

City of New Rochelle

Elevator Inspections

NOVEMBER 2018



OFFICE OF THE NEW YORK STATE COMPTROLLER
Thomas P. DiNapoli, State Comptroller

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Report Highlights

City of New Rochelle

Audit Objective

Determine whether the City Bureau of Buildings (Bureau) officials ensured that elevators were inspected as required by the New York State Uniform Fire Prevention and Building Code (Code) or the City of New Rochelle's (City) local law, as applicable.

Key Findings

- Although the City's Elevator Master List included 226 properties with 308 elevators and related equipment, our visits to 58 properties disclosed 140 elevators and related equipment that were not included.
- 75 of 85 property owners did not submit either six month or annual inspection reports. Also, violation notices were not sent to 68 (91 percent) of these property owners.
- Bureau officials did not follow up on violations/ deficiencies on the inspection reports submitted by property owners. Serious elevator deficiencies included 35 instances and included violations such as no emergency phone and no fire extinguisher.

Key Recommendations

- Identify, track and monitor elevators and related equipment to ensure the Master List is complete and accurate.
- Enforce the submission of inspection reports by property owners and issue violation notices to those who do not submit them.
- Ensure all elevators and related equipment are inspected and certificates are on display or available for inspection.

City officials disagreed with certain aspects of our findings and recommendations, but indicated they have initiated corrective action. Appendix B includes our comments on issues raised in the City's response letter.

Background

The City is located in Westchester County. The City operates under a Council-Manager form of government. The two major components of this system are a Council and a City Manager.

The Bureau is responsible for ensuring the safe and lawful use of all buildings and properties including elevators and related equipment such as escalators and lifts.

Quick Facts

Number of Buildings	16,069
Number of Elevators and Related Equipment (per Bureau records)	308

Audit Period

January 1, 2016 – September 30, 2017

We expanded our audit period through December 31, 2017 to review submitted inspection reports.

Elevator Inspections

A primary function of municipal government is public safety. The New York State Uniform Fire Prevention and Building Code (Code) in part, generally requires all elevators, escalators, lifts and dumbwaiters to be maintained to safely carry all imposed weights/loads, operate properly and be free from physical and fire hazards. The Code requires local governments to enforce the Code and ensure that property owners meet schedules for inspections and tests set forth in the Code¹ or pursuant to an approved local law.²

Pursuant to the Code, elevator inspections must be performed by a qualified elevator inspector (QEI) at such intervals as required by the Code or an approved local law. The City adopted a local law requiring, among other things, all passenger elevators to be inspected at least once every six months.³ The local law provides that these inspections are to be performed by QEIs approved by the Bureau.⁴ The local law further provides that inspection certificates are to be submitted within 15 days of performance and a certificate of compliance shall be issued if the results are satisfactory. The local law also requires property owners to pay an annual administration fee.⁵ This fee is due 30 days after the date of the invoice sent by the Bureau. According to the City's Master List, there are 308 elevators, and related equipment in residential, commercial and government buildings.

How Can the Bureau Manage Elevator Inspections?

The Bureau should develop comprehensive policies and procedures for managing elevator inspections and a data management system to ensure property owners comply with requirements in the Code or City's local law, as applicable. This includes a system to identify, track and monitor elevators and related equipment subject to inspection and a procedure to ensure that property owners submit inspection reports for those devices. Also, Bureau officials should follow up on violations/deficiencies identified in inspection reports to ensure the properties are brought into compliance with the Code or local law requirements, as applicable. Bureau officials should also collect the administrative fees provided for in the local law, and ensure that inspection reports and device inspection certificates are displayed and/or available for public inspection.

1 The currently applicable referenced standard for elevator installation and maintenance is ASME A17.1, Safety Code for Elevators and Escalators, 2013 edition. The applicable intervals for inspections are provided in Appendix Table N-1 of that standard.

2 See Executive Law Section 379.

3 For purposes of this report, we assume the validity of the City's local law.

4 The Bureau uses the QEIs included on the National Association of Elevator Safety Authorities website as their list of approved QEIs.

5 Local law section 111-42C(10)

The Bureau Did Not Develop Policies and Procedures

The Bureau has not developed written policies and procedures for managing elevator inspections. Therefore, the clerk who manages elevator inspections has not been provided guidelines and the data management system used by the Bureau is not complete and updated. Also, there are no formal processes for monitoring elevator inspections, following up on identified violations and verifying that violations are corrected in a timely manner. As a result, there are no systems to ensure that elevators (1) are inspected as required, (2) are adequately monitored to ensure they are safe and running properly, (3) with safety violations are re-inspected in a timely manner and (4) that administrative fees are collected. Therefore, there is inadequate assurance that elevators are safe and in satisfactory operating condition, and that the City has collected all revenue owed to it.

The City's not having proper controls in place, resulted in the Bureau not having a complete list of elevators and escalators that should be inspected. Additionally, the Bureau does not track to be sure that inspections are completed as required and does not follow up to ensure correction of safety issues noted during inspections. We also found that the Bureau was not properly billing and enforcing collection of administrative fees.

The Bureau Does Not Have an Adequate Data Management System

The Bureau does not have an adequate system to identify, track and monitor elevators and related equipment subject to inspection and testing requirements. Although the Bureau maintains a Master List of 226 properties that includes those with elevators and related equipment on an electronic spreadsheet, the list is incomplete and inaccurate.

We selected 15 of the 54 properties that were listed as buildings without elevators and related equipment, which included a college, apartment buildings, retail stores and auto dealers. We performed on-site visits and found 93 elevators and related equipment on 10 of the properties not on the list (Test 1). In addition, we randomly selected 50 properties from the Master List. We performed on-site visits and observed 47 elevators and related equipment that were not included on the list (Test 2). Because seven of the properties visited for Test 1 were also selected for Test 2, we visited a total of 58 properties. Our visits identified 140 unique devices.

Figure 1: Equipment Not on Master List

Type of Device	Test 1	Test 2	Total
Elevators	24	11	35
Escalators	2	4	6
Auto Lifts	67	23	90
Dumbwaiters	0	5	5
Garbage Lifts	0	2	2
Wheelchair Lifts	0	2	2
Total	93	47	140

Building officials stated that their main responsibility is to issue permits, they do not have an elevator inspector on staff, and their limited staff serves the entire City. They added that they do not keep a count of the number of escalators because there are not many escalators in the City. As a result, the City does not have a reliable list of elevators and escalators to use to assure the proper and timely inspections are completed and that they are safe for public use.

