

CHARLES H. GREENTHAL MGMT

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Overview of Current NYC Mandated Elevator Testing Requirements

K3 Retroactive Provisions & Associated Filing Fees & Penalties

How do These Affect Residential Properties?



Charles H. Greenthal Management Corp.



AGENDA

- **OVERVIEW OF MANDATED INSPECTIONS & TESTS**
 - Frequency of Periodic Inspections and Tests
 - Certification and Witnessing Required

- **K3 RETROACTIVE PROVISIONS**
 - What is K3?
 - Summary of Retroactive Items
 - Timeframe for Completion

- **FILING FEES & PENALTIES**



NYC MANDATED INSPECTIONS & TESTS



OVERVIEW OF MANDATED INSPECTIONS & TESTS

- Local Law #10/81 Inspection & 2-Year Test No Longer Required
- Annual Mandated Periodic Testing Required (Category-1)
- Mandated Five (5) Year Testing Required (Category-5)

**OVERVIEW OF MANDATED
INSPECTIONS & TESTS**



- Mandated Testing & Witnessing Required on:
 - Passenger & Freight Elevators
 - Escalators & Moving Walks
 - Sidewalk Elevators
 - Commercial Wheelchair Lifts & "LULA" Elevators

**OVERVIEW OF MANDATED
INSPECTIONS & TESTS**



- Mandated Testing Required on (No Witnessing):
 - Private Residence Elevators (Single Family)
 - Material Lifts
 - Dumbwaiters
 - Private Wheelchair Lifts

**OVERVIEW OF MANDATED
INSPECTIONS AND TESTS**



Article 304 - Inspection & Test Requirements

- Annual Periodic Inspection and Test (Category-1)
 - 5-Year Full Load Inspection and Test (Category-5)
 - Performed by Approved Agency (Contractor)
 - Witnessed by Approved Agency Not Affiliated with Contractor Performing Test
 - 10-Day Prior Notice to DOB for Category-5 Tests
 - 10-Day Prior Notice to DOB for Escalator Tests
 - Timely Filing of ELV-3 Form: Within 45 Calendar Days
- (Four Signatures Required on ELV-3 form - Including Owner's)

**OVERVIEW OF MANDATED
INSPECTIONS & TESTS**



Category-1 Inspections and Tests

- Typically Requires Between 2 and 3 Hours Per Elevator
 - Down Time Dependent on Type, Age and Condition
- Reporting of Unsafe or Hazardous Conditions (“Cease-Use”)
 - Removal of Unit From Service
 - Notification of Owner Immediately
 - Notification of DOB by Phone or Fax/E-mail Within 24-Hours
 - Cease Use Condition Must be Corrected Immediately
- Correction of Defects (“U” Items) Within 45 Business Days
 - Filing of ELV-29 Certificate of Affirmation Within 15 Business Days After Correction of Items – By Contractor
 - Total of 60 Business Days to Correct Deficiencies & File

**OVERVIEW OF MANDATED
INSPECTIONS & TESTS**

Category-5 Inspections and Tests
(Full Load - Traction)

- Typically Requires Between 4 and 5 Hours Per Unit
 - Down Time of Units Between 4 and 5 Hours Each

- Reporting of Unsafe or Hazardous Condition (“Cease-Use”)
 - Removal of Unit From Service
 - Notification of Owner Immediately
 - Notification of DOB by Phone or Fax Within 24-Hours
 - Cannot File a Cat-5 as “Unsatisfactory”

- Correction of Defects Immediately!

**OVERVIEW OF MANDATED
INSPECTIONS & TESTS**

- **Electronic Signatures Are Permitted (first 3 signatures only) – Witnessing Agency Director Must be “Original” Signature**

- **New Transmittal Sheet For Filing of Inspection Forms; Stamped by DOB**

- **Performing Inspector (Contractor’s Testing Mechanic) Must be Licensed by Jan. 1, 2012**

**OVERVIEW OF MANDATED
INSPECTIONS & TESTS**



Over 70,000 VT Units in NYC

**Safety of the Riding Public is the Number One
Priority!**

**Elevators Are the Safest Mode of
Transportation in the World**

**The Annual Mandated Inspections & Tests Are
Here To Stay!!!**

Chapter K3 - Retroactive Provisions



What is K3???

