

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Adoption

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the City of New York Department of Housing Preservation and Development (HPD) by Chapter 61 of the New York City Charter and by Local Law 101 of 2015, HPD hereby adopts rules relating to referrals to HPD by the Department of Buildings of immediately hazardous elevator violations that an owner fails to correct. A public hearing was held on April 15, 2016.

Statement of Basis and Purpose of Rule

Local Law 101 of 2015 (LL 101) requires the Department of Buildings (DOB) to refer to the Department of Housing Preservation and Development (HPD) immediately hazardous elevator violations in multiple dwellings that are found after inspection to be uncorrected by the owner. When DOB inspectors find an immediately hazardous condition in an elevator that requires the elevator to be taken out of service until the condition is corrected, they will refer the condition to HPD. Upon such referral, HPD will make an assessment of what action may be necessary based on the inoperable condition of the elevator and other relevant factors. The rules provide criteria to assist HPD in making its determination regarding such action.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material in the following rule is underlined, deleted material is in [brackets].

Section one. Title 28 of the rules of the city of New York is amended by adding a new chapter 48 to read as follows:

CHAPTER 48

ELEVATOR VIOLATION REFERRALS

§ 48-01. Upon referral to the Department by the Department of Buildings of an immediately hazardous elevator violation in a multiple dwelling which has not been corrected by the owner at the time of such referral, the Department will attempt to evaluate such violation based upon information provided to it by the Department of Buildings and from any other source, to determine what action may be taken by the Department. Such determination may be based upon the following criteria:

(1) Whether the dwelling units in the multiple dwelling are serviced by any other operable elevator, as determined by the Department of Buildings;

(2) The status of any criminal court enforcement action taken by the Department of Buildings or enforcement actions taken by the Department regarding elevators against the owner of the multiple dwelling that is the subject of the referred immediately hazardous elevator violation;

(3) Any active work at the multiple dwelling, with respect to the immediately hazardous elevator violation as observed by the Department of Buildings during reinspections;

(4) Data reflecting elevator applications, to the extent that an application is required to be filed, and elevator building notices for the multiple dwelling, including date and application number;

(5) Whether the owner of the multiple dwelling has a contract for repair of elevators as required pursuant to Administrative Code §28-304.7;

(6) Data related to all reinspections with respect to the immediately hazardous elevator violation pursuant to Administrative Code §28-219.2.2, including inspection date, inspection result, violation numbers (where applicable), and inspector comments; and

(7) Any other information that the Department obtains regarding the immediately hazardous violation and the status of the repair of such violation.

§48-02. The Department may take such actions as it determines are necessary to address the referred immediately hazardous elevator violation, including, but not limited to, ordering the owner to correct such referred violation, performing the work to correct such referred violation, and taking enforcement action against the owner of the multiple dwelling that is the subject of such referred violation.