



New Elevator Safety Requirements

QUESTION: I have just heard that there are some new safety requirements applying to rental properties that have elevators. Is that correct, and if so, can you tell me about the new requirements?

ANSWER: [House Bill 619](#), entitled "An Act Imposing Safety Requirements For Elevators In Certain Residential Rental Accommodations," was enacted by the General Assembly in June, 2022 and approved by Governor Cooper on July 8, 2022. The relevant sections of the Act went into effect October 1, 2022.

QUESTION: To what residential rental accommodations does the Act apply?

ANSWER: The Act applies to any elevator in a private residence, cottage, or similar accommodation subject to taxation under [G.S. 105-164.4F](#). That would include the rental of any residence occupied by an individual for less than 90 continuous days, with the exception of those rented for less than 15 days/year by the owner without the involvement of a real estate broker or other "accommodation facilitator." It would include both vacation rentals and non-vacation rentals for less than 90 days. An "elevator" is defined in Section 143-143.7(d) as "a hoisting and lowering mechanism equipped with a car or platform which moves in guides, and which serves two or more floors of a building or structure."

QUESTION: What are the safety requirements?

ANSWER: The requirements, which are technical in nature, are set forth in subsections (a)(1) and (a)(2) of new G.S. 143-143.7. They pertain to the allowable gap between the exterior and interior door or gate of the elevator (the "gap requirement") and the horizontal force that the doors and gates must be able to withstand (the "horizontal force requirement").

QUESTION: What if an elevator doesn't comply with the gap requirement?

ANSWER: If the elevator doesn't meet the gap requirement, the landlord must install a hoistway door space guard or door baffle meeting certain specifications set forth in subsection (b)(1) of the statute, and must provide the Commissioner of Insurance with either: (1) a statement signed by a professional elevator installer certifying installation of the door baffle, door space guard, door, or gate meeting the requirements of subsection (b)(1), or (2) a receipt for purchase of the door baffle, door space guard, door, or gate, a signed statement by the landlord stating the date of installation, and photographs showing the door baffle, door space guard, door, or gate as installed.

QUESTION: What if an elevator doesn't comply with the horizontal force requirement?

ANSWER: If a car door or gate doesn't meet the horizontal force requirement, it must be replaced with a door or gate that does meet the requirement.

QUESTION: May the elevator stay in service while the landlord brings the elevator into compliance?

ANSWER: No. According to section (b) of the statute, if the elevator doesn't meet the requirements set forth in subsections (a)(1) and (a)(2), the landlord must prevent the operation of the elevator until it has been brought into compliance.

QUESTION: Are there any potential consequences for a landlord who permits the continued operation of an elevator that doesn't comply with the new requirements?

ANSWER: Yes. According to section (e) of the statute, any person who permits the continued operation of an elevator that doesn't comply with the new requirements is guilty of a Class 2 misdemeanor. In addition, to the extent someone is injured as a result of the failure to comply with the new requirements, the landlord could be held liable for significant monetary damages.

QUESTION: Could a property manager face criminal and civil liability too?

ANSWER: In our view, yes. We strongly recommend that a property manager managing a property with an elevator insist that it be taken out of service until it can be inspected by a professional elevator installer and brought into compliance with the statutory requirements to the extent necessary.

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