

THOMAS P. DiNAPOLI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

October 28, 2019

Ms. Melanie E. La Rocca
Commissioner
New York City Department of Buildings
280 Broadway
New York, NY 10007

Re: Elevator Safety
Report 2019-F-22

Dear Ms. La Rocca:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III of the General Municipal Law, we have followed up on the actions taken by officials of the New York City Department of Buildings to implement the recommendations contained in our audit report, *Elevator Safety* (Report [2017-N-4](#)).

Background, Scope, and Objective

The New York City Department of Buildings (DOB) is responsible for regulating the safe and lawful use of more than 1 million buildings and construction sites in New York City. This responsibility includes the oversight of elevators and related vertical devices, such as escalators and lifts. The more than 70,000 elevators and related devices in the City are subject to various sections of the New York City Administrative Code, Building Code, and the Rules of the City of New York, which set forth elevator safety standards. DOB is responsible for enforcing these codes and rules. DOB inspects some elevators, oversees the inspection of others by contractors (non-DOB inspectors), ensures that elevators are tested, and monitors the results. An elevator inspection is a visual examination of an elevator and its parts to ensure it is operating safely. An elevator test involves running the elevator to ascertain its condition.

The Building Code requires that elevators under DOB's jurisdiction be inspected and tested annually. In the City, certain elevators are not subject to inspections and testing by DOB or one of its contractors. Through a memorandum of understanding, DOB authorized the New York City Housing Authority to perform elevator inspections and tests within its buildings. Additionally, the Metropolitan Transportation Authority is responsible for inspecting and testing its elevators. Annual inspections are generally performed by companies hired by DOB. Building owners hire DOB-licensed inspection companies to perform elevator tests.

Our initial audit report, issued on June 6, 2018, concluded that, while non-DOB inspectors had the appropriate credentials, they did not always perform thorough elevator inspections. We accompanied DOB and non-DOB inspectors on 12 inspections and found violations were missed or overlooked for 11 of the 12 sampled elevators. When we reviewed the overall data for inspectors for 2015 and 2016, we determined that 14,828 elevator inspections scheduled to be performed by non-DOB inspectors had not been performed. Moreover, we were unable to determine if 8,437 tests had actually been performed by inspectors hired by building owners, as DOB did not provide records. As a result, hazardous and other unsafe conditions were not always identified and corrected.

The objective of our follow-up review was to assess the extent of implementation, as of October 2, 2019, of the nine recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

We found that DOB officials implemented three recommendations, partially implemented four, and did not implement two.

Follow-Up Observations

Recommendation 1

Reinforce with elevator inspection companies the required procedures for proper elevator inspections and identify violations that require elevators to be taken out of service.

Status – Partially Implemented

Agency Action – DOB officials did not adequately reinforce the procedures for proper elevator inspections with Crimson Inspection L.L.C. (Crimson) and National Elevator Inspection Services, Inc. (NEIS), the two inspection companies that have contracts with DOB. While officials asked Crimson and NEIS inspectors to follow the DOB elevator inspection checklist during inspections, we saw no evidence that the DOB discussions covered all procedures required for proper elevator inspections, such as checking the tops and pits of elevators – inspection areas that are sometimes overlooked.

DOB stated that inspectors should notify DOB if an elevator should be taken out of service, and identified the door restrictor as the most common reason for this action. However, officials did not discuss other violations that would cause an elevator to be put in “cease use” status, such as defective hoist cables or hoistway doors and non-functioning firefighter services.

Recommendation 2

Require that non-DOB inspectors comply with all DOB procedures when performing elevator inspections, including having the necessary tools to thoroughly inspect the elevators.

Status – Partially Implemented

Agency Action – Officials agreed that non-DOB inspectors should comply with DOB procedures when performing elevator inspections, but we saw no evidence that DOB officials provided non-DOB inspectors with the DOB *Elevator Division Operation Manual* or specified the tools necessary for thorough elevator inspections, such as the required gauge to measure the diameters of the hoist cables. However, DOB did perform quality assurance inspections to verify that Crimson and NEIS were performing proper elevator inspections, and officials reported that the pass percentage for Crimson and NEIS inspections increased from 67 percent in January 2019 to 85 percent in July 2019.

