



March 30, 2026

Re: Legal Services NYC comment on New York City Department of Buildings proposed elevator rule change

Legal Services NYC (“LSNYC”) is the largest civil legal services provider in the country, and our neighborhood-based offices and outreach sites across all five boroughs assist over 100,000 individuals annually. LSNYC is dedicated to fighting poverty and seeking racial, social and economic justice for low-income New Yorkers. This testimony is being submitted in response to proposed updates to the Department’s rules regarding elevators, escalators, personnel hoists, and moving walks that are currently in Chapter 11 of Title 1 of the Rules of the City of New York.

In the course of our work, LSNYC often encounters prolonged elevator outages that severely limit tenants’ ability to use and enjoy their homes. Extended outages often prevent tenants from leaving their apartments regularly, disrupt access to medical care and other necessities, and pose heightened risks to health and safety for tenants with limited mobility. When elevators are out of service for extended periods, affected tenants may experience isolation, increased risk of injury, and destabilization of long-standing housing arrangements.

These conditions arise across a wide range of residential buildings and are not confined to isolated incidents. [New York City’s own data](#) underscores the scale of the problem: year-to-date, approximately 2,833 elevator-related complaints have been submitted citywide. This volume reflects the frequency with which tenants experience elevator failures and highlights the need for a regulatory framework that treats prolonged outages as serious safety concerns rather than routine inconveniences.

The department’s decision to consolidate and clarify hazardous elevator conditions and enforcement mechanisms in the proposed rule will positively impact LSNYC’s clients. The proposed rule improves upon prior regulations by clearly identifying a range of elevator and escalator conditions that are deemed dangerous to human life and safety. By enumerating specific failures—rather than relying on broad or undefined standards—the proposed rule creates a more

predictable and enforceable framework for identifying hazardous conditions and responding to them in a timely manner.

In addition, the proposed rule's inclusion of consequences when owners or their representatives fail to appear for, or are unprepared for, scheduled appointments is a good accountability measure. For tenants experiencing ongoing elevator failures, timely inspections are often the first necessary step toward resolution.

LSNYC has extensive experience litigating on behalf of tenants who face the physical harm that comes from a lack of elevator access. [For example](#), LSNYC represented an individual ("Mr. N.") a case seeking to enjoin the landlord from halting elevator service for five months in the building. Mr. N was both elderly and required life-saving dialysis treatments multiple times per week. During an unexpected outage in elevator service, Mr. N was forced to take the stairs down from his seventh-floor apartment and fell, suffering several injuries to his face and hand. As Mr. N said at the time "I'm afraid that if my landlord shuts down the elevator, I won't be able to get the treatments I need to live."

As another example, LSNYC has worked with one client whose elevator was broken for months at a time. This client was a young mother, with a toddler and was pregnant with another child at the time. This client also lived on the eighth floor of the building. During the periods when the elevators in the building were not working our client had no choice but to walk up and down the eight flights of stairs between her apartment and the entrance to the building each time she needed to leave the apartment, often with a young child or two in tow. Our client would be forced to climb up and down the eight flights of stairs each time she commuted to and from work, any time she went to get groceries for herself or her family, and anytime she needed to take either of her two young children to any of their necessary medical appointments.

On at least one occasion after the birth of her second child, our client fell unconscious after traveling up the eight flights of stairs to her apartment while returning from errands with her two young children. Fortunately, she was not seriously injured and was able to return to her apartment to rest.

Our client made repeated complaints to HPD through the non-emergency response line 311 to little avail. Section 103-19 as proposed would help her and other tenants like her by making it easier to compel landlords to provide consistent elevator access and requiring other accommodations if there is a necessary prolonged interruption in service.

While §103-19's burden shifting to the landlord after 14 days is laudable; LSNYC is concerned regarding the flat fee for missed appointments of \$200 per missed appointment as

outlined in §103-20. It is our concern that such a relatively nominal fee does not sufficiently incentivize landlords to keep to their inspection appointments, where it may be more economically beneficial for the landlord to repeatedly miss appointments and continue to pay the fee as opposed to having their elevator inspected and conducting any required repairs. We would recommend instead an escalating fine structure, beginning at \$200 for the first missed appointment and doubling for every subsequent appointment.

Under this modified structure the first missed appointment would result in a fine of \$200, the second a fine of \$400, the third a fine of \$800 so on and so forth. We believe that this structure would be more effective in ensuring that landlords keep to their appointments, elevators are inspected timely, and tenants receive the safe and habitable housing they deserve.

Additionally, LSNYC strongly recommends modifying §103-19(a)'s definition of an elevator outage with no demonstrated practical difficulty or provision of alternative accommodations period to be considered dangerous to human life and safety from 14 days to three (3) days. A three-day elevator outage is more reflective of the challenges that an elevator outage presents to any tenant and in particular for those with serious medical conditions. Defining three days as the time period in which an outage could be considered dangerous balances both the needs of tenants and landlords by providing sufficient time for responsible landlords to contact elevator mechanics to address the issue, offer alternative accommodations, and/or demonstrate practical difficulty. For tenants like the two LSNYC clients discussed above, 14 days of an unjustifiable elevator outage with no offer of alternative accommodations means numerous trips up and down stairs on a daily or near-daily basis that could realistically cause serious injury or even death. That risk becomes far greater when dealing with intransigent or negligent landlords who flout agency rules beyond the compliance period. A shorter period centers the human lives in rental units and incentivizes prompt correction of a condition that for many tenants is not a matter of convenience, but rather one of health, life, and safety.

Furthermore, LSNYC has handled many matters where landlords implemented temporary fixes for serious elevator conditions to muster before inspectors or in court proceedings only for the elevators to promptly fail once again. A 14-day period before an unjustified outage is considered a condition dangerous to human life and safety simply provides far too much wiggle room for bad-faith actors to game the system, while tenants and their families are left to live out the consequences of such bad-faith conduct and often pay a heavy price.

Ideally the City should create a system wherein tenants whose mobility depends on wheelchairs and/or walkers and who cannot physically use stairs during an elevator outage

complete lease riders that are submitted by the landlord to the Department of Buildings, which would then generate a flag for the building. In the event there is a reported elevator outage in such a building, this would trigger a notification to the Department of Buildings (as well as Department of Health and Mental Hygiene) which, in turn, immediately notifies the landlord of its requirement to immediately relocate the affected tenant(s) to a vacant first-floor unit in the building, vacant first-floor unit in a building in the area the tenant resides, or a nearby hotel. If the landlord of the building fails to promptly locate the tenant, Department of Buildings should pay for such relocation to appropriate alternative accommodations and charge the landlord, much like emergency repairs effectuated by the Department of Housing Preservation and Development.

Finally, as a direct provider of legal services to low-income tenants, LSNYC is intimately familiar with the fact that rights are only effective when tenants are aware they possess them. Whether by amending the rule to require posting of information in elevators where tenants can be informed of this new rule, or by broadcasting out this information on other channels, the Department of Buildings must work to make sure tenants are sufficiently informed to be able to enforce their rights to safe and habitable conditions under this new rule. Furthermore, the Department of Buildings must dedicate sufficient resources to effective oversight to ensure landlord compliance with this critical updated rule. Thank you for your time.

Sincerely,

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