

Proposed Int. No. 462-A

By Council Members Vacca, Barron, Chin, Gentile, Gibson, King, Koo, Mendez, Koslowitz, Rose, Vallone, Cohen, Rodriguez, Rosenthal, Van Bramer, Kallos, Mealy, Palma, Arroyo, Johnson, Richards, Cornegy, Lancman, Dromm, Greenfield, Espinal, Treyger, Cumbo, Wills, Constantinides, Deutsch, Cabrera, Weprin, Levin, Garodnick, Menchaca, Reynoso, Ulrich and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to the referral of certain elevator-related violations to the department of housing preservation and development for consideration under the emergency repair program

Be it enacted by the Council as follows:

1 Section 1. Article 219 of chapter 2 of title 28 of the administrative code of the city of

2 New York is amended by adding a new section 28-219.4 to read as follows:

3 **§ 28-219.4 Notice to the department of housing preservation and development for certain**  
4 **elevator-related violations.** If, upon reinspection of an immediately hazardous violation relating  
5 to an elevator that services one or more dwelling units in a multiple dwelling, the department  
6 determines that such owner has failed to correct the condition constituting such violation then the  
7 commissioner shall refer such violation, within one week of such reinspection, to the  
8 commissioner of housing preservation and development for a determination as to whether such  
9 violation is dangerous to human life and safety or detrimental to health pursuant to section 27-  
10 2125 of the housing maintenance code. If the department knows or has reason to believe that any  
11 such unit is not served by another operable elevator, the department shall include such  
12 information and any other relevant information in such referral. The department may continue  
13 enforcement action against the owner of the multiple dwelling after referral of such violation to  
14 the commissioner of housing preservation and development. Where the owner begins to take  
15 corrective action, the department shall notify the commissioner of housing preservation and  
16 development of such efforts. The department shall notify an owner of the referral of any such  
17 violation to the commissioner of housing preservation and development for action under this  
18 section.

19  
20 **Exceptions:**

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- 22 1. Elevators located in owner-occupied multiple dwellings that service only the owner-  
23 occupied dwelling unit, provided that such unit is not occupied by boarders, roomers,  
24 or lodgers.
  - 25
  - 26 2. Elevators located within convents and rectories that are not open to non-occupants on  
27 a regular basis.

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29 § 2. Article 5 of subchapter 5 of chapter 2 of title 27 of the administrative code of the

1 city of New York is amended by adding a new section 27-2129.1 to read as follows:

2 § 27-2129.1 Report on certain elevators referred to the department. In December 2016  
3 and in each December thereafter, the department shall submit to the mayor and the speaker of the  
4 council, and make publicly available online, a report on the multiple dwellings that were referred  
5 to the department during such fiscal year pursuant to section 28-219.4 of the administrative code,  
6 containing, at a minimum:

7 (i) the number of multiple dwellings for which the department of buildings issued  
8 immediately hazardous elevator-related violations;

9 (ii) the number of multiple dwellings for which the department of buildings issued  
10 immediately hazardous elevator-related violations that were corrected before referral to the  
11 department was required pursuant to section 28-219.4 of this code;

12 (iii) the number of multiple dwellings with immediately hazardous elevator-related  
13 violations issued by the department of buildings that were referred to the department pursuant to  
14 section 28-219.4;

15 (iv) the number of such referrals that included information indicating that a dwelling  
16 unit serviced by such elevator was not served by another operable elevator;

17 (v) the number of multiple dwellings with immediately hazardous elevator-related  
18 violations that were corrected by the owner of the multiple dwelling subsequent to such referral  
19 and the average number of days between such referral and such correction;

20 (vi) the number of multiple dwellings with immediately hazardous elevator-related  
21 violations that the department determined were dangerous to human life and safety or  
22 detrimental to health;

23 (vii) the number of multiple dwellings with immediately hazardous elevator-related

1 violations that the department ordered corrected; and  
2 (viii) the number of multiple dwellings with immediately hazardous elevator-related  
3 violations that were corrected by the department and the cost of such corrections.

4 § 3. This local law takes effect on July 1, 2016, except that the commissioner of buildings  
5 and the commissioner of housing preservation and development may take such measures,  
6 including the promulgation of rules, as are necessary for its implementation prior to such  
7 effective date.

JW  
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