The Bureau Did Not Collect Inspection Reports

Property owners must submit inspection reports for elevators and related equipment to the City in accordance with the Code or the City's local law, whichever standard is applicable. However, the Bureau did not follow up to collect the reports.

We selected 42 properties (with 84 elevators and equipment) from the 2016 Master List and found that only eight properties submitted reports. Further, these properties submitted only the annual reports and not the required six-month reports. We also selected 43 properties (with 72 elevators and equipment) from the 2017 Master List, only two properties submitted reports. Further, these properties submitted only one report each. Due to these results, we requested all reports submitted and found that only 54 of a potential 348 reports (16 percent) were submitted during our audit period (Figure 2).

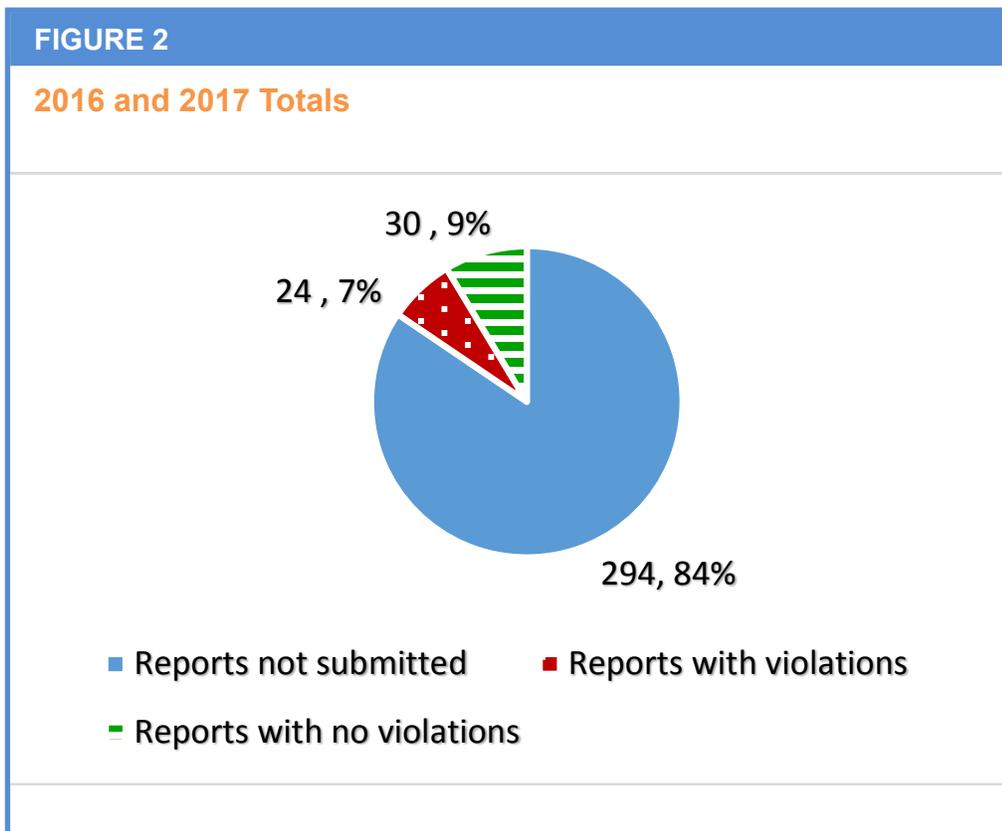
The Bureau's unwritten procedure is to issue violation notices to property owners who do not submit inspection reports.⁶ However, violation notices were not sent to 68 (91 percent) of the 75 property owners.

When Bureau officials do not track properties and issue violation notices for overdue reports, officials have no guarantee that the elevators and related equipment are inspected and comply with the Code or the City's local law, as applicable. As a result, public safety could be jeopardized due to unsafe elevators and related equipment.

⁶ Bureau officials told us there is a three-step procedure. First, they place a call to the property owner. If they do not receive a response, they place a second call. If there is still no response, they issue a violation.

Bureau Officials Did Not Address Elevator Deficiencies/Violations

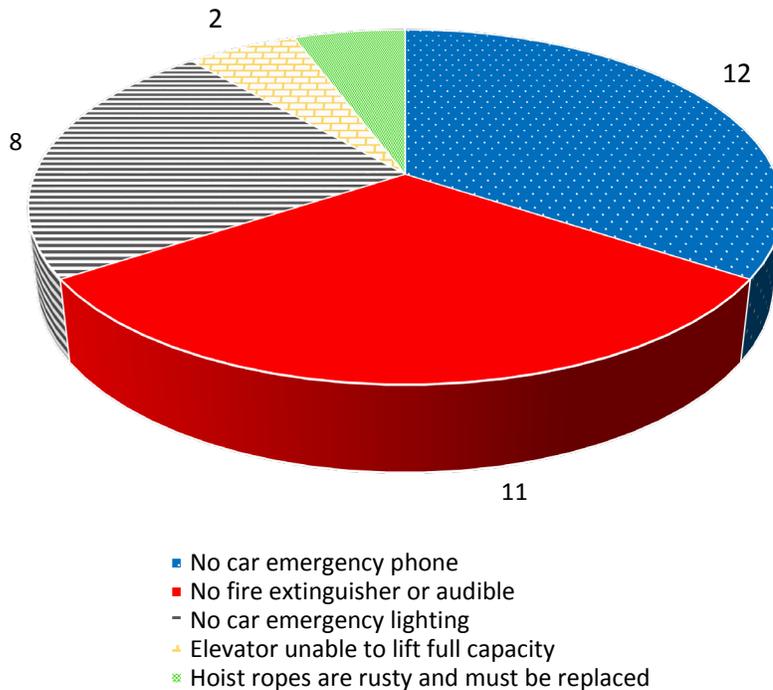
We reviewed all 54 inspection reports that were submitted during our audit period (31 in 2016 and 23 in 2017)⁷ and found approximately 70 instances of more than 14 types of deficiencies/violations with 24 of the 54 reports (44 percent) that needed to be corrected in a timely manner to comply with the Code or the City's local law, as applicable. The most serious deficiencies totaled 35 instances and included violations such as no emergency phone and no fire extinguisher; the remaining deficiencies totaled 35 instances and included violations such as insufficient ventilation. Some of these deficiencies were found in apartment buildings, a health care facility and a college.



⁷ Five properties submitted reports in both years.