- **NYC Recently Adopted a New Code Titled Chapter K3; Based on the ASME A17.3-2002 Safety Code for Existing Elevators & Escalators**
- **This Code Relates to All Existing Units and Requires Retroactive Compliance on Devices That Fail to Meet the Minimum Safety Standards**

Chapter K3 - Retroactive Provisions

- **The Initial Compliance Date is December 14, 2010**
- **There are Certain Items that Require Compliance in 3 to 5 Years**
- **These Minimum Code Requirements Will be Cited as Violation Conditions in 2011**

Chapter K3 - Retroactive Provisions

- **Since the Adoption of K3, There Have Been Additional Interpretations By the NYC DOB**
- **At This Time, NYC is Still Reviewing the K3 Items, and is Expected to Issue a "Clarification" Document in the Near Future**

Chapter K3 - Retroactive Provisions

**Following is a Brief Summary of Important K3
Items Which May Affect Your Buildings:**

- **2.2.3 Lighting – Shall be Provided in
All Machine Rooms & Machinery
Spaces**
- **2.3.3 Pit Stop Switches – Shall be
Provided in the Pit of Every Elevator**

Chapter K3 - Retroactive Provisions

- **2.6.7 Bottom Guides**
 - **The Bottom of Each Horizontally
Sliding Hoistway Door Panel Shall
be Equipped with Bottom Guiding
Members and Bottom Safety
Retainers**

**(Required for Occupancy Groups R1, R2
& E Only)**

Chapter K3 - Retroactive Provisions

- **2.7.2 Elevator Parking Device**
 - **Manually Operated Elevators Shall Have Elevator Parking Devices Installed at Every Landing That is Equipped With an Unlocking Device**

Chapter K3 - Retroactive Provisions

- **3.3.2 Platform Guards (Aprons)**
 - **Passenger and Freight Elevators Shall be Provided With Smooth Metal Guard Plates.....Braced to the Car Platform.....Extending Below the Floor Surface of the Platform....Minimum of 21 inches**

Chapter K3 - Retroactive Provisions

- **3.4.5 Car Illumination**
 - **Interiors of Cars Shall be Provided With an Electric Light or Lights. Not Less Than Two Lamps Shall be Provided**
- **3.4.6 Protection of Light Bulbs/Tubes**
 - **Shall be Externally Guarded or Coated**

Chapter K3 - Retroactive Provisions

- **3.9.2 Final Terminal Stopping Devices**
 - **Upper and Lower Final Terminal Electro-Mechanical Stopping Devices Shall be Provided and Arranged to Prevent Movement of the Car.....After the Car Has Passed a Terminal Landing**

Chapter K3 - Retroactive Provisions

- **3.10.4 Electrical Protective Devices**
 - **Electrical Protective Devices Shall be Provided in Accordance With the Following:**
 - **Note: 17 Devices Noted, Including Cab Stop Switch, Pit Stop Switch, Door Interlocks, etc. (Too Many To List!)**

Chapter K3 - Retroactive Provisions

- **3.11.1 Car Emergency Signaling Devices**
 - (1) **An Audible Signaling Device, Operable From the Emergency Stop Switch, and From a Switch Marked "Alarm" in or Adjacent to the Car Operating Panel**

Chapter K3 - Retroactive Provisions

- **3.11.1 Car Emergency Signaling Devices**
 - (2) **In Buildings in Which a Building Attendant (i.e. Building Employee, Watchperson, etc.) is Not Continuously Available to Take Action When the Required Emergency Signal is Operated, the Elevators Shall be Provided..... With an Intercom or Hands-Free AutoDial Phone”**

Chapter K3 - Retroactive Provisions

- **3.11.3 Firefighters' Service Operation in Existing Elevators**
 - **Firefighters' Service Operation Shall be Installed in All Existing Elevators Serving:**
 - **High Rise Buildings or Buildings in Occupancy Group M Except Existing R-2**
 - **All Building in Groups A, B, E, I or R-1 (Except Residential Hotels)**

NYC DOB – Filing Fees & Penalties

- **NYC Memo Dated September 13, 2010**

ELV-3: Filing Form for Cat-1 & Cat-5 Tests

Filing Fees:

