b) lining and running clearances;

(c) pins and levers;

(d) springs;

(e) sleeves and guide bushings;

(f) discs and drums; [and]

(g) brake coil and plunger[.];

(h) brake monitors, if installed; and

(i) elevator monitoring systems, if installed.

**8.6.4.6.1.1** Brake maintenance shall be entered in the maintenance records.

**8.6.4.6.1.2** A metal tag indicating the elevator maintenance company and date of service shall be attached to the elevator controller.

**8.6.4.6.2** If any part of the driving machine brake is changed or adjusted that can affect the holding capacity or decelerating capacity of the brake when required (see Section 2.24.8.3), it shall be adjusted and checked by means that will verify its proper function and holding capacity.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

FM / BM

Int. 1552 / LS #7948

LS# 295

12/18/17 10:47 AM

Int. No. 788

By Council Members Torres, Cornegy and Ampry-Samuel

..Title

A Local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses

..Body

Be it enacted by the Council as follows:

Section 1. Section 28-304.7 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-304.7 Required contract. [The] Each owner of [all] a new [and] or existing passenger [elevators and escalators] elevator or escalator shall have a contract with [an approved agency] an elevator maintenance company complying with section 28-425.1 to perform passenger elevator [repair work and maintenance and escalator maintenance, repair and replacement work] and escalator maintenance, repair and replacement, as defined by ASME A17.1 as modified by [Chapter K1 of ] Appendix K of the New York city building code. The name, address and telephone number of such [agency] company shall be maintained at each premises, on the mainline disconnect switch and in a location readily accessible to employees of the department and to maintenance and custodial staff at the premises.

§ 2. Section 28-401.15 of the administrative code of the city of New York is amended by adding two license types to read as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **License Type** | **Initial Fee** | **Renewal Fee** | **Additional Fees** |
| Elevator maintenance company. | $100 | $150 | Late-renewal: $50  Reissuance: $50 |
| Elevator maintenance company director. | $50 | $75 | Late-renewal: $50  Reissuance: $50 |

§ 3. Section 28-401.3 of the administrative code of the city of New York is amended by adding new definitions for “ELEVATOR MAINTENANCE COMPANY,” “ELEVATOR MAINTENANCE COMPANY DIRECTOR,” “ELEVATOR MAINTENANCE COMPANY HELPER,” “ELEVATOR MAINTENANCE COMPANY MECHANIC” and “ELEVATOR WORK” in appropriate alphabetical order to read as follows:

**ELEVATOR MAINTENANCE COMPANY.**An entity or division thereof that performs elevator work.

**ELEVATOR MAINTENANCE COMPANY DIRECTOR.** An individual who is licensed to supervise elevator work under section 28-425.7.

**ELEVATOR MAINTENANCE COMPANY HELPER.** An individual who performs elevator work and meets the requirements of section 28-425.9.

**ELEVATOR MAINTENANCE COMPANY MECHANIC.** An individual who performs elevator work and meets the requirements of section 28-425.8.

**ELEVATOR WORK.** Maintenance, repair, replacement, modernization or alteration work, as defined by ASME A17.1 as modified by appendix K of the New York city building code, performed on a passenger elevator or escalator regulated by this code or other applicable laws or rules.

§ 4. Chapter 4 of title 28 of the administrative code of the city of New York is amended to add a new article 425 to read as follows:

**ARTICLE 425**

**ELEVATOR MAINTENANCE COMPANY LICENSE/REGISTRATION AND ELEVATOR MAINTENANCE COMPANY DIRECTOR LICENSE**

**§ 28-425.1 General.**

**§ 28-425.2 Elevator work performed before January 1, 2020.**

**§ 28-425.3 Elevator work performed on and after January 1, 2020 and before January 1, 2023.**

**§ 28-425.4 Elevator work performed on and after January 1, 2023.**

**§ 28-425.5 Designated individual in responsible charge.**

**§ 28-425.6 Prohibition on working for more than one elevator maintenance company.**

**§ 28-425.7 Requirements for elevator maintenance company director license.**

**§ 28-425.8 Elevator maintenance company mechanic qualifications.**

**§ 28-425.9 Elevator maintenance company helper qualifications.**

**§ 28-425.10 Initial training.**

**§ 28-425.11 Continuing education.**

**§ 28-425.12 No examination required.**

**§ 28-425.13 Term of license.**

**§ 28-425.14 Fees.**

**§ 28-425.15 Elevator work performed by the department.**

**§ 28-425.1 General.** Elevator maintenance companies shall comply with this article.

**§ 28-425.2 Elevator work performed before January 1, 2020.** Until January 1, 2020, elevator maintenance companies shall comply with this section or section 28-425.4.