FIGURE 3

Most Serious Deficiencies by Type



Further, Bureau officials did not consistently follow up on violations/deficiencies on the reports submitted to bring them into compliance. We noted one property had the following deficiencies for the same elevator on its 2016 semi-annual and annual inspection reports:

- Firefighters Emergency Operation Hall Key switch does not work and must be repaired.
- Emergency phone in the elevator did not work.

Bureau officials said they usually follow up on these deficiencies with the property owners, but in many instances, the deficiencies will be corrected and property owners will submit a follow up report highlighting the previous deficiencies to show that they were corrected.

Three reports identified corrections of previous deficiencies. Also four of 54 (7 percent) of the properties had equipment that did not comply with the Code's safety requirements; we did not note any follow-up inspections or testing reports to correct these deficiencies. City officials indicated that they do not have an elevator inspector on staff to execute all responsibilities under the Code and the City's local law.

This occurred because the City has not adopted adequate policies and procedures for tracking elevators, the timely submission of inspection reports and following up on violations/deficiencies in those reports. When Bureau officials do not track and follow up on the inspections and tests that are performed, there is an increased risk that defective elevators will not be repaired in a timely manner. In such instances, public safety could be jeopardized.

The Bureau Did Not Collect Administrative Fees

The City Code imposes an annual administrative fee on elevators and equipment ranging from \$75 to \$170. The Bureau is required to collect the fees, which are calculated based on the number of elevators and equipment listed on the Master List. The Bureau sends invoices to property owners for the fees. However, it does so only intermittently; it does not do so on a regular basis and does not follow up when payments are not received within 30 days.

The Bureau does not have policies and procedures to ensure the proper and timely collection of administrative fees. The current system relies on the elevator owners to submit the fees rather than having the Bureau actively manage and monitor the inspection process. As a result, the Bureau collected \$37,965 in 2017 but should have collected at least \$53,900. In some cases, revenue may have been permanently lost.

The Bureau Did Not Ensure That Inspection Certificates Were On-Site

The City's local law requires the most recent inspection report and device inspection certificate to be on display at all times within the elevator or attached to the escalator or dumbwaiter; or available for public inspection in the office of the building operator. We visited 50 properties with elevators and found that although 20 of the 50 (40 percent) complied with the City's local law:

- 13 of 50 (26 percent) did not provide access to the premises or management offices. We placed calls to some of the management offices; however, we did not get responses or call backs. Therefore, we were unable to determine compliance.
- 9 of 50 (18 percent) did not have inspection reports or inspection certificates. We were told that their witnessing companies did not provide them with copies of the reports and they would contact them and forward copies to us. However, as of the end of field work we had not received those reports. One manager told us their contracting company told them that annual inspections are not necessary as long as their equipment is tested monthly. The manager was able to provide evidence of monthly testing; however, the manager is still responsible for displaying or making inspection reports and certificates available for inspection.

-
- 4 of 50 (8 percent) had inspection reports but not inspection certificates. The managers told us the Bureau did not issue them inspection certificates. However, Bureau officials said the contracting companies are responsible for issuing inspection certificates –but the City’s Code states, “a certificate of elevator or lift compliance shall be issued by the Building Official if the results of the inspections are satisfactory.”
 - 2 of 50 (4 percent) of the businesses we visited were no longer in operation. Bureau officials told us that when a property with elevators and related equipment is not in operation, the elevator list gets updated to reflect the changes; however, the list was not updated to reflect these changes.
 - 1 residential property was listed in error.
 - 1 property did not have elevators or related equipment and should not have been included on the list.

We also determined whether the 93 elevators and related equipment that were found in Test 1 were inspected and whether their inspection reports and certificates were available.

- 35 of 67 (52 percent) of the auto lifts did not have their inspection reports or certificates. The facility managers told us the annual inspections were performed and they will contact the inspectors and email the reports to us, but as of the end of field work we have not received these reports.
- 6 of 24 (25 percent) of the elevators’ inspection reports or certificates were not observed. Four certificates were not posted and we were unable to reach the management office. Also, two certificates were not posted because the elevators were recently installed during 2017; although their inspections were not due until 2018, the applicable certificates should have been posted.

We were unable to observe two escalator inspection reports because the property managers’ addresses and contact information were not included on the list. In addition, although the Bureau received the inspection reports for six elevators, it failed to record them on the Master Lists for 2016 and 2017.

Because of a lack of monitoring and oversight, there is an increased risk that properties with elevators and related equipment may not comply with the safety requirements of the Code or the City’s local law, as applicable. As a result, public safety could be at risk.

What Do We Recommend?

The Council, City Manager and Bureau officials should:

1. Identify, track and monitor elevators and related equipment to ensure that the Master List is complete and accurate. Also, escalators should be added to the types of equipment that are specifically accounted for.
2. Enforce the submission of inspection reports by property owners and issue violation notices to those who do not submit them.
3. Follow up on violations/deficiencies identified on the inspection reports submitted.
4. Ensure the regular billing and timely collection of annual administrative fees and collect overdue administrative fees.
5. Ensure that all elevators and related equipment are inspected and that inspection reports and device inspection certificates are on display or available for inspection.
6. Provide guidance to clarify that contracting companies are responsible for issuing inspection certificates.
7. Update the Master List to reflect business and equipment additions and deletions.

Appendix A: Response From City Officials⁸

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8/14/2018

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[REDACTED]
This is in response to the draft audit report 2018M-62, no date. The City of New Rochelle takes exception to the refusal of your office to recognize that the full assessment of the Bureau of Buildings revealed that the Bureau was entirely in compliance with all applicable policies and procedures with the exception of minor deficiencies with respect to elevator inspections. As provided herein, such minor deficiencies are based upon inaccurate data resulting in erroneous conclusions. Please find your audit broken down into sections below and find our coordinated response to your audit in **BOLD**.

See
Note 1
Page 20

Audit Objective: determine whether the City Bureau of Buildings (Bureau) officials ensured that elevators were inspected as required by the City of New Rochelle, (City) Code.

See
Note 2
Page 20

Response: The city was initially advised of an audit from the Comptroller's office. The initial letter made no reference to the bureau of buildings or this audits objective. After a different phase of the audit was completed regarding retirement (report is forthcoming) the City was advised that an assessment would also be conducted in response to a non-specific, anonymous complaint filed several years ago with the State Comptroller's office against the bureau of buildings. This complaint came in the form of a telephone complaint and went into a file for several years. We never received a copy of the complaint although we asked on different occasions. As a result of the complaint, a full assessment of the Bureau of Buildings was conducted. While this fact was ignored in the draft audit report, after the assessment was completed, the comptroller found minor deficiencies in the collection of elevator inspection documentation and billing. All other areas were deemed to be satisfactory. As provided in our response, some of the figures noted in this report are erroneous.

