

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 the law's effective date of July 1, 2016, and November 30, 2016.

LOCAL LAW 101 OF 2015

Recognizing that elevators are an essential building service for so many New Yorkers, the City Council and Mayor de Blasio enacted legislation to address concerns about elevators which 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 such 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 HPD's contractor performs work to repair the elevator, the expenses for the repair work are billed to the property pursuant to Administrative Code §27-2129. If the 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 ECB violation for failure to correct the initial violating condition, DOB notifies HPD. Referrals are assigned to HPD Intake Specialists, who log relevant violation details for tracking and reporting. Intake Specialists attempt owner contact, including mailing written notices to owners and/or managing agents of record and attempting to contact those individuals by telephone.

Following 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 planned scope and schedule of work. These details are conveyed to HPD Elevator Inspectors who periodically visit the residential buildings and monitor 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 including 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. To this end, HPD has an emergency elevator repair contract in place. At HPD's authorization, the contractor will prepare a proposal, including scope and cost estimate, to address repair needs. When work is authorized, HPD Elevator Inspectors will closely monitor progress and ensure adherence to the contracted work.

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

In support of the agency's efforts associated with Local Law 101 of 2015, HPD has hired four elevator inspectors, four intake specialists, an administrative director and a technical director. All of the new staff received training for the systems used to manage the processing and tracking of referrals. Thus far, HPD has been able to make contact with owners for all referrals.

PROGRAM OUTCOMES

HPD has received 33 referrals from the Department of Buildings, 19 of which were for buildings with only a single elevator. HPD has taken action on all referrals to contact the building owners.

To date, for the elevator devices referred by DOB to HPD, 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. Twenty-four referrals have been closed and the elevators restored to service by the property owners. Repair work or planning for repairs was in progress for all other referrals as of November 30, 2016. Accordingly, HPD has not had the need to authorize the execution of emergency elevator repair work through its contractor.

Prior to the implementation of this process, the Department of Buildings made available via its website a list of Top Elevator Offenders. As of September 27, 2016, DOB identified the following buildings as Top Elevator Offenders. The HPD Elevator Unit has been involved with the resolutions of four of the five buildings and the status of each is detailed below.

1. 2205 Davidson Avenue, Bronx- The elevator has been repaired and returned to service.
2. 129 Ridge Street, Manhattan- Elevator repair work is underway. HPD continues to monitor progress.
3. 1839 University Avenue, Bronx- The building owner has provided HPD with a copy of a signed proposal and check for the required elevator repair work. The contractor has applied for an elevator work permit with DOB. HPD continues to monitor progress.
4. 657 Crotona Park North, Bronx- HPD was informed that the owner entered into contract for the necessary elevator repair work. HPD continues to monitor progress.
5. 540 Jackson Avenue, Bronx- The device has not been referred to HPD. The Department of Buildings is pursuing enforcement action at this time and will refer to HPD pending resolution, if necessary.

§ 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:

Based on Activity occurring between July 1 2016 - November 30 2016		Notes regarding not applicable categories
(i) the number of multiple dwellings for which the department of buildings issued immediately hazardous elevator-related violations;	247	<i>Number of unique BINs that are a multiple dwelling where a Cease Use or Restore to Service violation was issued during the reporting period.</i>
(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;	200	<i>Number of unique BINs that are a multiple dwelling where a Cease Use or Restore to Service condition was found corrected during a field inspection by a DOB Inspector and the BIN was not referred to HPD.</i>
(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;	33	
(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;	19	
(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	24	
(v)(b) Average number of days between such referral and such correction;	17	
(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	<i>HPD is taking action to address every referral received from the Department of Buildings.</i>
(vii) the number of multiple dwellings with immediately hazardous elevator-related violations that the department ordered corrected; and	Not applicable	<i>HPD does not issue orders for correction.</i>
(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.	\$0.00	