

***Purpose of Form:***

The Department has created the Elevator Waiver of Penalties form (EWP) for applicants to use when submitting a request to waive the penalties assessed for violation of Article 304 of Title 28 of the Administrative Code, predecessor provisions of the 1968 New York City Building Code and/or related rules enforced by the Department.

A Waiver of Penalties fee per elevator, an EWP form and supporting documentation must be submitted to the Department within thirty (30) calendar days from the date of service of the violation by the Department.

**1 Property Information**

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- Enter the address, borough, block and lot where the device is located.

**2 Applicant/Owner Contact Information**

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- Enter the name, address, city, state, zip code, phone number and email for the person who received the violation.

**3 Waiver Information**

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- For each device for which a waiver of penalties is requested, the civil penalty information and a reason for the waiver must be completed for the waiver request to be considered.

**3A Civil Penalty Information**

- Device #
- Check one Penalty Type: Late Filing or Failure to File
- Enter year that the penalty applies to
- Check one Report Type: Inspection/Test Report (ELV3) or Affirmation of Correction (ELV29)

**3B Waiver Request Reason**

- Check the appropriate waiver request reason that applies to the device. For criteria under which a waiver will be granted, see [Section 103-02 \(k\) of Title 1 of the Rules of the City of New York](#).

**4 Submission**

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- The following items are required for the department to review the written request:
  - ◇ A copy of the Elevator Inspection/Test Report (ELV3) and/or Affirmation of Correction (ELV-29)
  - ◇ A copy of the front and back of the cancelled check(s)
  - ◇ A Waiver of Penalties fee of \$35 per elevator must be paid
  - ◇ A completed EWP form
- The total payment received (checks) must reflect the total number of devices for which a waiver is requested. Ensure that checks are made payable to the Department of Buildings.
- **The EWP form with the appropriate payment and documentation must be mailed to:**

**Department of Buildings  
Central Filing and Billing Unit  
280 Broadway, 6th floor  
New York, NY 10007**

All EWP forms and supporting documentation are subject to verification.

**5 Waiver Determination**

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- Upon payment of the Waiver of Civil Penalties fee and review of the EWP form and related documentation, the Department will determine whether a Waiver of Civil Penalties is granted or denied. The Department will return the EWP form to the applicant with the determination.
- If the Waiver of Civil Penalties request is granted, the Department will proceed with a refund of the Waiver of Penalties fee per elevator that will be sent within ten (10) business days directly to the requestor. If the Waiver of Civil Penalties request is denied, the applicant must submit payment for the Civil Penalties to the Elevator Division. Information about how to pay Elevator Civil Penalties can be found on the Elevator Cashier Civil Penalty form (ECP).
- The decision to dismiss or uphold the penalty shall be at the sole discretion of the Department.