

Understanding the NH "Elevator and Accessibility Lift Law"

Written by Administrator

Monday, 24 August 2009 13:28 - Last Updated Sunday, 27 September 2009 06:07

Recently, I have been fielding an increased number of questions from Case Managers concerning the requirements and applications of the New Hampshire "[Elevator and Accessibility Lift Law](#)".

Since all elevators and accessibility lifts installed in New Hampshire must comply with this law, a working knowledge of its requirements is helpful for anyone involved in the process of providing this equipment to the disabled community. In this post, I'll try to respond to the issues Case Managers have asked about. **DISCLAIMER:** This information is meant as a helpful reference only and is not intended as any sort of official interpretation.

The equipment covered by the law includes elevators, vertical and inclined platform lifts and stair lifts. The Elevator and Accessibility Lift Law was written to ensure user safety by mandating which type of lift - commercial or residential - can be installed in any given setting and the requirements for safety and inspection of each.

- Residential grade lifts are the typical elevator, wheelchair platform lift or stair lift intended for use by a specific individual in a private residence. These units come with basic safety features such as an emergency stop switch and a safety device that stops lift movement if an obstruction is encountered.

- Commercial grade lifts are designed for use in public spaces where the lift is available to a variety of users. For this reason, they are required to have additional safety features, such as gates or doors with interlocks to limit unauthorized access, an over speed device that will disable the controls and prevent the unit from moving in the event of a malfunction, plus others. They must be inspected and certified by the NH Department of Labor ([NH DOL](#)) Elevator Inspection Division for proper operation upon installation and annually thereafter.

In New Hampshire, the installation of a residential lift may be subject to local permitting, but no other inspections or approvals are required by the state. Commercial lifts, however, require pre-installation plan approval, certification for initial operation, annual inspection/recertification by the NH DOL - all of which require fees - and the timely reporting (within 48 hours) of any accidents occurring during the ongoing use of the lift. The additional fees, plus the higher purchase price of a commercial grade unit, make it more expensive to buy and maintain than a residential grade lift.

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The use of a commercial lift in public spaces such as churches, schools, stores, etc. is obvious. Under the law, however, other spaces such as rented housing units are also considered public space rather than private residences, thus making them subject to the commercial lift requirement as well. There are cases within this group, where an argument can be made that even though rented, the space functions as a private residence, therefore, the less costly residential grade lift would be sufficient. The law does give the NH DOL the authority to "exempt elevating devices which do not conform with the definitions in RSA 157-B:2", but those exemptions should never be assumed and are at the sole discretion of the NH DOL!

To illustrate: Consider a newly disabled individual who lives in an apartment and now needs to have a platform lift added to his entrance for wheelchair access. If the entry to his apartment is part of a shared space (e.g. porch, hallway, etc.) that allows common access to other apartments, then his entry is "public" and would thus require a commercial lift.

If, however, his apartment has its own separate entrance, with no common access to other apartments then it might be possible to argue that, in this case, his apartment is a "private residence" and to request an exemption to the requirement for a commercial lift. Requests for exemptions are made directly to the Elevator Inspection Division of the NH DOL.

Finally, since accessibility lifts can be easily moved to other locations, it is important to determine prior to moving it, whether or not the new location meets the criteria for a private residence. A residential lift moved to a site that does not meet the criteria for a private residence will not be in compliance with the NH Elevator and Accessibility Lift Law and the installation or use of it at that location will be a violation subject to penalties.

As few disabled NH residents are aware of this law or its requirements, it is important that those of us in the industry help educate and protect our clients! Click this link to review the fees and requirements of Title XII, NH RSA 157-B the "[Elevator and Accessibility Lift Law](#)".

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