**§ 28-425.2.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-425.5.

**§ 28-425.2.2 Elevator work.** All elevator work for an elevator maintenance company shall be performed by individuals who are directly employed by such company and working under the direct and continuing supervision of the individual designated for such company in accordance with section 28-425.5.

**§ 28-425.3 Elevator work performed on and after January 1, 2020 and before January 1, 2023.**On and after January 1, 2020 and until January 1, 2023, elevator maintenance companies shall comply with this section or section 28-425.4.

**§ 28-425.3.1 Designated individual in responsible charge.** The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-425.5. In addition to the requirements of section 28-425.5 and prior to such company performing elevator work, such individual shall submit satisfactory proof to the department that all individuals directly employed by such company to perform or supervise elevator work have successfully completed the initial training set forth in section 28-425.10.

**§ 28-425.3.2 Elevator work.** All elevator work for an elevator maintenance company shall be performed by individuals who:

1. Are directly employed by such company;

2. Are working under the direct and continuing supervision of the individual designated for such company in accordance with section 28-425.5; and

3. Have successfully completed the initial training set forth in section 28-425.10.

**§ 28-425.4 Elevator work performed on and after January 1, 2023.** On and after January 1, 2023, elevator maintenance companies shall be licensed in accordance with this section.

**§ 28-425.4.1 Requirements for elevator maintenance company license; renewals.** In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company license shall:

1. Designate an individual in responsible charge in accordance with section 28-425.5;

2. Submit satisfactory proof to the department that all individuals performing or supervising elevator work on behalf of the applicant have successfully completed the initial training set forth in section 28-425.10; and

3. For license renewal applications, submit satisfactory proof that all individual performing or supervising elevator work on behalf of the applicant have successfully completed the continuing education set forth in section 28-425.11 within the three years preceding submission of such application.

**§ 28-425.4.2 Elevator work.** All elevator work for an elevator maintenance company shall comply with the following:

1. Such work shall be performed by or under the direct and continuing supervision of the individual designated in responsible charge in accordance with section 28-425.5; and

2. Such work shall be performed by one or more of the following individuals:

2.1. An elevator maintenance company director directly employed by such company;

2.2. An elevator maintenance company mechanic directly employed by such company; or

2.3. An elevator maintenance company helper directly employed by such company and working under the personal and immediate supervision of an elevator maintenance company director or mechanic without intermediate supervisors or other intervening levels of supervision.

**§ 28-425.5 Designated individual in responsible charge.** Where required by this article, an elevator maintenance company shall designate an individual directly employed by such company to be in responsible charge of all elevator work and related operations for such company. Such individual shall:

1. Submit the following to the department before exercising direct and continuing supervision over elevator work performed by such company:

1.1. Such individual’s full name, home address and home telephone number;

1.2. Such company’s name, address and telephone number;

1.3. A certification by such individual stating that all elevator work performed by such company will be performed under the direct and continuing supervision of such individual and will comply with the requirements of this article;

2. Maintain and make available to the department the following records upon request of the department:

2.1. A log of all elevator work performed by such company, including the locations where such work was performed, for seven years; provided further that, where an elevator maintenance company employs individuals who inspect, test or witness the inspection or testing of passenger elevators or escalators, whether on behalf of such company or otherwise, such log shall include the locations of such inspecting, testing or witnessing thereof;

2.2. All records submitted to such company in accordance with sections 28-425.8 and 28-425.9;

2.3. All records related to initial training as set forth in section 28-425.10 and continuing education as set forth in section 28-425.11 for employees of such company; and

3. Certify to the truth and accuracy of all submissions to the department.

**§ 28-425.6 Prohibition on working for more than one elevator maintenance company.**No individual may:

1. Perform or supervise elevator work for an elevator maintenance company while directly employed by another elevator maintenance company; or

2. Inspect, test or witness the inspection or testing of any passenger elevator or escalator that underwent elevator work performed by an elevator maintenance company that directly employed such individual at any time within the one year preceding such inspecting, testing or witnessing thereof.

**§ 28-425.7 Requirements for elevator maintenance company director license.** In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company director license shall submit satisfactory proof to the department that:

1. The applicant is a New York state licensed professional engineer or registered architect who has at least two years of full time work experience supervising elevator work or inspecting, testing or witnessing the inspection or testing of passenger elevators or escalators within the five years preceding submission of such application; or

2. The applicant has at least ten years of full time work experience supervising elevator work within the fifteen years preceding submission of such application and meets one or more of the following requirements:

2.1. The applicant has at least five additional years of full time work experience performing or supervising elevator work; or

2.2. The applicant has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department of labor.

**§ 28-425.8 Elevator maintenance company mechanic qualifications.** No individual may work as an elevator maintenance company mechanic for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she:

1. Has at least five years of full time work experience performing or supervising elevator work within the ten years preceding such submission; or

2. Has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department of labor.

**§ 28-425.9 Elevator maintenance company helper qualifications.** No individual may work as an elevator maintenance company helper for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she is enrolled in a vocational, trade or apprenticeship program for elevator mechanic or technician of an institution registered by the New York state or the United States department of labor at the time of such submission.

