

What's the difference?

## Public (Commercial) Versus Private (Residential) Lifts and Elevators

By Jeff Lavoie, President/CEO, All-Ways Accessible, Inc.

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 Anytown, 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 needs, AWA determines that they do not meet the definition of a private residence.

How we determine the property is classified as a private residence or public is by the definition given to us by the State in which the product will be installed. All three New England States (Maine, New Hampshire and Vermont) have adopted the *National 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 our 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 and would need to install a lift that met public application codes. Foster homes, boarding houses and group homes are all considered public residences. If it is a public residence, then you will need a commercial product that meets public application guidelines. What that usually means is that the equipment and the installation will be more expensive because it needs to meet a different set of guidelines. 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. 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. And 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, Central Office	(802) 479-7561