- **ELV-3 Cat-1 Report: \$30 per elevator**
- **ELV-3 Cat-5 Reports: \$40 per elevator**
- **ELV-29 Affirmation of Correction: \$40 per**

NYC DOB – Filing Fees & Penalties

Civil Penalties

Late Filing:

- **ELV-3 Cat-1: \$150 per month**
- **ELV-3 Cat-5: \$250 per month**
- **ELV-29 Affirmation: \$150 per month**

NYC DOB – Filing Fees & Penalties

Civil Penalties

Failure to File:

- **ELV-3 Cat-1: \$3,000 per elevator**
- **ELV-3 Cat-5: \$5,000 per elevator**
- **ELV-29 Affirmation Cat-1: \$3,000 per unit**
- **ELV-29 Affirmation Cat-5: \$5,000 per unit**

NYC DOB – Filing Fees & Penalties

Filing Fees & Civil Penalties

SUMMARY:

- **Perform Inspections/Tests On Time!**
- **File ELV-3 Forms On Time!**
- **Defects Must be Corrected On Time!**
- **Contractor Must File ELV-29 Form On Time!**

Questions and Answers

THANK YOU!

New Requirements For Elevator Inspections

The implementation of the new NYC Construction Codes brings a number of changes to the Elevator and Filing Communities. Effective January 1, 2009, Elevators undergoing inspections will be subject to more stringent requirements and will require a new filing process, detailed below.

Inspection Requirements:

- Building owners will now be required to conduct an annual basic, no load, test and a full load inspection test every five years.
- Inspections/tests must be performed by an Approved Agency and witnessed by another Approved Agency not affiliated with the agency performing the test. A list of Approved Agencies can be found on our [website](#) by searching by licensee's name, number or company.
- All passenger elevators must have an updated maintenance log and maintenance contractor record readily available upon request.

These inspection requirements are applicable to all newly installed or existing devices: Passenger Elevators (Electric or Hydraulic) Freight Elevators; Sidewalk Elevators, Escalators/Moving Walks, Private Residential Elevators, Dumbwaiters, Material Lifts, Vertical Reciprocating Conveyors and Elevators used for construction. Note: Only Water Hydraulic Elevators require a 3 year test.

Filing Requirements:

Effective January 1, 2009, an inspection report will be required to be filed with the Department every year for each device. The inspection report must be signed by the:

- Building Owner;
- Approved Agency Director performing the test;
- Approved Agency Inspector who witnessed the test; and the
- Approved agency director of Inspector who witnessed the test.

This inspection report must be filed with the Department within 45 days of the date of the inspection. If a defect is found, the applicant has 45 days from the date the inspection report is filed to correct. Once corrected, the applicant must file an "Affirmation of Correction" affirming the defects have been corrected. This certification must be filed within 15 days following the inspection.

Failure to comply with these new provisions may result to penalties, stop work orders and/or violations.

"NYC CHAPTER K3 SUMMARY/CHECKLIST OF RETROACTIVE ITEMS"

2.1 - HOISTWAYS	
2.1.2 - Windows in Hoistways Compliance is IMMEDIATE	
2.1.3 - Projections in Hoistway Compliance is IMMEDIATE	
2.2 - MACHINE ROOMS AND MACHINERY SPACES	
2.2.1 - Enclosures Compliance is IMMEDIATE	
2.2.2 - Access to Machine Room and Machinery Spaces. Compliance is IMMEDIATE	
2.2.3 - Lighting Compliance is IMMEDIATE	
2.2.4 - Ventilation Compliance is IMMEDIATE	
2.3 - PITS	
2.3.1 - Access to Pits Compliance is IMMEDIATE	
2.3.2 - Drains Compliance is IMMEDIATE	
2.3.3 - Stop Switches Compliance is IMMEDIATE	
2.5 - PROTECTION OF SPACES BELOW HOISTWAYS	
Where space below hoistway is not secured against access: Cars and counterweights shall have spring or oil buffers. Car and counterweight supports shall be of strength to withstand the impact of the car plus rated load or cwt with empty car at governor tripping speed where safety is governor operated and 125% of rated speed where safety is not governor operated.	
2.6 - HOISTWAY ENTRANCES	
2.6.1 - Doors or Gates Required Compliance is IMMEDIATE	
2.6.2 - Closing of Hoistway Doors Compliance is IMMEDIATE	
2.6.3 - Hoistway Door Vision Panels Compliance is IMMEDIATE	
2.6.5 - Nonshearing Astragals Compliance is IMMEDIATE	
2.6.6 - Pull Straps Compliance is IMMEDIATE	
2.6.7 - Bottom Guides Compliance is 1 YEAR (12/14/2010)	
2.7 - HOISTWAY DOOR LOCKING DEVICES, PARKING DEVICES, AND ACCESS.	
2.7.1 - Hoistway Door or Gate Locking Devices Compliance is IMMEDIATE	
2.7.2 - Elevator Parking Device Compliance is IMMEDIATE	
2.7.5 - Hoistway Emergency Door Contacts Compliance is IMMEDIATE	
2.7.6 - Locks on Elevators and Hoistway Doors. Compliance is IMMEDIATE	
2.8 - POWER OPERATION OF DOORS AND GATES	
2.8.1 - Kinetic Energy and Force Limitation for Power Operated Horizontally Sliding Doors. Compliance is IMMEDIATE	

