

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) proposes to amend its rules to allow non-Registered Design Professionals to file plans related to selected elevator work and to allow approved elevator agencies to perform a broader scope of work, including elevator door monitoring work.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 3/16/18. The hearing will be in the 3rd floor conference room at 280 Broadway.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up in the hearing room before the hearing begins on 3/16/18. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 3/16/18.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 3/2/18.

This location has the following accessibility option(s) available: Wheelchair accessibility.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter authorize DOB to make this proposed rule. This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What laws govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose

The proposed 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 devices. 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 devices by January 1, 2020.

This rule also updates 1 RCNY § 101-07 to reflect that the American National Standards Institute (ANSI), and not the American Society of Mechanical Engineers (ASME), is the organization currently responsible for developing standards for the Qualification of Elevator Inspectors and Elevator Inspector Supervisors.

Finally, this rule 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. The introductory paragraph of subdivision (a) of section 101-02 of Title 1 of the Rules of the City of New York 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. 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.

§ 3. Paragraphs (10) and (11) of subdivision (a) and 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.

(10) Qualified elevator inspector. An individual who has obtained a Qualified Elevator Inspector ("QEI") Certificate from an [ASME] American National Standards Institute ("ANSI")-accredited agency to witness elevator inspections and tests.

(11) Qualified elevator inspector supervisor. An individual who has obtained a Qualified Elevator Inspector Supervisor ("QEIS") Certificate from an [ASME]ANSI-accredited agency to supervise a QEI's witnessing and/or to witness directly elevator inspections and tests.

* * *

(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:

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Amendment of rules regarding elevator work

REFERENCE NUMBER: 2017 RG 107

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: 1/10/18

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of rules regarding elevator work

REFERENCE NUMBER: DOB 105

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Casimir Peters
Mayor's Office of Operations

January 19, 2018
Date