

Weston's Law Revised

 January 2023 ebulletin

In July 2021, 7-year old Weston Androw of Canton, Ohio became trapped between an elevator car and elevator shaft in the vacation home his family rented on North Carolina's Outer Banks. EMS workers were able to free Weston from the elevator but were not successful in resuscitating the young boy. Weston's tragic death spurred action by lawmakers to enact a new law regarding safety requirements for elevators in short-term rental properties. On July 8, 2022, Governor Cooper signed House Bill 619, also known as Weston's law, which is designed to prevent future injuries and deaths resulting from gaps in certain residential elevators.

The law applies to elevators in private residences, cottages or similar accommodations that are rented for 15 or more calendar days per year. Similar to the North Carolina Elevator Safety Act, the law defines an elevator as any hoisting and lowering mechanism, with a car or platform, which moves in guides and serves two or more floors of a building or structure.

Weston's Law allows for a maximum gap of 4 inches between the hoistway face of the landing door and the car door of an elevator. Additionally, the law mandates minimum force requirements for elevator doors and gates. All elevator designs must be able to withstand 75 pounds of applied force. When this amount of force is applied, the doors and gates must not deflect (bend or curve) more than $\frac{3}{4}$ of an inch, become permanently deformed, or be displaced from the guide or tracks.

If elevator doors or gates do not currently comply with the aforementioned safety requirements, the landlord of the rental property cannot allow for the elevator to be operated until the safety conditions are met.

If the gap between the car door and landing door is greater than 4 inches, then the landlord must install a permanent door space guard or door baffle of at least 31.75 inches in height. This addition must be able to withstand 75 pounds of force applied horizontally using a 4-inch diameter sphere.

Once the landlord installs a door, door space guard, door baffle or gate in compliance with these safety requirements, the landlord must provide the Commissioner of Insurance with either a statement signed by a professional elevator installer certifying installation or a receipt for purchase of the item that was installed, a statement signed by the landlord stating the date of installation, and photographs which depict the door, door space guard, door baffle or gate that was installed pursuant to the law.

Weston's Law went into effect October 1, 2022. Property managers should advise their landlord-clients to implement measures that comply with the safety requirements. Any person who violates the landlord's attempt to prevent use of an elevator until it meets these requirements may be charged with a Class 2 misdemeanor criminal offense. Property managers handling short-term rentals should take reasonable steps to ensure that any elevators comply with the new law and refrain from representing any landlord who has failed to comply but is continuing to allow the elevator to be used.

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