Recommendation 3

Re-inspect the elevators previously inspected by ineffective non-DOB inspectors.

Status – Partially Implemented

Agency Action – Our initial audit identified at least eight ineffective non-DOB inspectors. DOB re-inspected 133 of the 1,216 elevators that two ineffective (and reportedly terminated) inspectors had previously inspected. For six other ineffective non-DOB inspectors, DOB officials performed a minimal number of re-inspections. Officials found only 36 inspection reports from the six ineffective inspectors, and DOB reportedly re-inspected 11 elevators. However, DOB was only able to provide support for 6 of those 11 re-inspections.

Recommendation 4

Revisit the practice of discontinuing elevator inspections at a site when an elevator is taken out of service.

Status – Implemented

Agency Action – If an inspection reveals that an elevator is unsafe and hazardous to life and safety, that device has to be taken out of service. Our initial audit identified that, once an elevator is taken out of service, further inspections of any other elevators in the building are discontinued. This DOB practice of preventing the inspections of other elevators at the site creates a potential public safety hazard. Effective January 25, 2018, DOB's Deputy Director issued a new policy to Crimson, NEIS, and DOB employees that instructed inspectors to finish all inspections in buildings with multiple elevators, regardless of how many devices have been taken out of service.

Recommendation 5

Penalize Crimson and NEIS for improper inspections as appropriate.

Status – Partially Implemented

Agency Action – For the period August 2017 through January 2018, DOB penalized

Crimson and NEIS \$8,757 for 127 improper inspections. Of that amount, \$1,111 was for 16 improper inspections performed by four of the eight ineffective non-DOB inspectors. Officials did not provide documentation that they had penalized Crimson and NEIS for the four other ineffective non-DOB inspectors previously cited.

Recommendation 6

Ensure that DOB communicates upcoming inspections with building owners. Establish specific deadlines by which building owners should respond to no-access inspection attempts.

Status – Not Implemented

Agency Action – DOB does not communicate upcoming inspection schedules to building owners. If an inspector arrives and cannot access a property, the inspector will post a notice to contact DOB to schedule an inspection. However, the notice does not include a specific date by which the building owner should respond to DOB.

We do not believe that leaving a notice following a failed inspection attempt is a best practice. Posting notices instead of actually performing inspections is a waste of valuable resources. DOB should communicate upcoming inspections with building owners so building staff are available to allow inspectors access.

Recommendation 7

Determine the reasons for the missing inspections in 2015 and 2016 and work to eliminate those conditions.

Status – Not Implemented

Agency Action – DOB officials maintain that inspections were missing because inspectors could not access elevators and/or buildings and because of errors in their elevator database. For example, the DOB inventory may have listed elevators at locations that no longer had them.

We provided DOB with the list of elevators not inspected in 2015 and 2016, but did not see evidence that DOB officials reviewed the list and adequately determined the reasons for the missing inspections. Furthermore, the lack of adequate reviews means conditions that caused elevators not to be inspected may continue to exist.

Recommendation 8

Take additional actions, such as monetary penalties, against building owners when elevator tests are not performed.

Status – Implemented

Agency Action – In April and May 2019, DOB issued violation notices to building owners

for 10,335 Category 1 and Category 5 elevator test reports not filed in the past five years (or longer). We found that, by June 30, 2019, building owners had filed 1,742 of the missing test reports, and DOB officials had imposed monetary penalties totaling \$760,600 on those building owners for not filing on time.

Recommendation 9

Communicate more timely with building owners and management when Category 5 tests are not performed.

Status – Implemented

Agency Action – In our original audit, we recommended that DOB send violation notices for missing Category 5 tests more frequently than once every five years. DOB agreed with our recommendation and is sending notices.

Major contributors to this report were Saviya Crick, Jasbinder Singh, and Lillian Fernandes.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of DOB for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Gene Brenenson
Audit Manager

cc: Kerry Castro, NYC DOB
George Davis, Mayor's Office of Operations