

ELEVATOR VARIANCES

Amended procedures

In keeping with the Department's efforts to communicate changes and updates to its procedures, and to expedite the process in a more efficient and timely fashion, it is reconfirming and amending its variance procedures.

Please be advised that any variances required for new elevator installations must be obtained prior to permit approval, as the Department now requires that the variance decision be submitted along with the permit application. A copy of any variance granted by the Board must be posted on site along with the permit before installation shall begin.

There are currently two types of variance decisions that could be required with a new installation permit application:

- 1) **Site-specific variances** as outlined in M.G.L. Chapter 143, Section 70, which provides for the Board of Elevator Regulations to grant variances if “.....owing to conditions especially affecting the particular building or installation involved, the enforcement of any provision of law, code ,rule, or regulation relating to elevators, would do manifest injustice or cause substantial hardship, financial or otherwise, to the appellant or any occupant of the appellant's building or would be unreasonable under the circumstances or condition of the property.” The need for site-specific variances can arise due to unforeseen circumstances after an elevator is permitted, but any condition requiring a variance that is known prior to installation requires a variance prior to the issuance of a permit.
- 2) **New MRL prototype variances** (machine-specific situations) issued pursuant to 524 CMR 13.02 (1) and (2):
 - 524 CMR 13.02(1): Preliminary approval shall be obtained by way of a variance request for each new MRL prototype designed by a manufacturer. All design specifications which do not comply with A17.1 shall be listed in the application. A variance shall be required prior to a permit for installation being issued by the Department of Public Safety Elevator Division.
 - 524 CMR 13.02(2): Final approval must be obtained after installation is complete by way of an on-site review by the Board of Elevator Regulations, or its designee. No further variances will be required for future installations of the

same model MRL by the same manufacturer as long as it is manufactured and installed precisely according to the specifications of the variance issued by the Board.

The Department will maintain a list on its website of current MRL models with approved variances. Copies of those variance decisions will be available on the website, and they can be submitted with new installation permit applications without the need for a hearing, so long as the elevator is the same model MRL and will be manufactured and installed precisely according to the specifications in the variance. Any new changes to an approved MRL prototype that conflict with 524 CMR require additional approval by the Board through both phases of the 524 CMR 13.02 process, regardless of whether the model name or number has changed.

If it is found that the installation is **not** the same model MRL by the same manufacturer and / or it is **not** installed precisely according to the specifications of the variance issued by the Board, the installation permit shall become void and a new variance must be obtained. Civil fines or other proceedings may follow if fraud is implicated.