**§ 28-425.10 Initial training.** Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least thirty-six hours of initial training courses. Such courses shall be developed or approved by the department and shall cover:

1. Twenty hours of instruction on safe work practices and related topics that shall include, but shall not be limited to, the elevator industry field employees’ safety handbook (FESH) topics of the proper and safe use of jumpers and potential hazards of jumpers, fall protection, electrical safety and lock out and tag out procedures and product-specific safety applications or procedures;

2. Ten hours on the New York city construction codes, chapter 3 of title 27 of the administrative code and adopted standards, rules, commissioner’s orders/bulletins and topics related to elevators and escalators. The applicable edition of the following standards shall be included:

2.1. ASME A17.1;

2.2. ASME A17.2;

2.3. ASME A17.3;

2.4. ICC/ANSI A117.1; and

3. Six hours on new technology related to the elevator industry, which may include cross- discipline training, manufacturer’s training or other technical training pertaining to new technology to enhance safety and reliable service and to provide a sustainable environment. Content shall be relevant to the attendees and their specific certificate classification.

**§ 28-425.11 Continuing education.** Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least seven hours of continuing education courses. To qualify under this section, such courses must be approved by the department and must cover the subject areas set forth in section 28-425.10.

**§ 28-425.12 No examination required.** No examination shall be required for an elevator maintenance company license or an elevator maintenance company director license.

**§ 28-425.13 Term of license.** The term of the elevator maintenance company and elevator maintenance company director licenses shall be three years.

**§ 28-425.14 Fees.** Applicants for elevator maintenance company and elevator maintenance company director licenses shall pay the fees set forth in section 28-401.15.

**§ 28-425.15 Elevator work performed by the department.** Notwithstanding any other provision in this article, the department may perform elevator work.

§ 5. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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Int. 839-2012

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Int. No. 1508

By Council Member Levine

A LOCAL LAW

To amend the New York city building code, in relation to requiring that vents in elevator hoistway enclosures be closed to prevent air leakage

Section 1. Article 315 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.9 to read as follows:

**§28-315.9** **Hoistway vents in existing buildings.** Existing buildings shall comply with the retroactive requirements of section 3004.5.1 of the New York city building code by December 31, 2019.

§ 2. Section 3004.5.1 of the New York City building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3004.5.1 Vents in the hoistway enclosures.** Hoistway enclosures may be vented in accordance with the following:

**Location of vents.**

1.1. The vents in the side of the hoistway enclo­sure below the elevator machine room floor or in the roof of the hoistway shall open either di­rectly to the outer air or through noncombusti­ble ducts to the outer air.

1.2. The vents in the wall or roof of an overhead el­evator machine room through the smoke hole in the top of the elevator hoistway shall be vented to the outer air through noncombusti­ble ducts.

**Area of vents.** The area of vents in the hoistway or the elevator machine room and the smoke hole shall be not less than 3½ percent of the area of the hoistway nor less than 3 square feet (0.28 m2) for each elevator car, whichever is greater. Such vents shall comply with the following requirements:

2.1. [Open vents. Of the total required vent area, not less than one-third shall be permanently open or equipped with an openable hinged damper. The smoke hole shall be permanently open.] **Automated vents.** The total required vent area shall be closed and all of the vent openings shall automatically open:

2.1.1. Upon detection of smoke in the elevator lobbies or hoistway;

2.1.2. Upon power failure (except when provided with a code compliant standby power supply from an approved standby power source); or

2.1.3. Upon activation of a manual override control, which shall be located in an approvedlocation.

2.2. [Closed vents. The two-thirds closed portion of the required vent area either in the hoistway enclosure or in the elevator machine room may consist of windows or skylights glazed with annealed glass not more than 1/8-inch (3.2 mm) thick. A closed damper that opens upon the activation of a smoke detector placed at the top of the hoistway shall be considered closed.] **Vents in existing buildings.** In existing buildings, of the total required vent area:

2.2.1. One-third and the smoke hole shall be permanently open; and

2.2.2. Two-thirds shall be closed and may consist of windows or skylights glazed with annealed glass not more than ⅛-inch (3.2 mm) thick. A closed damper that opens upon the activation of a smoke detector placed at the top of the hoistway shall be considered closed.

2.2.3. This Item 2.2 shall be retroactive and shall apply to all buildings in existence on the effective date of this provision and such buildings shall achieve compliance no later than December 31, 2019.

