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To: New York City Building Owners and Managers

From: Millennium Elevator Enterprises, Inc

Re: **New Cat-5 Testing Requirement Updates**

### **Owner's Responsibilities**

Effective January 1, 2009, the Owner is responsible for all having all devices, including but not limited to elevators, escalators, moving walks, wheelchair lifts, platform lifts, private residence elevators, LU/LAs, dumbwaiters, manlifts, etc. tested and filed within the guidelines of the new NYC Building Code. The following is a summary of the requirements of the code:

- All devices must be tested annually (Category 1) between January 1<sup>st</sup> and December 31<sup>st</sup> of each calendar year.
  - Failure to file any device within the calendar year will be subject to a penalty.
- All traction and roped hydraulic elevators must have a full load full speed safety test (Category 5) every five years.
  - Five year tests may be performed in conjunction with the annual test, but must be filed on separate forms. There is no additional filing fee for the five year safety test.
- All water hydraulic elevators must have a pressure test (Category 3) every three years.
  - Three year tests may be performed in conjunction with the annual test, but must be filed on separate forms. There is no additional filing fee for the three year safety test.
- The **Owner** is responsible for **hiring** the approved **licensed agency** to **perform** the annual, three year and five year test.
- The **Owner** is responsible for **hiring** the approved **licensed agency** to **witness** the annual, three year and five year test being performed.
- Each device must be *filed* within forty-five (45) calendar days of performing the test.
  - Owner may elect to have either the performing agency or the witnessing agency file the test reports with the New York City Department of Buildings.
  - Thirty dollars (\$30.00) per device filing fee must be submitted with the test report.
  - Late filing (after 45 days) will be subject to late fees.
- For those devices filed with unsatisfactory conditions, all deficiencies must be *corrected* within forty-five (45) calendar days of when the test was *filed*.
  - Failure to correct deficiencies within 45 days will be subject to penalties.
  - Requests for extensions (stipulations) may be accepted under certain circumstances.
  - Affirmation of correction must be *filed* within fifteen (15) calendar days of when the deficiency was corrected.
  - Late filing (after 15 days) will be subject to late fees.

### **Additional Requirements**

For all five year safety tests (traction and roped hydraulic elevators), three year pressure tests (water hydraulic elevators) and annual escalator tests, the licensed agency performing such tests must provide proper notification to the New York City Department of Buildings ten (10) days prior to the commencement of such tests. JN&A recommends that you require your contractor (performing agency) to coordinate the start date with your Building Manager as well as your Consultant (witnessing agency) prior to notifying the Department of Buildings.

Please feel free to contact us at any time to discuss the changes in the code and to assist you in planning for the future. We look forward to meeting with you soon. For more information, please visit our website at [milleniumelevator.com](http://milleniumelevator.com).