2.8.2 - Reopening Device for Power Operated Car Doors or Gates. Compliance is IMMEDIATE	
3.2 - COUNTERWEIGHTS	
See Section 3.2 for Details. Compliance is IMMEDIATE	
3.3.2 - Platform Guards (Aprons) Compliance is IMMEDIATE	
3.3.3 - Hinged Platform Sills Compliance is IMMEDIATE	
3.3.4 - Floating (Movable) Platforms Compliance is IMMEDIATE	
3.4.2 - Car Doors and Gates Compliance is 3 YEARS (12/14/2012)	
3.4.3 - Location of Car Doors and Gates Compliance is IMMEDIATE (Distance between panels - space & sight guard requirements)	
3.4.5 - Car Illumination Compliance is 1 YEAR (12/14/2010)	
3.4.6 - Protection of Light Bulbs and Tubes - In Car Compliance is IMMEDIATE	
3.5.6 - Rail Lubricants Compliance is IMMEDIATE	
3.5.7 - Overall Length of Guide Rails Compliance is IMMEDIATE	
3.7 - CAPACITY AND LOADING	
3.7.1 - Minimum Rated Load for Passenger Elevators. Compliance is IMMEDIATE	
3.7.2 - Use of Partitions for Reducing Net Platform Area Compliance is IMMEDIATE	
3.7.3 - Minimum Rated Load for Freight Elevators Compliance is IMMEDIATE	
3.7.4 - Capacity Plates Compliance is IMMEDIATE	
3.7.5 - Signs on Freight Elevators Compliance is IMMEDIATE	
3.8.2 - Winding Drum Machines Compliance is IMMEDIATE	
3.8.3 - Indirect-Drive Machines Compliance is IMMEDIATE	
3.8.4 - Brakes Compliance is IMMEDIATE	
3.9.2 - Final Terminal Stopping Devices Compliance is 1 YEAR (Confusing Rule)	
3.10.2 - Car-Switch Operation Elevators Compliance is IMMEDIATE	
3.10.4 - Electrical Protective Devices Compliance is 1 YEAR	
** Slack Rope Switch	
** Compensating Rope Sheave Switch	
** Broken Rope or Chain Switch used with Machine Room Normal Terminal Stopping Switch.	