See
Note 3
Page 20

Key Findings • Although the City's Elevator Master List included 226 properties with 308 elevators and related equipment, our visits to 58 properties disclosed 141 elevators and related equipment that were not included.

Response: We currently have 184 properties with elevators on our list, not 226. A comprehensive list of the locations that you went to and inspected, the dates of the inspections and your inspections reports was never provided. At the exit meeting a sheet was handed to the building official indicating 22 properties with

⁸ The City's response letter refers to attachments that support the response letter. Because the City's response letter provides sufficient detail of its actions, we did not include the attachments in Appendix A. In addition, the City's response letter refers to page numbers that appeared in the draft report. The page numbers have changed during the formatting of this final report.

inconsistencies of the master elevator list. To date we have received 269 reports for 324 cars or 83% for the calendar year 2017. We issued 55 violations for this and 8 court appearance tickets for this 2017 reporting period. Although we realize that there are some cars that do not exist on the master list, it should be noted that the majority of inconsistency is in vehicle lifts which were not separated by the Comptroller's office for purposes of this report. The report indicates this as elevators and related equipment. It should also be noted that the spreadsheet provided by the auditor was incorrect when pointing out deficiencies. See spreadsheet attached, as such, your findings are slightly flawed.

See Note 4 Page 20

Bureau officials did not follow up on violations/deficiencies on the inspection reports submitted by property owners. Serious elevator deficiencies included 35 instances and included violations such as no emergency phone and no fire extinguisher.

Response: The bureau of buildings attempts to follow up on every violation that we write with the manpower we have on staff and do so in a professional manner.

Key Recommendations • Identify, track and monitor elevators and related equipment to ensure the Master List is complete and accurate.

Response: In order to ensure that our master elevator list is in fact a complete list we have done and will do the following:

- 1) We have pulled the last 10 years of planning board approvals to determine which cars and lifts were not transcribed to the master elevator list.
- 2) Moving forward, we will, at the time of site plan approval, send an email to the clerk from the plan examiner delineating the number of passenger, freight elevators and auto lifts associated with that particular project. This will be the first indicator that new cars and lifts are to be installed and may be added to the spreadsheet.
- 3) We will institute a new protocol for elevator filings. When an elevator is filed at the counter, the clerk taking in the application will ensure that the clerk responsible for the master elevator list gets a copy of the application. This is the second indicator for a new car or lift.
- 4) As a failsafe, we will run a report at the first of each month to ensure new filings are added to the master elevator list.
- 5) We have also reached out to our larger institutions and asked for an accounting of all elevators, dumbwaiters and motor vehicle lifts. Since the greatest variation in the number of cars and lifts is from car dealerships we felt that it would be prudent to get an accurate accounting of what exists on each site and then update the list accordingly.
- 6) We are also in the process of inspecting all of the smaller repair shops to ascertain the number of lifts on site at each shop and have inspected 16 locations so far that have 29 lifts and 1 elevator.
- 7) We are also reviewing the NYS code requirements for automobile lifts and inspections and if we find these inspections are not required, then we will remove this provision from our local code.

Enforce the submission of inspection reports by property owners and issue violation notices to those who do not submit them.

Response: For the 2017 reporting period we issued 61 violations and 8 court appearance tickets to violators and will continue to do enforcement as necessary.

Ensure all elevators and related equipment are inspected and certificates are on display or available for inspection.

Response: After the QEI reports are received and vetted, we will issue an elevator, escalator and or vehicle lift certificate and it will be placed in the car as per our local code.

Audit Period January 1, 2016 – September 30, 2017 we expanded our audit period through December 31, 2017 to review submitted inspection reports.

See
Note 5
Page 20

Response: The dates depicted in this audit are incorrect. The kick off letter sent by the Comptroller's office is dated 2/3/2017, the report indicates that the audit took place between 1/1/16 and September 30th, 2017 and then continued onto the end of 2017. As per email dated October 20th, 2017 from Anne Marie Thomas (attached), you were still in the risk assessment phase of this audit at that time. If that was the case then a large amount of time was done with respect to risk assessment with no irregularities found with respects to revenue intake or accounting. It is beneficial to the public to know the amount of time it took to conduct this audit, not just the audit period listed on the audit. At our close out meeting on July 24th at 10 am we requested that you include the findings of the risk assessment and your representatives responded that this is not your procedure and not your protocol, can you please provide your written procedure and protocol. Your email received on 8/1/2018 (attached) confirmed that the risk assessment phase would not be included in the audit.

The risk assessment of this audit included but was not limited to:

- 1) The procedures of the clerks at the counter and how applications were filed and intake of fees were done.
- 2) Deposit procedures and protocols.
- 3) Random pulling of deposits including reviewing all deposits for random months and reconciling them with the department of finance.
- 4) Explanation on why the receipts are not in numerical order (dpw and bldgs.)
- 5) Pulling of 50 random BP files to ensure fees were charged properly.
- 6) The review of 50 random plumbing files for fee collection to see if proper fees were charged.
- 7) And finally the procedures for elevator fees, invoicing, QEI reporting, elevator violations, etc.

In Summation, this audit took place according to these dates 1/1/16 – 12/31/2017 yet, we were still in the risk assessment phase as of 10/23/2017 and this audit makes no mention of the items that were reviewed for over 20 Months during the risk assessment phase. Please note that your kickoff letter is dated February 3rd 2017. For clarification you should list the start and finish dates when you conducted the actual audit as we did not receive the written report until 4 or 5 months after the actual audit completed.

See
Note 5
Page 20

Elevator Inspections A primary function of municipal government is public safety. The New York State Property Maintenance Code (Code) requires all elevators, escalators, lifts and dumbwaiters to be maintained to safely carry all imposed weights/loads, operate properly and be free from physical and fire hazards. A qualified elevator inspector (QEI) must perform annual elevator inspections. The New York State Uniform Fire Prevention and Building Code requires local governments to enforce the Code and ensure that property owners meet schedules for inspections and tests set forth in the Code.

The City adopted a local law requiring all passenger elevators to be inspected at least once every six months. These inspections should be performed by QEIs approved by the Bureau. 1 Inspection certificates should be submitted within 15 days of performance and a certificate of compliance shall be issued if the results are satisfactory. The local law also requires property owners to pay an annual administration fee. This fee is due 30 days after the date of the invoice sent by the Bureau. According to the City's Master List, there are 308 elevators, and related equipment in residential, commercial and government buildings.

