



Promulgation Details for 1 RCNY 3009-01

This rule became effective on June, 11, 2026.

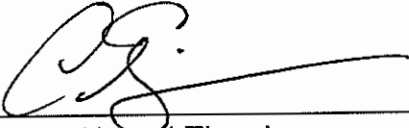
This rule has an effective date of 06-11-26

NEW YORK CITY DEPARTMENT OF BUILDINGS

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner 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 its rules regarding elevators, escalators, personnel hoists and moving walks. This rule was first published on February 25, 2026, and a public hearing thereon was held on March 30, 2026.

Dated: 05/5/26
New York, New York



Ahmed Tigani
Commissioner

Statement of Basis and Purpose of Rule

The Department of Buildings' (the "Department's") rules regarding elevators, escalators, personnel hoists, and moving walks that are currently in Chapter 11 of Title 1 of the Rules of the City of New York have not been updated in decades. These amendments repeal the remaining Chapter 11 rules since some provisions are now obsolete or are found elsewhere. Some of the current Chapter 11 provisions are moved to new sections to align with the numbering for similar rules and code references have been updated.

Specifically:

- The cease use provisions of current section 11-03 are moved to a new section 102-08.
- Section 103-03 is repealed as it refers to an obsolete version of a reference standard and a repealed rule section. The correct version of the reference standard is currently in section 3001.2 and Appendix K of the Building Code.
- New section 103-19 adds the provisions from subdivision (a) of current section 11-02 along with provisions regarding alternative accommodations for elevators being out of service for more than 14 days.
- New section 103-20 adds the provisions from subdivision (b) of current section 11-06. It also updates code sections and shortens the cancellation period for scheduled inspection or test appointments from three days to two days to reflect current, electronic practice.
- New section 103-21 adds the provisions from subdivision (c) of current section 11-06 and increases the pre-inspection clearance fee from \$200 to \$815.
- New section 3309-01 adds the provisions from subdivision (a) of current section 11-06.

The proposed rules were published in the City Record on February 25, 2026. A hearing was held on March 30, 2026. Two organizations submitted comments to the Department. After considering the comments, the Department made the following changes to the rule:

- Changed "imminently hazardous" to "dangerous" in the cease use section to match Section 28-207.5 of the Administrative Code.
- Added a reference to an existing \$65 fee, which the Department is authorized to charge pursuant to section 28-207.5.1 of the Administrative Code and section 101-03 of the Department's rules, that must be paid to cover inspections of the condition prior to rescission of a cease use order.
- Clarified that daily enforcement action may be taken for these immediately hazardous conditions.
- Clarified that tenant accommodation must be provided even if a practical difficulty is found.
- Clarified who may submit letters showing practical difficulties by changing "authorized representative" to "authorized part distributor."
- Clarified that tenants with disabilities must be relocated to an accessible space on the ground floor.

- Added a requirement to post the tenant accommodation language from the rule at each floor's elevator when the elevator is out of service.

Comments were received for which changes were not made for the following reasons:

- Requests were made to reinstate and increase the penalty amount for failure to correct a violating condition and to institute escalating fines for failure to keep inspection appointments. As the Department will be issuing violations returnable to the Office of Administrative Trials and Hearings, the penalties will be higher than those proposed in the comments.
- Both organizations that submitted comments wanted the 14 days reduced to one or three, respectively. The Department wants to provide sufficient time for the building owner to begin the process of correcting the condition and to offer accommodations to the tenants.
- A comment was made that elevators subject to a cease use order should be included as a condition dangerous to human life and safety in section 103-19. However, those elevators would be out of service due to the cease use order and are, therefore, already covered by the out of service language in section 103-19.
- A comment was made that reimbursement of expenses related to moving expenses and delivery of goods and services to the tenants' new location should also be required. This is not feasible or practical.
- A comment was made that an owner should provide an acceptable reason and a proposed new date for cancelled appointments. The Department believes the language in the rule is sufficient for cancellations.
- A request was made that the Department create a system where those who cannot physically use stairs would be able to register with the Department in order to be notified when the elevator in their building stops working. This is not something that is in the purview of the Department of Buildings.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, Articles 112 and 207 of Title 28 of the New York City Administrative Code and Chapter 30 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

"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. Section 11-02 of chapter 11 of Title 1 of the Rules of the City of New York,

relating to elevator and escalator violations constituting a condition dangerous to human safety, is REPEALED.

