



**Elevator Rule 103-02
Operational Changes & Updates
February 3, 2011**

**NYC Department of Buildings
Elevator Division
Central Inspections**

Topics for Discussion



- **Category 1 (Rule 103-02) Inspection Cycle**
- **Elevator Filing Fees**
- **Elevator Civil Penalties – Late Filing Fines & Failure to File Fines)**
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- **Elevator Waiver of Civil Penalties**
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Topics for Discussion



- **Private Residential Elevators Inspections & Violations Information**
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- **Not Combining Category 1 & Category 5 Results on ELV3**
- **Category 1 Inspection/Test – No Devices or Incorrect Device Numbers**

Category 1 - Rule 103-02 Inspection Cycle



- Category 1 Inspection/Test must be performed and filed with the Elevator Division between January 1st and December 31st of each calendar year.
- Category 1 Inspection/Test cycle is not based on the devices anniversary date.
- There must be a minimum interval of 4 months between any Category 1 Inspection/Test.

Elevator Filing Fees



- Category 1 \$30 per device
- Category 3 & 5 \$40 per device
- Elevator Affirmation of Correction (Category 1 & PVT Violations) \$40 per device
- Waiver of Penalties \$35 per device

These fees must be paid at:

Central Filing & Billing Unit
280 Broadway, 6th Floor
New York, NY 10007

Elevator Civil Penalties – (Late Filing Fines & Failure to File Fines)



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
New York, NY 10007**

Retrieving Copies of Reports



- A Service Notice was distributed and posted outlining the following: Effective, Monday, December 6, 2010 all Category 1, 3, 5 Inspection/Test Reports & Elevator Affirmation of Corrections must be retrieved from the elevator company folder within **15 business days** from the date the reports are submitted to the 6th floor, Central Filing and Billing Unit.
- All reports not collected by this specified timeframe will be discarded.
- If there are delays in submissions coming down from Central Filing and Billing Unit, we will retain copies for 30 days.
- Elevator Filing Representatives must periodically check elevator company folders for retrieval of copies.

Elevator Inspection Report Guidelines

Re-Filing Fees



- Elevator Inspection Reports for Category 1, 3 & 5 and Elevator Affirmation of Corrections will not be processed and rejected if you fail to include or incorrectly supply the following information:
 - Device Number
 - Inspection Date
 - Inspection Disposition
 - Signatures
 - The Re-filing fee is per inspection type.
 - Re-filing fee must be paid to the 4th Floor Cashier Window.
(Certified Check or Money Order not required)
 - Please bring the original report back to the Elevator Customer Service Window along with receipt to have report updated in BIS.
 - 45 calendar days and 45 business days time period will not be reset.
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Elevator Inspection Report Guidelines

Re-Filing Fees Not Required



- Elevator Inspection Reports for Category 1, 3 & 5 and Elevator Affirmation of Corrections not processed or rejected **for any other reason, does not require a re-filing fee** and can be resubmitted to the 4th Floor, Elevator Customer Service Window.
- Please make sure that you attach the rejection letter along with the inspection/test report.

Re-Filing Fee & Late Civil Penalty Combined Filing



- Customers who need to pay a Re-filing fee and a Late Civil Penalty must complete this transaction at the 4th Floor Cashier's Window.
- Only **CASH**, **CERTIFIED CHECKS** OR **MONEY ORDERS** are acceptable payment options for Late Civil Penalties. (This is also applicable for full penalties).
- Re-Filing fees do not require certified checks.
- If you are paying for multiple devices (late or full civil penalties) a separate check must be prepared for each device.

Elevator Affirmation of Correction

– Category 1



- The “Date of Inspection” field on the Elevator Affirmation of Correction (ELV29) must validate the inspection date on the attached Elevator Inspection/Test report (ELV3).
- The Elevator Affirmation of Correction penalties for filing year 2009 were waived. Category 1 violations were only issued to property owners who did not perform an inspection from 1/1/09 to 4/30/10.
- Building owners or elevator companies that have provided corrections for 2009 are being accepted, processed and posted in BIS. (Note: The remarks field is being used to record this fact and we are working with IT to have field displayed in BIS Web).
- An Elevator Affirmation of Correction (ELV29) for a Category 1 cannot be processed unless you first submit your Elevator Inspection/Test report (ELV3).

