

Date: August 31, 2021

To: Thomas B. Modica, City Manager 

From: Oscar W. Orci, Director of Development Services 

For: Mayor and Members of the City Council

Subject: **Elevator Maintenance and Enforcement**

On June 20, 2017, the City Council requested a report on the requirements for elevator operation and maintenance and information on: (1) enforcement of procedures; (2) the number of violations for elevator failures due to faulty equipment; and, (3) the total number of days granted to repair them (and any extensions granted). The City Council also requested that staff identify incentives for property owners that would result in timely elevator repairs, including reimbursement opportunities.

In response to this request, the Development Services Department and the City Attorney's Office have examined State and local building codes and explored best practices for timely elevator repair provisions. It was determined that there are no current local regulations regarding elevator operations, maintenance, or timely repairs.

The Elevator Unit of the California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), has jurisdiction over elevator construction and license issuance and revocation, as well as the responsibility to secure unsafe and/or unlicensed elevators. DOSH is also responsible for inspection oversight, elevator safety inspections, and maintenance and operability compliance. If a DOSH inspector finds a code violation that is considered an imminent hazard, they will secure the elevator rather than run the risk of a possible injury or accident. Although DOSH is charged with ensuring safe elevator operations, there are no provisions in State regulations requiring or providing guidelines for timely repair of inoperable elevators. Additionally, DOSH has informed staff that elevator repair timeframes are not tracked.

The Code Enforcement Bureau of the Development Services Department will report calls concerning elevator operation issues to DOSH. Staff will send a courtesy notification to the property manager/owner to advise them that the elevator has been reported as not functioning properly. Over the last five years (2016-2021), Development Services received two elevator-related complaints. Though the elevator repair timeframes were not tracked, staff estimates the repairs took approximately three to eight weeks to complete.

To respond to City Council's request, staff also examined federal, State, and local regulations to identify best management practices in this area. A myriad of elevator regulations were identified that governed licensing requirements, oversight, and maintenance responsibilities. Staff's research did not identify any programs that would provide assistance and/or incentives to modernize and/or replace elevator equipment. Rather, limited local regulations in communities such as Berkeley, CA, and Ontario (Canada), included provisions for timely elevator repair, coupled with regulations requiring regular maintenance as a means to prevent service outages.

Given the limited number of calls for service resulting from inoperable elevators in buildings over the past five years, as well as the lack of local enforcement authority, staff do not recommend further actions at this time and will continue to report these calls to DOSH to ensure safe elevator operations.

If you have questions regarding this matter, please contact Karl Wiegelman, Code Enforcement Bureau Manager, at (562) 570-6336.

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