

CURRENT AUDIT IMPLEMENTATION PLAN

AGENCY: New York City Department of Buildings

AUDIT TITLE AND NUMBER: Elevator Safety Audit (2017-N-4)

Audit Finding	Audit Recommendation and Agency Response	Corrective Action Plan
<p>Audit Finding(s) 1: Improper Inspections by the non-DOB inspector</p> <p>(Crimson and NEIS, the contracted elevator companies, policy is not in alignment with DOB’s procedures and practices).</p>	<p>Recommendation: “Reinforce with elevator inspection companies the required procedures for proper elevator inspections and identify violations that require elevators to be taken out of service.”</p> <p>Agency’s Response: “The Department agrees with this recommendation. Since October 2017, the Department has proactively held regularly scheduled meetings with both private contractors, Crimson and NEIS. These meetings are ongoing and the most recent meeting was conducted on April 5, 2018. Attendees include the following:</p> <ul style="list-style-type: none"> • Representatives from the contracted elevator inspection companies (Crimson and NEIS) • DOB representatives from the elevator administrative and technical teams and the DOB Contracting Office. <p>All pertinent procedural and inspection-related items including Cease Use procedures are included on the agendas.”</p>	<p>1. Corrective Action: Since October 2017, DOB’s Elevator Unit began bi-monthly technical trainings that are instructed by DOB’s elevator inspectorial and management staff members. During these trainings/meetings, various topics are discussed, for example:</p> <ul style="list-style-type: none"> ○ ASME standards ○ Code compliance ○ Cease Use items/reasons to issue Cease Use ○ Review of violating conditions ○ Safety <p>DOB’s technical team has also distributed the periodic inspection test checklist for the contracted elevator inspectors (PVT inspectors) to follow.</p> <p>Implementation Date: October 2017</p> <p>2. Upon implementation of DOB NOW: <i>Safety</i> for elevators (September 2018), there will be electronic data entry of PVT inspection results into that system. This will include a checklist with all pertinent reporting items currently exhibited on DOB’s ELV-3 form submissions.</p> <p>Implementation Date: September 2018</p>

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<p>Audit Finding 2: Improper Inspections by the non-DOB inspector.</p> <p>DOB's contracts with Crimson and NEIS require compliance with ASME standards.</p> <p>(Since DOB delegated its inspection responsibilities to Crimson and NEIS, it must ensure that their inspectors have the necessary skills and perform the required procedures).</p>	<p>Recommendation: "Require that non-DOB inspectors comply with all DOB procedures when performing elevator inspections, including having the necessary tools to thoroughly inspect the elevators."</p> <p>Agency's Response: "The Department agrees with this recommendation. During meetings with the contracted elevator inspection companies, the Department has emphasized the importance of having all necessary tools and equipment on site and readily available prior to performing any inspections. Those requirements have been documented, and the contracted elevator inspection companies have confirmed that they will comply with all such requirements and ensure that all such tools and equipment are provided to their inspectors."</p>	<p>2. Corrective Action: DOB has emphasized that proper inspections require having all of the necessary tools readily available when performing an inspection. Both contracted elevator inspection companies, (Crimson and NEIS) have acknowledged their commitment to doing so.</p> <p>Additionally, DOB currently performs quality assurance inspections on inspections performed by contracted inspection companies. Results of these inspections are communicated during bi-monthly meetings.</p> <p>Implementation Date: April 2018</p>

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<p>Audit Finding 3: Improper Inspections by the non-DOB inspector.</p> <p>(DOB officials told us they revisited some Crimson and NEIS inspections but have no plans to re-inspect the elevators that were inspected by the two terminated non-DOB inspectors).</p>	<p>Recommendation: "Re-inspect the elevators previously inspected by ineffective non-DOB inspectors."</p> <p>Agency's Response: "The Department agrees with this recommendation. In order to ensure public safety the Department will perform an assessment of elevators previously inspected by "ineffective" non-DOB inspectors. Based on the Department's assessment, we may perform complete physical re-inspections."</p>	<p>3. Corrective Action: The Department has already begun re-inspection of the devices previously inspected by "ineffective non-DOB inspectors."</p> <p>As of August 1, DOB has performed 267 re-inspections of devices previously inspected by "ineffective non-DOB inspectors."</p> <p>Implementation Date: June 2018</p> <p>(DOB has targeted December 2018 to complete verification that all devices determined to have been inspected by "ineffective non-DOB inspectors" have subsequently received another inspection).</p>