Elevator Affirmation of Correction – PVT Violation



- A copy of the PVT Violation must be attached with the submission of an Elevator Affirmation of Correction (ELV29).
- If a copy of a PVT Violation issued between 1/1/04 to 12/31/09 is unavailable, it can only be dismissed with a Satisfactory Category 1 Inspection/Test performed in or after calendar year 2009.
- If a copy of a PVT Violation issued between 1/1/10 to Present Day is unavailable, you must contact the Elevator Division's, Administrative PVT Contract Coordinator.
- An Elevator Affirmation of Correction (ELV29) must not be submitted for a PVT Violation issued to a Private Residence (1 or 2 family dwelling). If a PVT Violation is issued to a Private Residence, you must contact the Elevator Division's, Administrative PVT Contract Coordinator.

PVT Violations Issued Between 1/1/00 to 1/1/04



- All copies of PVT Violations issued between 1/1/00 to 1/1/04 will no longer be available. These violations are dismissed from property records with a completion or a listed **Satisfactory Category 1 Inspection/Test** completed in or after 2009; and/or a **Category 5 inspection/test** after the issuance of the PVT violation.
 - To submit your request, please complete the following form: “Dismissal Transmittal Sheet”. The form is available at the elevator customer service window.
 - You must attach a BISWeb printed copy of the PVT Violation and Category 1 Satisfactory Inspection/Test or Category 5 Inspection/Test. In addition, please make sure that you highlight all of the violations you need dismissed.
 - There are no fees for processing these requests at this time.
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- The Elevator Division created the Elevator Waiver of Civil Penalties form for owners / applicants to complete and submit when challenging the assessment of:
 - late civil penalty (monthly fee)
 - full penalty (annual violation)
 - proof of compliance
 - Elevator Waiver of Civil Penalties Form and Fees must be submitted to the 6th floor Central Filing and Billing Unit.
 - If waiver request is approved, a refund request form will be mailed to the owner or applicant.
 - If waiver request is disapproved, the 45 calendar days to file Elevator Inspection/Test Report (ELV3) and 45 business days to submit Elevator Affirmation of Correction (ELV29), time period will not be reset.
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Elevator Waiver of Civil Penalties – Received by Mail (2009 Violations)



- The Elevator Division is returning all written correspondence for the dismissal of the 2009 Category 1 Violation made by mail back to building owners.
- Building Owners must complete the Elevator Waiver of Civil Penalties Form and pay filing fee in order for their request to be reviewed and processed by the Elevator Division.
- The Elevator Waiver of Civil Penalties form **must not** be used for Category 1 Violations (Formerly Local Law 10/81) issued in or before 2008.
- Please contact the Elevator Division's Mandated Inspection Team Supervisor on request for Elevator Waivers issued in or before 2008.

Category 5 – Late Civil Penalties & Full Penalty Violations



- Category 5 Violations will be generated and issued every year to all devices due the prior year and did not complete inspection/test.
- Category 5 Inspections/Tests that were due between October and December of calendar year 2010, and were not completed will be issued a full penalty violation.

Private Residential Elevators Inspections & Violation Information



Inspections

- All Private Residential Elevators are required to perform Annual Category 1 Inspection/Test and Category 5 Inspection/Test without the need to hire an approved witnessing agency and file Inspection/Test results to the Elevator Division on the Elevator Inspection/Test Report (ELV3).

Violation Information

- Private Residential Elevators that did not comply with the 2009 Category 1 Inspection/Test requirements were issued a full penalty violation. The violations are identified with the “JVIOS” nomenclature along with a description of the violation on the Department of Buildings BISWeb records. (Example: 111210JVIOS00292)
- All Private Residential Elevators maintain a “J – No Jurisdiction” device status within BIS records.

Wheelchair Lifts Inspection Requirements



All Wheelchair Lifts in residential and/or commercial properties are required to perform Annual Category 1 Inspection/Test and whenever applicable Category 5 Inspection/Test.