Response: A local code amendment has been drafted for consideration of city council to be in concert with the once per year inspection as permitted by NYS law.

We are in the process of reviewing the master list and editing it accordingly. As previously stated we are instituting fail safes to keep the master list current and up to date. See additional response below in next response.

How can the Bureau Manage Elevator Inspections?

The Bureau should develop comprehensive policies and procedures for managing elevator inspections and a data management system to ensure property owners comply with the Code. This includes a system to identify, track and monitor elevators and related equipment subject to inspection and a procedure to ensure that property owners submit inspection reports for those devices. Also, Bureau officials should follow up on violations/deficiencies identified in inspection reports to ensure the properties are brought into compliance with the Code. Bureau officials should also

collect the administrative fees provided for in the City Code, and ensure that inspection reports and device inspection certificates are displayed and/or available for public inspection.

RESPONSE: We are in the process of updating the master elevator list. We have currently uploaded all elevator billing to [REDACTED] and billing of Elevators will be generated through the finance department.

After 15 days of issuance of the billing the finance department will coordinate with the bureau clerk to determine what we have received and what we have not received back in a timely fashion.

If we do not receive the inspection paperwork the clerk has been logging a complaint for the address in question and turning over to the code enforcement folks for compliance.

We issue a notice to cure and if voluntary compliance is not attained then a court appearance ticket will be issued to the owner or management as required.

We will also issue certificates to each elevator, escalator and automotive lift after receiving the QEI certifications, the fee, and after we conduct an inspection of the premises with the QEI or management and discuss where they are to keep the records for viewing.

The City would like the certificates posted in the car (elevator) or placed on the lift for record keeping.

The City is also looking at new permitting software that has the ability to bar code data and we would like to incorporate a barcode for each car, lift, etc. If it is possible with the software IT is looking at purchasing for this office to utilize.

The Bureau did not Develop Policies and Procedures The Bureau has not developed written policies and procedures for managing elevator inspections. Therefore, the clerk who manages elevator inspections has not been provided guidelines and the data management system used by the Bureau is not complete and updated. Also, there is no formal processes for monitoring elevator inspections, following up on identified violations and verifying that violations are corrected in a timely manner. As a result, there are no systems to ensure that elevators

- (1) are inspected annually,
- (2) are adequately monitored to ensure they are safe and running properly,
- (3) with safety violations are re-inspected in a timely manner and
- (4) that administrative fees are collected.

Therefore, there is inadequate assurance that elevators are safe and in satisfactory operating condition, and that the City has collected all revenue owed to it.

City's not having proper controls in place, resulted in the Bureau not having a complete list of elevators and escalators that should be inspected. Additionally, the Bureau does not track to be sure that inspections are completed as required and does not follow up to ensure correction of safety issues noted during inspections. We also found that the Bureau was not properly billing and enforcing collection of administrative fees.

Response: See response above.

The City's not having proper controls in place, resulted in the Bureau not having a complete list of elevators and escalators that should be inspected. Additionally, the Bureau does not track to be sure that inspections are completed as required and does not follow up to ensure correction of safety issues noted during inspections. We also found that the Bureau was not properly billing and enforcing collection of administrative fees.

Response:

We are taking remedial steps to ensure that all elevators and auto lifts are accounted for on the master list.

Remedial steps are as follows:

- 1) We have pulled the last 10 years of planning board approvals to determine if there are locations that were inadvertently missing from the master list.
- 2) We have received an accounting from our larger institutions to ensure that the list is complete and will follow up to every location with a field inspection.
- 3) As the master list is updated we will send out bills at the beginning of each month and the finance department will notify the bureau of buildings as to what documents have not been received. As this occurs, whatever is found to be out of compliance will be turned over to a code enforcement officer so that a notice to cure can be issued and ultimately a court appearance ticket. Court is our last course of action

and we would rather receive voluntary compliance, however, we can and will issue court appearances for infractions that are not resolved.

The Bureau does not have an Adequate Data Management System The Bureau does not have an adequate system to identify, track and monitor elevators and related equipment subject to inspection and testing requirements. Although the Bureau maintains a Master List of 226 properties that includes those with elevators and related equipment on an electronic spreadsheet, the list is incomplete and inaccurate. We selected 15 of the 54 properties that were listed as buildings without elevators and related equipment, which included a college, apartment buildings, retail stores, a library and auto dealers. We performed on-site visits and found 94 elevators and related equipment on 10 of the properties not on the list (Test 1). In addition, we randomly selected 50 properties from the Master List. We performed on-site visits and observed 50 elevators and related equipment that were not included on the list (Test 2). Because seven of the properties visited for Test 1 were also selected for Test 2, we visited a total of 58 properties. Our visits identified 141 unique devices. Building officials stated that their main responsibility is to issue permits, they do not have an elevator inspector on staff, and their limited staff serves the entire City. They added that they do not keep a count of the number of escalators because there are not many escalators in the City. As a result, the City does not have a reliable list of elevators and escalators to use to assure the proper and timely inspections are completed and that they are safe for public use.

Response: There are no buildings listed as buildings without elevators. The list will be updated accordingly as stated in this response. Your test was inaccurate, and as a test we visited 77 Main Street and the number you provided us in the spreadsheet I asked for in the close out conference was incorrect. The spreadsheet you gave us indicates 17 properties not 15 as delineated in this report. We have no jurisdiction at the library as the property is owned by the school district and those reports should be filed with NYS Department of Education. For clarification, there are only 2 buildings with escalators in the City of New Rochelle and the master list will be updated accordingly. The majority of deficiencies noted in this report are with respects to Mechanical auto lifts, not elevators. The chart on page 5 of your report depicts that.

See
Note 6
Page 21

See
Note 7
Page 21

Our primary objective is to review plans for compliance with the local zoning ordinance and NYS codes and process applicants building permits. We do not have an elevator inspector on staff, that is factual, however, the city decided several decades ago to abolish that position. We also respond to citizens' complaints regarding building, zoning, property maintenance, signage, etc. Tracking elevator fees and QEI certifications is a small part of what we do as a government agency but an important none the less and we can do better and bring every property into compliance.

The Bureau did not Collect Inspection Reports Property owners must submit inspection reports for elevators and related equipment to the City at six-month intervals and annually as required by the City Code and the American Society of Mechanical Engineers (ASME).

Response: There is a local code amendment that will be considered by city council. This amendment will allow folks to comply with NYS code and submit a report once a year as permissible by NYS code.

However, the Bureau did not follow up to collect the reports.

