

**NEW YORK CITY DEPARTMENT OF BUILDINGS**

**NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 101-02 and 101-07 of Chapter 100 of the Rules of the City of New York, regarding Waiver of Certain Construction Documents Required to be Submitted by Registered Design Professionals for Certain Work and Approved Agencies, respectively.

This rule was first published on February 13, 2018 and a public hearing thereon was held on March 16, 2018.

Dated:

4.6.18  
New York, New York



Rick D. Chandler, P.E.  
Commissioner

## **Statement of Basis and Purpose**

This rule amends portions of 1 Rules of the City of New York (RCNY) §§ 101-02 and 101-07 to allow Approved Elevator Agency Directors, rather than Registered Design Professionals, to file elevator door monitoring work. The rule also allows approved elevator inspection agencies, rather than DOB inspectors, to inspect the installation of elevator door monitoring systems. The Department makes these changes in order to reduce the burden on owners who must – pursuant to section 3.10.12 of chapter K3 of Appendix K of the New York City Building Code – retrofit existing elevators to include elevator door monitoring systems by January 1, 2020.

This rule also corrects a citation error in 1 RCNY § 101-07.

The Department of Buildings' authority for this rule is found in sections 643 and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1.** Paragraphs (2) and (3) of subdivision (a) of section 101-02 of Title 1 of the Rules of the City of New York are renumbered (3) and (4), respectively. The introductory paragraph of subdivision (a) is amended and a new paragraph (2) is added to read as follows:

(a) Pursuant to section 28-104.6[, Exception 4,] of the administrative code, the commissioner is authorized to allow persons other than registered design professionals to be the applicant for the approval of construction documents. Pursuant to section 28-104.7.12 of the administrative code, the commissioner is authorized to waive the submission of any of the required construction documents. The commissioner can waive this submission [and other data] if review of such documents is not necessary to ascertain compliance with [this code] the Construction Codes or is not required for the phase of work for which a permit is sought. Notwithstanding the following provisions, the commissioner reserves the right to require the filing of narratives or sketches showing compliance with the provisions of this code for the categories of work described below.

(2) Selected elevator work. In connection with the filing of applications for construction document approval, the Applicant is not required to be a registered design professional and design drawings are not required to be submitted for work performed pursuant to section 3.10.12 of chapter K3 of Appendix K of the New York City Building Code. This update applies to the following items (i) through (v) below:

(i) Elevator Agency Director required. The installation application shall be filed by a Department approved elevator agency director ("Applicant");

(ii) Design Approval. The controller manufacturer or a registered design professional approves the design and/or controller modifications in accordance with § 3.10.12 of chapter K3 of Appendix K, and the Applicant must submit with the application proof, in a form and manner acceptable to the commissioner, of such approval.

(iii) Design drawings and any controller modifications must be dated, contain unique drawing numbers, and specify the relevant premises and elevator device number.

(iv) The following documents must be maintained in the subject premises' machine room and made available to the Department upon request:

(A) A copy of the design drawings and any controller modifications with the controller manufacturer's stamp;

(B) A letter on the controller manufacturer or registered design professional's business letterhead, attesting that the door monitoring system's design and any controller modifications comply with the Construction Codes and all ANSI requirements.

(v) Inspection. The Applicant inspects and tests such work on behalf of the owner and in the presence of an independent approved elevator inspection agency not affiliated with the Applicant, which witnesses the test ("witnessing agency") with following conditions:

(A) The Applicant must notify the department at least 48 hours prior to such inspection and testing.

(B) Pursuant to section 28-304.6.3 of the administrative code, the Applicant must report any unsafe or hazardous conditions to the department.

(C) Provided there are no unsafe or hazardous conditions, both the Applicant and the witnessing agency inspector(s) must sign the inspection certificate at the site before returning the device to service.

(D) Pursuant to section 28-304.6.5 of the administrative code, the Applicant submits an inspection and test report to the department.

§ 2. Subparagraphs (iii) and (iv) of paragraph (4) of subdivision (c) of Section 101-07 of Title 1 of the Rules of the City of New York are amended to read as follows:

**§101-07 Approved Agencies.**

(iii) Tests and inspections performed by an approved elevator inspection agency on behalf of the owner after the effective date of this section shall be performed in compliance with section [3012.1 ] 3014.1 of the Building Code and the reference standards set forth in [appendix] Appendix K of the Building Code.

(iv) [Effective January 1, 2009, periodic] Periodic elevator inspections and tests performed by an approved elevator inspection agency on behalf of the owner as required by section 28-304.6.1 and Section 3.10.12 of chapter K3 of Appendix K of the Administrative Code shall be performed in compliance with the following requirements:

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