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<p>Audit Finding 4: Discontinuation of elevator inspections at sites when an elevator is taken out of service.”</p> <p>(According to DOB officials once an elevator is taken out of service, further inspections of any other elevators in the building are discontinued, allowing the remaining elevators to be used by tenants, employees, and visitors).</p>	<p>Recommendation: “Revisit the practice of discontinuing elevator inspections at a site when an elevator is taken out of service.”</p> <p>Agency’s Response: The Department agrees with this recommendation, and has already discontinued this practice. All DOB inspectors and the contracted inspectors received very clear instructions to continue all elevator inspections at a site regardless of whether there is a Cease Use car or not. In January 2018, prior to the release of the audit draft report, DOB informed the contractors of the following:</p> <p><u>Cease Use Policy (effective as of Thursday, January 25, 2018)</u></p> <ul style="list-style-type: none"> • DOB’s Elevator Division must be notified immediately (by inspector) of all inspections resulting in a Cease Use order for single and multiple elevator buildings. • In single elevator buildings, the Department will continue to request that the building superintendent notify the elevator company of Cease Use orders. • In the case of multiple elevator buildings, when a Cease Use order is issued for one elevator, DOB’s Elevator Division must be notified immediately (by inspector). Inspectors will continue inspections in that building. DOB’s Elevator Division must be notified immediately of any subsequent Cease Use order. 	<p>4. Corrective Action: Please refer to the Agency’s response to recommendation # 4.</p> <p>Implementation Date: January 2018</p> <p>Additionally, an improved process will be established under DOB NOW: <i>Safety</i>, informing contracted elevator inspectors of exactly how to communicate Ceased Use.</p> <p>Implementation Date: September 2018</p>

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Audit Finding 4 (Cont'd):	<ul style="list-style-type: none">• Complete all inspections in multiple elevator buildings regardless of how many devices received Cease Use orders. <p>Subsequently, the Department witnessed an uptick in Cease Use inspections and reporting.</p>	

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<p>Audit Finding 5: Since DOB delegated its inspection responsibilities to Crimson and NEIS, it must ensure that their inspectors have the necessary skills and perform the required procedures. Among other available remedies, DOB can penalize Crimson and NEIS for their inspectors' poor performance under certain conditions.</p>	<p>Recommendation: "Penalize Crimson and NEIS for improper inspections as appropriate."</p> <p>Agency's Response: "The Department agrees with this recommendation. The Department will improve current inspection procedures in conjunction with existing contractual requirements."</p>	<p>5. Corrective Action: No action necessary. Penalties are applied as per the contract terms and guidelines.</p> <p>Implementation Dates: Crimson contract execution date - 10/27/2015. NEIS contract execution date - 11/16/2015.</p>

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<p>Audit Finding 6: Missing Inspections and Tests</p> <p>(The audit found that a significant number of elevators were not inspected and a number of elevator tests may not have been performed. Records of these tests were not available from DOB).</p>	<p>Recommendation: “Ensure that DOB communicates upcoming inspections with building owners. Establish specific deadlines by which building owners should respond to no-access inspection attempts.”</p> <p>Agency’s Response: “The Department agrees with this recommendation. Please note that if an inspector cannot gain access to a property on the first inspection attempt, the Department makes a follow up attempt. If the inspector cannot gain access during the follow up attempt, the inspector posts a Notice to Call for Inspection (LS-4) form at the property, which prompts the owner to call and schedule an appointment for inspection. Upon receiving an LS-4 form, property owners are responsible for calling the Department to schedule an inspection. In addition, the Department is currently developing standard operating procedures for handling no access inspections, which will include deadlines by which building owners should call for an appointment.”</p>	<p>6. Corrective Action: The Department is currently developing standard operating procedures for handling no access inspections. After further review, DOB will not be including deadlines for building owners to call for an appointment as part of those procedures as such deadlines would not be legally enforceable.</p>

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<p>Audit Finding 7: No evidence that 8,087 of the 62,166 elevators (13 percent) were inspected in 2015 and that 6,741 of the 63,314 (11 percent) elevators were inspected in 2016.</p> <p>(Because non-DOB inspectors could not gain access to elevators and/or buildings, 36 percent missed inspections in 2015. The same determination was made for 2,650 of the 6,741 (39 percent) missed inspections in 2016. DOB officials could not explain why the remaining 9,252 (5,161 in 2015 and 4,091 in 2016) were not inspected).</p>	<p>Recommendation: “Determine the reasons for the missing inspections in 2015 and 2016 and work to eliminate those conditions.”</p> <p>Agency’s Response: “The Department agrees with this recommendation and makes every effort to constantly improve in this area; however, there are certain circumstances that are beyond the Department’s control. For example, property owners can deny access and DOB cannot forcefully enter to perform periodic/routine inspections. Furthermore, the Department has established and signed the elevator inspections and tests, filing requirements, penalties and waivers rule, which penalize building owners who do not comply with Category 1 and Category 5 test requirements as per code. Nonetheless, the Department will continue to enhance its efforts in this area by improving its existing procedures and will develop additional action plans to address these challenges.”</p>	<p>7. Corrective Action: The Department is working closely with the contracted inspectors to collectively revise reporting techniques in order to capture pertinent data and ensure that devices in need of inspection are properly identified. Furthermore, DOB NOW: <i>Build and Safety</i> are designed to improve data accuracy and integrity, which will assist in identifying and flagging inconsistencies.</p> <p>Notably, once DOB NOW: Safety goes live (anticipated launch - Sep 2018) all systems will be actively communicating and in sync, strengthening recording keeping.</p> <p>Implementation Dates: DOB NOW: <i>Inspections</i> - December 2015 DOB NOW: <i>Build</i> - December 2017 DOB NOW: <i>Safety</i> - September 2018</p>