We selected 42 properties (with 84 elevators and equipment) from the 2016 Master List and found that only eight properties submitted reports.

Annual reports and not the required six- month reports. We also selected 43 properties (with 72 elevators and equipment) from the 2017 Master List, only two properties submitted reports. Further, these properties submitted only one report each. Due to these results, we requested all reports submitted and found that only 54 of a potential 348 reports (16 percent) were submitted during our audit period (Figure 2).

Response: We have received 269 reports for 2017 out of 324 pieces of equipment or 83% on the master list. We will continue our code enforcement process until we are 100% compliant.

The Bureau's unwritten procedure is to issue violation notices to property owners who do not submit inspection reports.

Response: This is a standard code enforcement practice in the State of New York, if a property is out of compliance the owner is issued a violation as previously stated (a notice to cure) and then a court appearance ticket accordingly if we do achieve voluntary compliance.

However, violations notices were not sent to 68 (91 percent) of the 75 property owners.

Response: We have received 269 reports for 2017 out of 324 pieces of equipment or 83% on the master list. We will continue our code enforcement process until we are 100% compliant.

When Bureau officials do not track properties and issue violation notices for overdue reports, officials have no guarantee that the elevators and related equipment are inspected and comply with the City Code.

Response: Noted.

As a result, public safety could be jeopardized due to unsafe elevators and related equipment.

Response: Noted.

Bureau Officials did not Address Elevator Deficiencies/Violations We reviewed all 54 inspection reports that were submitted during our audit period (31 in 2016 and 23 in 2017)4 and found approximately 70 instances of more than 14 types of deficiencies/violations with 24 of the 54 reports (44 percent) that needed to be corrected in a timely manner to comply with the Code. The most serious deficiencies totaled 35 instances and included violations such as no emergency phone and no fire extinguisher;

Response: We will review the 2017 reports to see if the instances and deficiencies were corrected. There is no requirement for older elevators to comply with the communications or a fire extinguisher if the car was built or upgraded prior to 2001. We will review the reports accordingly.

the remaining deficiencies totaled 35 instances and included violations such as insufficient ventilation. Some of these deficiencies were found in apartment buildings, a health care facility and a college.

Response: Depending on the age of the car, the deficiencies noted on the reports (i.e ventilation and emergency phone) are not required in some instances but will be reviewed.

Bureau officials told us there is a three-step procedure. First, they place a call to the property owner. If they do not receive a response, they place a second call. If there is still no response, they issue a violation. Five properties submitted reports in both years.

Response: The current procedure is to:

- 1) Follow up with a phone call.
- 2) Issue a notice to cure.
- 3) Issue a court appearance ticket accordingly.

Bureau officials did not consistently follow up on violations/deficiencies on the reports submitted to bring them into compliance. We noted one property had the following deficiencies for the same elevator on its 2016 semi-annual and 2017 annual inspection reports: • Firefighters Emergency Operation Hall Key switch does not work and must be repaired. • Emergency phone in the elevator did not work.

Response: We will review the reports and if there are systems installed that are non-functional they need to be repaired accordingly as per NYS code.

Bureau officials said they usually follow up on these deficiencies with the property owners, but in many instances, the deficiencies will be corrected and property owners will submit a follow up report highlighting the previous deficiencies to show that they were corrected.

Response: Part of the follow up includes a phone call and I believe that the missing part of the puzzle is that the QEI's are not re-inspecting the deficiencies noted in the report as the owners are not calling them back to do so. In any event, this was a gap in document review that has been noted and the city will take steps to correct it accordingly.

Three reports identified corrections of previous deficiencies. Also four of 54 (7 percent) of the properties had equipment that did not comply with the ASME safety requirements; we did not note any follow-up inspections or testing reports to correct these deficiencies. City officials indicated that they do not have an elevator inspector on staff to execute all responsibilities under the City Code. This occurred because the City has not adopted adequate policies and procedures for tracking elevators, the timely submission of inspection reports and following up on violations/deficiencies in those reports. When Bureau officials do not track and follow up on the inspections and tests that are performed, there is an increased risk that defective elevators will not be repaired in a timely manner. In such instances, public safety could be jeopardized.

Response: Moving forward, if deficiencies in the QEI report are noted on the report the clerk responsible for receiving the reports will turn the report over to code enforcement officer for immediate action and follow up. The Code enforcement officer will follow up with the management company and the QEI, order the requisite repairs and demand a second report from the QEI to certify that the deficiencies are corrected if they are in fact valid deficiencies. When we issue the certificate for that car we can also verify that the paperwork verifies that the repairs were made.

This occurred because the City has not adopted adequate policies and procedures for tracking elevators, the timely submission of inspection reports and following up on violations/deficiencies in those reports. When Bureau officials do not track and follow up on the inspections and tests that are performed, there is an increased risk that defective elevators will not be repaired in a timely manner. In such instances, public safety could be jeopardized.

Response: Noted.

The Bureau did not collect Administrative Fees The City Code imposes an annual administrative fee on elevators and equipment ranging from \$75 to \$170. The Bureau is required to collect the fees, which are calculated based on the number of elevators and equipment listed on the Master List. The Bureau sends invoices to property owners for the fees. However, it does so only intermittently; it does not do so on a regular basis and does not follow up when payments are not received within 30 days. The Bureau does not have policies and procedures to ensure the proper and timely collection of administrative fees. The current system relies on the elevator owners to submit the fees rather than having the Bureau actively manage and monitor the inspection process. As a result, the Bureau collected \$37,965 in 2017 but should have collected at least \$53,900. In some cases, revenue may have been permanently lost.

Response: After the master list is completed and as it continues to be updated, all billing will be done through the Department of Finance. Any payment that is not received will result in code enforcement.

The Bureau did not Ensure that Inspection Certificates Were On-Site The City Code requires the most recent inspection reports and device inspection certificate to be on display at all times within the elevator or attached to the escalator or dumbwaiter; or available for public inspection in the office of the building operator. We visited 50 properties with elevators and found that although 20 of the 50 (40 percent) complied with the City Code:

Response: We do not inspect the elevators, the inspections are performed by QEI's. If properties are found to out of compliance when we ask for a record we will issue a notice to cure as required by code.

- 13 of 50 (26 percent) did not provide access to the premises or management offices. We placed calls to some of the management offices; however, we did not get responses or call backs. Therefore, we were unable to determine compliance.

Response: In order to get access to a property under State law, you ask for permission, if the owner of the property denies you permission you are required to obtain a search warrant to enter that premise.