** Plank Switch (Safety Mechanism Switch)	
** Emergency Terminal Speed Limiting Device where used with Oil Buffers.	
** Motor Generator Overspeed (DC/DC Sets)	
** Motor Field Sensing Means.	
** Buffer Switches for Oil Buffers with Type "C" Safeties.	
** Hoistway door interlocks and/or Electric Contacts.	
** Car Door or Gate Electric Contracts	
** Normal Terminal Stopping Devices	
** Car Side Emergency Exit Contacts	
** Electric Contacts for Hinged Car Platform.	
** Emergency Stop Switch (Sound Alarm and be Clearly Marked.	
** Pit Stop Switch (RED handles or buttons, marked STOP/RUN)	
** Buffer Switch for Gas Spring Return Oil Buffers	
3.10.6 - Phase Reversal and Failure Protection Compliance is IMMEDIATE	
3.10.7 - Devices for Making Hoistway Door Interlocks or Electric Contacts, or Car Door Gate Electric Contacts Inoperative. Compliance is IMMEDIATE	
3.10.8 - Release and Application of Driving Machine Brakes Compliance is IMMEDIATE	
3.10.9 - Control and Operating Circuit Requirements. Compliance is IMMEDIATE	
3.10.10 - Absorption of Regenerated Power Compliance is IMMEDIATE	
3.10.11 - Signal System on Car Switch Elevators Compliance is IMMEDIATE	
3.11 - EMERGENCY OPERATION AND SIGNALING DEVICES	
3.11.1 - Car Emergency Signaling Devices Compliance is 1 YEAR	
3.11.2 - Operations of Elevators Under Standby (Emergency) Power Compliance is IMMEDIATE	
3.11.3 - Firefighters' Service Operation in Existing Elevators. Compliance is IMMEDIATE	
3.12.2 - Rope Data Tag Compliance is IMMEDIATE	
3.12.3 - Factor of Safety Compliance is IMMEDIATE	
3.12.4 - Minimum Number and Diameter of Ropes Compliance is IMMEDIATE	
3.12.5 - Suspension Rope Equalizers Compliance is IMMEDIATE	

3.12.6 - Securing of Suspension Ropes to Winding Drums. Compliance is IMMEDIATE	
3.12.7 - Spare Rope Turns on Winding Drums Compliance is IMMEDIATE	
3.12.8 - Suspension Rope Fastenings Compliance is IMMEDIATE	
3.12.9 - Auxiliary Rope Fastening Devices Compliance is IMMEDIATE	

HYDRAULIC ELEVATORS	
4.1 - HOISTWAY, HOISTWAY ENCLOSURES, AND RELATED CONSTRUCTION.	
Shall conform to the requirements of Part II.	
4.3.3 - Hydraulic Elevators Compliance is 5 YEARS	
4.5 - TANKS	
4.5.1 - General Requirements Compliance is IMMEDIATE	
4.7.4 - Electrical Protective Devices Compliance is IMMEDIATE (NEW SECT)	
4.7.6 - Devices for Making Hoistway Door Interlocks or Electric Contacts, or Car Door or Gate Electric Contacts Inoperative. Compliance is IMMEDIATE	
4.7.7 - Control and Operating Circuit Requirements Compliance is IMMEDIATE	
4.7.8 - Emergency Operation and Signal Devices Compliance is IMMEDIATE	

September 13, 2010



UPCOMING CHANGE

New Elevator Filings Fees and Civil Penalties

On September 13, the filing fees and civil penalties outlined below will be implemented:

Filing Fees

- **Category 3 and 5 Reports (ELV3 & ELV3A forms)** \$40 per elevator
- **Affirmation of Correction (ELV29 form)** \$40 per elevator
- **Waiver of Penalties (EWP form)** \$35 per elevator

These fees must be paid at:

Central Filing & Billing Unit
280 Broadway, 6th floor
NY, NY 10007

Civil Penalties

Buildings with 1-2 Residential Units		
	Late Filing (per elevator)	Failure to File* (per elevator)
Inspection & Test Reports (ELV3 & ELV3A)	\$50 per month	\$1,000
Affirmation of Correction (ELV29)	\$50 per month	\$1,000

All Other Buildings		
	Late Filing (per elevator)	Failure to File* (per elevator)
Inspection & Test Reports (ELV3 & ELV3A)	Category 1: \$150 per month Category 3 or 5: \$250 per month	Category 1: \$3,000 Category 3 or 5: \$5,000
Affirmation of Correction (ELV29)	Category 1: \$150 per month	Category 1: \$3,000 Category 3 or 5: \$5,000

*If the inspection/test report or affirmation of correction is not filed within 12 months of the deadline, the failure to file penalty will be imposed instead of the late penalties.

These penalties must be paid at:

Elevator Division
280 Broadway, 4th Floor
NY, NY 10007

For more information, view Rules 1 RCNY 101-03 and 103-02.

Michael R. Bloomberg, Mayor
Robert LiMandri, Commissioner

elevatordivision@buildings.nyc.gov
nyc.gov/buildings