Residential Properties

- Wheelchair Lifts in residential properties **are not required** to submit to the Elevator Division the inspection/test results on the Elevator Inspection/Test Report (ELV3). However, building owners must keep and be able to produce upon request device **maintenance log**.

Commercial Properties

- Wheelchair Lifts in commercial properties **are required** to submit to the Elevator Division the Inspection/Test results on the Elevator Inspection/Test Report Form(ELV3).
- All Wheelchair lifts in commercial properties requires the building owner to hire an **approved witnessing agency**.

Wheelchair Lifts - Category 1 Violations 2009 & 2010



- All Wheelchair Lifts that did not comply with Category 1 Inspection/Test requirements for **2009** were issued a full penalty violation.
- Building Owners who are challenging the issuance of the **2009** Category 1 violation must file an Elevator Waiver of Civil Penalties form and processing fee to the Central Filing and Billing Unit.
- All Wheelchair Lifts located in residential properties that did not comply with Category 1 Inspection/Test requirements for **2010** will not be issued a full penalty violation.

Wheelchair Lifts - Device Status



- All Wheelchair Lifts located in residential properties will be listed in BIS with a “J – No Jurisdiction” device status.
- All Wheelchair Lifts located in commercial properties will be listed in BIS with an “A – Active” device status.

Wheelchair Lifts - Outreach



- The Elevator Division will be mailing notification letters to all homeowners who have a wheelchair lift on their properties.
- The notification letter will explain inspection and filing requirements.

- Elevators under modernization or repairs must complete an Elevator Inspection/Test Report (ELV3) with the following information:
 - Report must be filed with an unsatisfactory disposition.
 - Report must list EA or EBN number (if applicable).
 - Report must state that the elevator is being placed out of service.
 - Report must provide a projected time of completion on all items.
- The ELV3 report will be processed in BIS and then given to the Elevator Area Chief to review.
 - If approved, you will **not** have to comply with 45 business days to correct defects plus 15 business days to certify correction on Elevator Affirmation of Correction (ELV29).
 - If disapproved, you will **need to comply** with the 45 business days to correct defects plus 15 business days to certify correction on the Elevator Affirmation of Correction (ELV29).

Request to Expedite Data Entry – Category 1 or Affirmation of Correction



- Building owners who are attempting to acquire a final certificate of occupancy or have applied for J-51 status and need to expedite data entry of a Category 1, 3, 5 inspection/test report or and Elevator Affirmation of Correction can submit these request to the elevator customer service window.
- This request must be made in writing by the **building owner** with the following information:
 - Clearly state the pursuance of Certificate of Occupancy or J-51.
 - Must provide the 9 digit application number (C of o) and/or evidence of J-51 application.
 - Attach a copy of a “Clocked-In” EBI-1 Form and applicable report submitted to the Central Filing & Billing Unit.
- EBI-1 Form – Expedited Requests

Please make sure that you highlight the row for the expedited requests on the EBI-1 form and write the words “C of O” or “J-51” at the far right.

Tax Exempt Properties



- Elevator Inspection/Test Reports (ELV3) that do not require a filing fee must be submitted directly to the elevator customer service window at the 4th floor.
- Please make sure that attached to each inspection report is the appropriate tax exemption verification form.
- These forms are not given priority and processed immediately. All paperwork is processed in date order.

Not Combining Category 1 & Category 5 Results on ELV3 Inspection/Test Report



- Category 1 and Category 5 inspection/test information must be separated and **not merged** on the same inspection line.
- ELV3 Inspection/Test Reports may not be processed and be rejected. Building Owners will be required to follow the “Elevator Inspection Report Guidelines”

Category 1 Inspection/Test

No Devices or Incorrect Device Numbers



- Please do not submit an Elevator Inspection/Test Report (ELV3) for a device that is not listed at the correct location or for a device that does not have a city id number.
- Please report devices that do not have the correct nomenclature.
- These types of situation should be brought to the attention of the Elevator Division's Service Manager to review.
Email: jumaldonado@buildings.nyc.gov