- 8 of 50 (16 percent) did not have inspection reports or inspection certificates. We were told that their witnessing companies did not provide them with copies of the reports and they would contact them and forward copies to us. However, as of the end of field work we had not receive those reports. One manager told us their contracting company told them that annual inspections are not necessary as long as their equipment is tested monthly. The manager was able to provide evidence of monthly testing; however, the manager is still responsible for displaying or making inspection reports and certificates available for inspection.

Response. If we knew what address this was we could follow up but that information was not provided to us. In our next billing cycle if possible we will add a few bullet points to the bill that include a statement regarding the storage and production of records on site.

- 5 of 50 (10 percent) had inspection reports but not inspection certificates. The managers told us the Bureau did not issue them inspection certificates. However, Bureau officials said the contracting companies are responsible for issuing inspection certificates –but the City’s Code states, “a certificate of elevator or lift compliance shall be issued by the Building Official if the results of the inspections are satisfactory.”

Response: A review of our processes indicates that we will issue certificates for every car we have received up to date paperwork for as well as the requisite payment. We will treat the lifts separately. As the bureau looks to new software to assist in record keeping, we will make attempts to barcode each motor vehicle lift.

- 2 of 50 (4 percent) of the businesses we visited were no longer in operation. Bureau officials told us that when a property with elevators and related equipment are not in operation, the elevator list gets updated to reflect the changes; however, the list was not updated to reflect these changes.

Response: Noted.

1 residential property was listed in error.

Response: Noted.

1 property did not have elevators or related equipment and should not have been included on the list.

Response: That property actually did contain an elevator and it is on our master list.

See
Note 8
Page 21

We were unable to observe two escalator inspection reports because the property managers’ addresses and contact information were not included on the list. In addition, although the Bureau received the inspection reports for six elevators, it failed to record them on the Master Lists for 2016 and 2017.

Response: Noted.

Because of a lack of monitoring and oversight, all properties with elevators and related equipment may not comply with the safety requirements of the Code. As a result, public safety could be at risk.

Response: This statement is fundamentally incorrect. You are making a statement that all properties may not comply and they either do or they don’t. The only elevator failure that has occurred in the City of New Rochelle in the last 3 decades was due to operational error and had nothing to do with reports or paperwork.

See
Note 9
Page 21

What Do We Recommend?

The Council, City Manager and Bureau officials should:

Response: Please be advised that this is a City Manager form of government.

1. Identify, track and monitor elevators and related equipment to ensure that the Master List is complete and accurate. Also, escalators should be added to the types of equipment that are specifically accounted for.

Response: Noted.

2. Enforce the submission of six month and annual inspection reports by property owners and issue violation notices to those who do not submit them.

Response: Noted.

3. Follow up on violations/deficiencies identified on the inspection reports submitted. Because of a lack of monitoring and oversight, all properties with elevators and related equipment may not comply with the safety requirements of the Code. As a result, public safety could be at risk.

Response: This statement is fundamentally incorrect. You are making a statement that all properties may not comply and they either do or they don't.

4. Ensure the regular billing and timely collection of annual administrative fees and collect overdue administrative fees.

Response: All billing will be turned over to the department of finance and will be automated through [REDACTED] software.

5. Ensure that all elevators and related equipment are inspected and that inspection reports and device inspection certificates are on display or available for inspection.

Response: Noted.

6. Provide guidance to clarify that contracting companies are responsible for issuing inspection certificates.

Response: We will issue the operation certificates. The QEI will still be provided to provide us the inspection reports.

7. Update the Master List to reflect business and equipment additions and deletions.

Response: Agreed and this is the most important part of the process.

Appendix B – Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To achieve the audit objective and obtain valid audit evidence, our audit procedures included the following:

Response: When you team arrived here there was absolutely no mention of your audit objective, nor does your letter to the mayor dated Feb 3rd 2017 make mention of this audit objective, actually it is extremely difficult to correlate the letter we received with the actual objective in the report we received 5 months after the audit concluded. When we received the report we were told we had 30 days to respond in the middle of the summer when most folks have many staff members on vacation. We politely asked for a 30 day extension and were given 1 week additional time. When the audit team arrived here, they tested the department by reviewing fees that were collected. You folks refer to this process as risk assessment. Your team interviewed various members of staff on how jobs were taken in at the counter and how fees were taken in.

You randomly sampled 50 building permit files to ensure we had collected the right fee(s). We did. Your team then asked and we reviewed 50 random plumbing permits with respects to fees, we did and no inconsistencies were found. You then interviewed various staff members with respects to collection of fees.

See
Note 10
Page 21

See
Note 9
Page 21

You also asked to see our weekly and monthly deposits sheets and reconciled our monthly deposits with the Department of finance. This process went on for months yet no mention of this is included in any portion of this report. You failed to mention any of the positive actions that this bureau took in fee collection and after we asked you to include this in the report during our exit conference your response was "that is not our policy" and the email received on 8/1/2018 (attached) reads: "our office has decided not to add the language to the report". It is our opinion that this should've been included in the report as this office operates at a zero tax burden to the general public and last year we collected over 3.6 million dollars in fees.

See
Note 5
Page 20

The dates on the audit state that the audit was extended to the end of 2017, yet you were still in the risk assessment stage as of late in October of 2017 (see email attached.) We have received many more reports for the 2017 time period than noted in your findings (83 % of master list.) We have issued 61 violations and 8 court appearance tickets for 2017.

See
Note 11
Page 21

- We interviewed Bureau and Fire Department officials to gain an understanding of the internal controls over the monitoring and enforcement of elevator inspections in the City.
- We reviewed relevant laws and codes to familiarize ourselves with the statutes that affect the authorities having jurisdiction over the enforcement of elevator inspections.
- We conducted interviews to determine the invoicing process for collecting elevator inspection reports and administrative fees from property owners for passenger elevators, lifts and related equipment.
- We reviewed the Master List for properties without the number of elevators included, then searched the City's assessor portal and used online maps to determine if these properties had elevators.

See
Note 12
Page 21

Response: There is no information in the city's assessors' portal indicating which buildings have elevators, if that was the case a master list would be very easy to create and keep updated.

- We judgmentally selected 15 of the 54 properties identified as potentially having an elevator or related equipment based on the higher likelihood of being present. We also randomly selected 50 properties from the Master List. We visited these sites, documented the equipment and compared the results to the Master List to determine whether the Master List contained all identified equipment.

See
Note 7
Page 21

Response: Your comparison to the master list is flawed. Throughout your report it states elevators and related equipment when in fact the majority of inconsistencies that exist in the master list have to do with motor vehicle repair lifts not elevators. Please find a sample of inconsistencies in your testing, see spreadsheet attached.