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<p>Audit Finding 8: In an effort to compel compliance, DOB issued violation notices to building owners for the majority of the missing Category 1 tests that were not performed. DOB officials advised that violations remain on the buildings and owners must have the required tests performed prior to refinancing or selling the buildings.</p> <p>(DOB should consider taking a more aggressive action in order to ensure that Category 1 and Category 5 tests are performed).</p>	<p>Recommendation: "Take additional actions, such as monetary penalties, against building owners when elevator tests are not performed"</p> <p>Agency's Response: "The Department disagrees with this recommendation. As a pre-requisite to implementing this recommendation, the City Council would need to enact new laws. Any additional action, such as imposing penalties beyond those currently allowed, would require legislative change. Notably, DOB currently imposes penalties across all applicable devices in relation to Category 1 and Category 5 tests and filings. This also includes significant late fees for untimeliness (see chart below). In addition, DOB's technical inspectors also issue ECB violations for non-compliance."</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="background-color: #d9ead3;">Initial Inspection Report (ELV3)</th> <th style="background-color: #d9ead3;">Residential (J)</th> <th colspan="2" style="background-color: #d9ead3;">Non-Residential (A)</th> </tr> <tr> <th style="background-color: #d9ead3;">CAT 1, 3, and 5</th> <th style="background-color: #d9ead3;">CAT 1</th> <th style="background-color: #d9ead3;">CAT 3 and 5</th> </tr> </thead> <tbody> <tr> <td>Late filing fee per month per device</td> <td style="text-align: center;">\$50</td> <td style="text-align: center;">\$150</td> <td style="text-align: center;">\$250</td> </tr> <tr> <td>Max late filing fee per year per device</td> <td style="text-align: center;">\$600</td> <td style="text-align: center;">\$1,800</td> <td style="text-align: center;">\$3,000</td> </tr> <tr> <td>Failure to file fee per year per device</td> <td style="text-align: center;">\$1,000</td> <td style="text-align: center;">\$3,000</td> <td style="text-align: center;">\$5,000</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="background-color: #d9ead3;">Affirmation of Correction (ELV29)</th> <th style="background-color: #d9ead3;">Residential (J)</th> <th colspan="2" style="background-color: #d9ead3;">Non-Residential (A)</th> </tr> <tr> <th style="background-color: #d9ead3;">CAT 1</th> <th style="background-color: #d9ead3;">CAT 1</th> <th style="background-color: #d9ead3;">CAT 3 and 5</th> </tr> </thead> <tbody> <tr> <td>Late filing fee per month per device</td> <td style="text-align: center;">\$50</td> <td style="text-align: center;">\$150</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td>Max late filing fee per year per device</td> <td style="text-align: center;">\$600</td> <td style="text-align: center;">\$1,800</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td>Failure to file fee per year per device</td> <td style="text-align: center;">\$1,000</td> <td style="text-align: center;">\$3,000</td> <td style="text-align: center;">N/A</td> </tr> </tbody> </table>	Initial Inspection Report (ELV3)	Residential (J)	Non-Residential (A)		CAT 1, 3, and 5	CAT 1	CAT 3 and 5	Late filing fee per month per device	\$50	\$150	\$250	Max late filing fee per year per device	\$600	\$1,800	\$3,000	Failure to file fee per year per device	\$1,000	\$3,000	\$5,000	Affirmation of Correction (ELV29)	Residential (J)	Non-Residential (A)		CAT 1	CAT 1	CAT 3 and 5	Late filing fee per month per device	\$50	\$150	N/A	Max late filing fee per year per device	\$600	\$1,800	N/A	Failure to file fee per year per device	\$1,000	\$3,000	N/A	<p>8. Corrective Action: No action necessary</p> <p>Implemented: N/A</p>
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<p>Audit Finding 9: Property owners may not receive contemporaneous violation notices for missing Category 5 tests. According to DOB officials, such violations are issued once every five years.</p>	<p>Recommendation: "Communicate more timely with building owners and management when Category 5 tests are not performed."</p> <p>DOB's Response: "The Department agrees with this recommendation and is working diligently to become more efficient in this area. DOB NOW: Safety for elevators is planned for launch in the summer of 2018; violation issuance and communication related to inspection and compliance filings will become more streamlined as a result."</p>	<p>9. Corrective Action: DOB NOW: <i>Safety</i> will go live in September 2018. Future violation issuance, including CAT 5 failure to file will be automated. Owners will receive timelier communication for tests that are not performed.</p> <p>Additionally, the Department offers information regarding elevator inspections and tests via Home Owners Night, communication through industry sessions, and outreach material that is posted to DOB's website, all in an effort to increase awareness.</p> <p>Implementation Date: September 2018</p>