

Bryson F. Popham, P.A.

Bryson F. Popham, Esq.

191 Main Street
Suite 310
Annapolis, MD 21401
www.papalaw.com

410-268-6871 (Telephone)
443-458-0444 (Facsimile)

February 27, 2020

The Honorable Senator Kelley, Chairman
3 East, Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 618 - Public Safety - Hydraulic Elevator Inspections - Privately Owned Buildings
Letter of Information

Dear Chairman Kelley and Members of the Senate Finance Committee,

On behalf of the Building Owners and Managers of Greater Baltimore (BOMA), I wish to express our concern and provide some information that we hope will be helpful to you and your fellow Finance Committee members as you consider this legislation.

BOMA, through its nearly 300 members, represents owners and managers of all types of commercial property, comprising 143 million square feet of office space in Baltimore and Central Maryland. Our members' facilities support over 19,000 jobs and contribute \$2.5 billion to the Maryland economy each year.

The Committee should understand that elevators, and especially the safety of their operation, are essential components of our business model. Because BOMA members own and manage the substantial majority of commercial buildings in Central Maryland, and because our premises are used every day by tenants, their business invitees, and other visitors, we simply cannot afford to have elevators that are unsafe in any way. For that reason, there have been no fatalities or serious accidents involving bodily injury to people in elevators within BOMA member-managed buildings. We do everything possible to ensure that stellar safety record.

Approximately twenty years ago, the General Assembly took action to address a growing backlog of annual elevator inspections. At that time, it was decided to permit inspections to be done by third party inspectors, who would conduct a physical review of the maintenance work on each elevator. This inspection, it was decided at the time, did not require the inspector to be present during the maintenance work performed by a licensed elevator mechanic. Instead, the inspector could visit the site to operate the equipment and verify the work previously done by the mechanic. Maryland has existed under that compliance regime for the past twenty plus years, all the while maintaining its perfect safety record.

BOMA and other commercial property owners and managers opposed the legislation enacted two years ago requiring inspections to be performed at the same time that the annual maintenance work is performed. We objected for a number of reasons, not least of which was an insufficient number of qualified third party inspectors to perform the work. Our concern about an insufficient number of inspectors has now been realized, thus leading to the proposed delay of implementing this new law that is the substance of SB 618.

While we do not take a position on SB 618, we believe the relief it may afford by a modest delay in implementing the new law will be temporary at best. We also believe that the backlog of elevator inspections will continue to grow, and the General Assembly will have to confront this issue again, and soon.

Therefore, we respectfully recommend a thoroughgoing examination of the issue by the General Assembly, together with the Department of Labor. BOMA would be happy to participate in any such examination.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bryson Popham". The signature is fluid and cursive, with the first name "Bryson" and last name "Popham" clearly distinguishable.

Bryson F. Popham, Esq.

cc: Kevin Bauer