

Public (Commercial) Versus Private (Residential) Lifts and Elevators What's the Difference?

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This question comes up all the time. To most people, it seems like a simple question. However, when you get into the specifics of the code and the different applications, it becomes quite complex. Let's see if I can provide a simple explanation.

Let me start with a scenario.

Mary Smith owns her own home in Any Town, New England. Her home is occupied by herself, her husband, her 12 year son, and she has two foster children, one of which is disabled and uses a wheelchair. Mary calls All-Ways Accessible, Inc. (AWA) indicating that she needs a wheelchair lift for her home. After meeting with Mary and her husband, and discussing their situation, AWA determined that they do not meet the definition of a private residence.

How does AWA determine that a property is classified as either a private residence or public facility? By the definition provided to AWA by the state in which the product will be installed. All three New England States (Maine, New Hampshire and Vermont) have adopted the National Safety Code for Elevators and Wheelchair Lifts. The specific code that covers elevators is A 17.1. Wheelchair lifts and stair lifts are covered by A18.1. In the definition section of these code books both define a private residence as: ***"A separate dwelling or a separate apartment in a multiple dwelling which is occupied only by the members of a single family unit"***. Recently, I wrote a letter to the State of New Hampshire for clarification on this definition. This is what they sent back: ***"a private residence is a single-family unit where there exist no contractual arrangements and where no compensation, lease, room & board or rent is paid by non-family occupants to the owner or leaser of the property"***.

So what does this mean to you? If you or a family member needs a lift or elevator for your home and it is a private home as defined above, then you meet the residential definition. However, if you live in an apartment or condo and the lift/ elevator is in a common area that you share with others, then the public or commercial definition would apply.

For Mary, in the example above, because she was a foster parent, and was paid by the state to care for the two children, she no longer qualified as a private residence. Her home was now considered a public facility and she would need to install a commercial lift that met public application codes. Foster homes, boarding houses and group homes are all considered public facilities with regard to the National Safety Code.

Given these definitions of private and public, how does it effect the equipment you need to buy and how it's installed? Public facilities must have commercial equipment that meets the National Safety Code. That equipment must also be installed in accordance with those same codes. Commercial equipment is usually more expensive because it requires more safety features, and the installation is more costly because of the same. It will require that you obtain a permit from the state of jurisdiction, and that the equipment will need to be inspected by a licensed inspector upon installation (this also adds to the cost). You will need to maintain an operating permit for the equipment, and for that it will need to be inspected annually or face civil fines.

So what happens if you decide to install a residential lift or elevator in a place that, by code, is deemed public? You will face hefty fines from the state, you will be forced to remove the equipment (and lose the money you invested in the equipment to begin with) and in the event someone gets hurt, you would carry all of the liability for installing a lift that did not meet code.

If you have further questions and wish to contact any of the 3 state elevator departments, those numbers are listed below.

New Hampshire Department of Labor	(603) 271- 2656
Maine Elevator & Tramway Safety Board	(207) 624-8629
Vermont Dept. of Public Safety, Div. of Fire Safety	(802) 479-7561

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