We randomly chose 85 properties with 147 elevators and nine lifts to determine if property owners submitted inspection reports in a timely manner and if violation notices were issued to non-complaint property owners. We also determined whether the Bureau's procedures for ensuring that outstanding reports were obtained were followed.

- We reviewed all 54 inspection reports that were submitted during our audit period (31 in 2016 and 23 in 2017). We noted any deficiencies and inquired about any follow up performed.

See
Note 11
Page 21

Response: We received many more than 23 inspection reports for the calendar year 2017, 269 were received or 83%. We issued 61 violations and issued 8 court appearances to help get the reports we did obtain.

- We reviewed the billing procedures for annual administrative fees and determined whether the Bureau ensured the proper and timely collection of those fees.
- We requested inspection reports and certificates at each of the 50 sites visited to determine whether they were on display or made available by property owners in compliance with the Code.

Paul Vacca
Deputy Commissioner of Development / Building Official
914-654-2036

Appendix B: OSC Comments on the City's Response

Note 1

We explained to City officials at the exit conference that the “full assessment of the Bureau of Buildings” was our risk assessment process. Using the results of our risk assessment, we decided on the reported objective and scope. We did not audit other operational areas and, therefore, the audit report cannot state that there were no findings in other operational areas. All deficiencies identified in this report are significant because they can affect public safety.

Note 2

We amended our report to clarify our objective statement and applicable report sections to reflect that our objective was to determine whether Bureau officials ensured that elevators were inspected as required by the Code or the City's local law, as applicable.

Note 3

All numbers in our report are based on documentation provided during the audit. Although the City may currently have 184 properties, the list provided on November 28, 2017 contained 226 properties for 2017, which was not significantly different from the 225 properties listed for 2016. On January 3, 2018, we requested an updated copy but never received one.

Note 4

The spreadsheet provided by the examiner was based on the Master List provided and observations by the examiner during site visits. The number of elevators and devices are based on what was shown to us by the representatives at the different properties. Test results for site visits regarding vehicle lifts are included in Figure 1 in the auto lifts category. We did provide a list of locations tested and our findings on July 24, 2018 and September 13, 2018. If the City's list of elevators that was given to our examiners was incorrect, it supports a lack of appropriate monitoring of inspections. An important first step in monitoring inspections is having an accurate list of elevators that should be inspected.

Note 5

Our audit scope period was January 1, 2016 through September 30, 2017. We expanded our audit period through December 31, 2017 to review submitted inspection reports. This was the period under review and was not the same time period as when we conducted our on-site work or our risk assessment. Our risk assessment started in September 2017.

Note 6

The Master List provided on November 28, 2017 included 54 properties that were listed as buildings without elevators and related equipment. The spreadsheet provided to officials contained 15 properties. Although one of the 15 properties had three sections that were listed independently for clarification and ease of tracking, the three sections are part of the same property. We have removed information about the library and updated the numbers accordingly in our report. Most importantly, it is good that the City is updating its master file of elevators since an accurate list is the starting point for monitoring inspection compliance.

Note 7

The Master List and the City's local law include elevators and vehicle lifts, which are included as part of the related equipment. Our findings include elevators and related equipment.

Note 8

The property did not have an elevator or related equipment according to the Master List. Although City officials may have subsequently identified an elevator on the property that was not brought to our attention by building management during our site visit, our report does not indicate that there was an elevator on the property that did not comply with the City's local law.

Note 9

We have clarified our report to indicate there is an increased risk that properties with elevators and related equipment may not comply with safety requirements.

Note 10

Our recommendation includes only the first sentence that the Council, City Manager and Bureau officials should follow up on violations/deficiencies identified on the inspection reports submitted.

Note 11

The number of reports cited is based on the information that was given to us from Bureau officials. We asked several times for updated information but none was given.

Note 12

We amended our report to clarify that we "searched the City's assessor portal and used online maps to determine if these properties could potentially have elevators."

Appendix C: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To achieve the audit objective and obtain valid audit evidence, our audit procedures included the following:

- We interviewed Bureau and Fire Department officials to gain an understanding of the internal controls over the monitoring and enforcement of elevator inspections in the City.
- We reviewed relevant laws and codes to familiarize ourselves with the statutes that affect the authorities having jurisdiction over the enforcement of elevator inspections.
- We conducted interviews to determine the invoicing process for collecting elevator inspection reports and administrative fees from property owners for passenger elevators, lifts and related equipment.
- We reviewed the Master List for properties without the number of elevators included, then searched the City's assessor portal and used online maps to determine if these properties could potentially have elevators.
- We judgmentally selected 15 of the 54 properties identified as potentially having an elevator or related equipment based on the higher likelihood of being present. We also randomly selected 50 properties from the Master List. We visited these sites, documented the equipment and compared the results to the Master List to determine whether the Master List contained all identified equipment.
- We randomly chose 85 properties with 147 elevators and nine lifts to determine if property owners submitted inspection reports in a timely manner and if violation notices were issued to non-complaint property owners. We also determined whether the Bureau's procedures for ensuring that outstanding reports were obtained were followed.
- We reviewed all 54 inspection reports that were submitted during our audit period (31 in 2016 and 23 in 2017). We noted any deficiencies and inquired about any follow up performed.
- We reviewed the billing procedures for annual administrative fees and determined whether the Bureau ensured the proper and timely collection of those fees.
- We requested inspection reports and certificates at each of the 50 sites visited to determine whether they were on display or made available by property owners in compliance with the Code or the City's local law, as applicable.
- We determined whether 93 elevators and related equipment were inspected and whether their reports and inspection certificate were available.

-
- We verified QEI qualifications by confirming them on the National Association of Elevator Safety Authorities website.

We conducted this performance audit in accordance with GAGAS (generally accepted government auditing standards). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. We encourage the Board to make the CAP available for public review in the Clerk's office.

Appendix D: Resources and Services

Regional Office Directory

www.osc.state.ny.us/localgov/regional_directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/localgov/costsavings/index.htm

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/localgov/fiscalmonitoring/index.htm

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmgm

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/localgov/planbudget/index.htm

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/localgov/lgli/pdf/cybersecurityguide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/localgov/finreporting/index.htm

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/localgov/researchpubs/index.htm

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/localgov/academy/index.htm

Contact

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Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

www.osc.state.ny.us/localgov/index.htm

Local Government and School Accountability Help Line: (866) 321-8503

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