

REPORT TO THE CITY COUNCIL:

This report was prepared by the Department of Housing Preservation and Development (HPD) in accordance with Administrative Code section 27-2129.1. The report describes the implementation of Local Law 101 of 2015 for the time-period between July 1, 2021, and June 30, 2022.

LOCAL LAW 101 OF 2015

Recognizing that elevators are an essential building service for so many New Yorkers, the City Council and Mayor enacted legislation to address concerns about elevators that remain out of service in residential buildings for extended periods of time. Effective July 1, 2016, referrals for additional enforcement action against owners who fail to repair hazardous and inoperable elevators are made by the Department of Buildings (DOB) to the Department of Housing Preservation and Development (HPD). When a building owner fails to restore elevator service as ordered by DOB, and after a compliance period expires, the elevator condition is referred to HPD. Upon referral, HPD assesses what action may be necessary, based upon the reason why the elevator is inoperable and other relevant factors, such as whether there are other operable elevators in the building. HPD's Elevator Division may contract for the repair of an inoperable elevator if a property owner is unwilling or unable to do so in a timely manner. HPD may also seek an order in Housing Court to compel the owner to restore the service, and any appropriate additional penalties or orders as necessary. If a contractor retained by HPD performs work to repair an elevator, the expenses for the repair work are billed to the property pursuant to Administrative Code §27-2129. If an owner fails to pay the costs, the charges become a tax lien against the building.

Local Law 101 provides that beginning December 2016 and every December thereafter, a report containing information compiled by both HPD and DOB will be provided to the Mayor and the Speaker of the Council as well as posted online. This report will detail information pertaining to elevator referrals received by HPD from DOB.

PROCESS FOR ENFORCING LOCAL LAW 101

When DOB completes a re-inspection of an elevator that results in the issuance of a reoccurring immediately hazardous Environmental Control Board (ECB) violation for failure to correct the initial violating condition, DOB notifies HPD. HPD attempts owner contact, including mailing written notices to owners and/or managing agents of record and attempting to contact those individuals by telephone.

In the case of successful owner contact, details about HPD's responsibilities under Local Law 101 are described. Details about the owner's elevator device repair plan are solicited and logged, including information about the elevator company contracted to perform work, planned scope, and schedule of work. These details are conveyed to HPD Elevator Inspectors, who periodically visit residential buildings to confirm that repair work is progressing. Additionally, as necessary, details about repair plans are shared with the DOB by HPD to ensure that owners are complying with stated repair plans by applying for permits, scheduling of re-inspections, etc.

For owners who are unable or unwilling to make the repairs required to provide safe and reliable elevator service, HPD may complete emergency elevator work.

Coordination between HPD and DOB is ongoing and details about permits, re-inspections, violation status and removal are shared routinely.

PROGRAM OUTCOMES

HPD received **114** elevator referrals from the Department of Buildings in FY '22. **83** elevators have been restored to service. **22** of the referrals were determined to be outside of the jurisdiction of HPD in accordance with the Local Law because they were found to be in commercial buildings, schools, religious institutions or the referrals were administratively closed. HPD is carefully monitoring the remaining, active elevator referrals. Either necessary permits have been issued, work has started under permit, or litigation has been commenced by DOB or the building occupants in these buildings.

HPD has acted on all referrals within its jurisdiction to contact the building owners. Owners have been responsive and cooperative. Details about elevator repair work have been made readily available and, for the most part, owners have diligently provided HPD with progress updates. HPD has not authorized the execution of emergency elevator repair work or initiated any Housing Court actions to enforce repair.

December 2022 Annual Report - Elevator Referrals

§ 27-2129.1 Report on certain elevators referred to the department. In December 2016 and in each December thereafter, the department shall submit to the mayor and the speaker of the council, and make publicly available online, a report on the multiple dwellings that were referred to the department during such fiscal year pursuant to section 28-219.4 of the administrative code, containing, at a minimum:

Activity period*	FY22
(iii) the number of multiple dwellings with immediately hazardous elevator-related violations issued by the department of buildings that were referred to the department pursuant to section 28-219.4;	114
(iv) the number of such referrals that included information indicating that a dwelling unit serviced by such elevator was not served by another operable elevator;	80
(v)(a) the number of multiple dwellings with immediately hazardous elevator related violations that were corrected by the owner of the multiple dwelling subsequent to such referral;	83
(v)(b) Average number of days between such referral and such correction;	48
(vi) the number of multiple dwellings with immediately hazardous elevator-related violations that the department determined were dangerous to human life and safety or detrimental to health;**	Not applicable
(vii) the number of multiple dwellings with immediately hazardous elevator-related violations that the department ordered corrected;*** and	Not applicable
(viii)(a) the number of multiple dwellings with immediately hazardous elevator-related violations that were corrected by the department;	0
(viii)(b) The cost of immediately hazardous elevator-related violations that were corrected by the department.	\$0

*Indicators i and ii were removed from the FY22 report and will be added back in FY23. These indicators are as follows: (i) the number of multiple dwellings for which the department of buildings issued immediately hazardous elevator-related violations and (ii) the number of multiple dwellings for which the department of buildings issued immediately hazardous elevator-related violations that were corrected before referral to the department was required pursuant to section 28-219.4 of this code.

**HPD takes action to address every referral received from the Department of Buildings.

***HPD does not issue orders for correction.