[Exception: The total required open vent area shall not be required to be permanently open where all of the vent openings automatically open upon detection of smoke in the elevator lobbies or hoistway, upon power failure (except when provided with a code compliant standby power supply from an approved standby power source) or upon activation of a manual override control. The manual override control shall be capable of opening and closing the vents and shall be located in an approved location.]

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

EAA/GP/MPC

LS# 2204

1/9/18

Preconsidered Int. No.

By The Public Advocate (Mr. Williams) and Council Member Menchaca

..Title

A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date

..Body

Be it enacted by the Council as follows:

Section 1. Section 3302.1 of the New York city building code is amended by amending the definitions for “SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE” and “SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE” to read as follows:

**SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE.** [Five months after the SST second compliance date, or, if the department publishes a finding that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than] September 1, 2020.

**SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE.** December 1, [2018, or, if the department publishes a finding that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than June 1,] 2019.

§ 2. This local law takes effect immediately.

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1. *See* *Elevator Report 2017*, A Publication of New York City Department of Buildings, available at https://www1.nyc.gov/assets/buildings/html/elevator\_report\_2017.html. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. Kathryn Brenzel and David Jeans, *Elevator risk: Malfunction at NYCHA*, THE REAL DEAL (February 1, 2019), available at https://therealdeal.com/issues\_articles/nycha-elevators/. [↑](#footnote-ref-4)
5. See Elevator Report 2017, *supra* note 1. [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *See* *Department of Buildings Guide To: Elevators*, A Publication of New York City Department of Buildings, available at <https://www1.nyc.gov/assets/buildings/pdf/elevators-guide-english.pdf> (“Guide”). [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)
10. *Id.* [↑](#footnote-ref-10)
11. *Id.* [↑](#footnote-ref-11)
12. City of New York, Office of the Comptroller, *Audit Report on the Department of Buildings Elevator Inspections and Follow-up Activities*, Oct. 21, 2010, <https://comptroller.nyc.gov/wp-content/uploads/documents/MJ10_063A.pdf> at 3 (“Comptroller Report”). [↑](#footnote-ref-12)
13. *Guide, supra* note 7. [↑](#footnote-ref-13)
14. *Compliance Archives: The Category 3 Elevator Inspection*, Sitecompli, <https://sitecompli.com/blog/compliance-archives-the-category-3-elevator-inspection>. [↑](#footnote-ref-14)
15. *Id.* [↑](#footnote-ref-15)
16. Comptroller Report, *supra* note 12. [↑](#footnote-ref-16)
17. <https://www1.nyc.gov/assets/buildings/pdf/dob_now_safety_elevators_sn.pdf>. [↑](#footnote-ref-17)
18. *See Guide*, supra note 7. [↑](#footnote-ref-18)
19. *Id.* [↑](#footnote-ref-19)
20. *Id.*  [↑](#footnote-ref-20)
21. *Id.* [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *Id.* [↑](#footnote-ref-23)
24. Kathryn Brenzel and David Jeans, *How it can go wrong*, The Real Deal (January 1, 2019), available at <https://therealdeal.com/issues_articles/how-it-can-go-wrong/>. [↑](#footnote-ref-24)
25. Benjamin Mueller, *Man Visiting Brooklyn Apartment Building Dies in Elevator Accident,* New York Times, (Oct. 2, 2015) <https://www.nytimes.com/2015/10/03/nyregion/man-killed-in-elevator-accident-in-brooklyn-apartment-building.html> [↑](#footnote-ref-25)
26. Kathryn Brenzel and David Jeans, *Elevated Risk,* The Real Deal , (Jan. 1, 2019) <https://therealdeal.com/issues_articles/elevator-accidents-new-york-city/> [↑](#footnote-ref-26)
27. *Id.* [↑](#footnote-ref-27)
28. Elisha Fieldstadt, et al., *Woman Rescued Three Days After Getting Trapped in NYC Elevator,* NBC News (Jan. 28, 2019),<https://www.nbcnews.com/news/us-news/woman-rescued-three-days-after-getting-trapped-nyc-elevator-n963596> [↑](#footnote-ref-28)
29. Jim Hoffer, *Woman Suffers Medical Condition at New York City Shelter, Dies After Getting Stuck in Elevator,* ABC 7 News, (March 25, 2019) <https://abc7ny.com/society/nyc-shelter-residents-blame-faulty-elevator-for-womans-death/5216230/> [↑](#footnote-ref-29)
30. *Id.* [↑](#footnote-ref-30)
31. *Id.* [↑](#footnote-ref-31)
32. *Id.* [↑](#footnote-ref-32)
33. *Id.* [↑](#footnote-ref-33)
34. <https://www1.nyc.gov/site/buildings/about/pr-no-penalty-safety-insp.page> [↑](#footnote-ref-34)