§ 2. Section 11-03 of chapter 11 of Title 1 of the Rules of the City of New York, relating to cease use orders for elevators, personnel hoists, escalators and moving walks, is REPEALED.

§ 3. Section 11-04 of chapter 11 of Title 1 of the Rules of the City of New York, relating to separability, is REPEALED.

§ 4. Section 11-06 of chapter 11 of Title 1 of the Rules of the City of New York, relating to elevators, escalators or other devices, except amusement devices, listed in Listed in § 27-185(b) or § 27-982 of the Administrative Code, renewal of temporary use permits and fees, is REPEALED.

§ 5. Subchapter B of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 102-08 to read as follows:

§102-08 Cease Use Orders for Elevators, Personnel Hoists, Escalators and Moving Walks.

A cease use order will be issued for all elevators, personnel hoists, escalators, and moving walks pursuant to Section 28-207.5 of the New York City Administrative Code whenever any service equipment is or may be dangerous to life, health or safety. In addition, the device will be tagged as unsafe. This tag may not be removed without prior approval from the department. The equipment may not be returned to service until a fee of \$65 is paid and the department has rescinded the cease use order upon application from the owner in accordance with Section 28-207.5.1 of the Administrative Code. Such dangerous conditions include, but are not limited to:

- (a) Elevator running with an open hoistway door or car gate/door.
- (b) Elevator running with broken or non-functioning upper or lower final hoistway or machine limit switches.
- (c) Hoistway or car door vision glass and grille guard missing.
- (d) Unraveling or broken hoist, counterweight, governor or compensation cables.
- (e) Missing hoistway door or car door gibs.
- (f) Inoperable governor.
- (g) Elevator running with non-functioning interlock.
- (h) Emergency top exit cover missing (passenger elevator).
- (i) Side emergency exit door open (passenger elevator).
- (j) Emergency stop switch not working (automatic elevator, escalator or moving walk).
- (k) Directional switch not working (escalator or moving walk).
- (l) Other dangerous conditions as observed by the inspector.

§ 6. Section 103-03 of subchapter C of chapter 100 of Title 1 of the Rules of the City of New York, relating to existing elevators and escalators, is REPEALED.

§ 7. Subchapter C of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding new sections 103-19, 103-20, and 103-21 to read as follows:

§103-19 Elevator and Escalator Violations Constituting a Condition Dangerous to Human Life and Safety. Any of the following elevator and escalator violations constitute a condition dangerous to human life and safety for which the department may take daily enforcement action against the building owner after issuance of an immediately hazardous violation:

- (a) All elevators are out of service in a building or building section. An owner of a building

with elevator service outages that extend beyond 14 days is required to provide alternative accommodations for tenants. An alternative accommodation includes, but is not limited to, any or all of the following:

- (1) installation of a temporary vertical transportation device in the building;
- (2) relocation of tenants to portions of the building where an elevator is not required by section 3002.4 of the New York City Building Code, except that individuals with disabilities must be relocated to an accessible space on the ground floor;
- (3) relocation of tenants to a building with elevator service; or
- (4) reimbursement of tenant expenses related to hotel or other lodging costs.

An owner must post a notice of tenants' rights to alternative accommodations, in a form and manner acceptable to the department, adjacent to the elevator hall call buttons in a conspicuous area on each floor where the elevators are out of service.

For elevator outages beyond 14 days, the owner must provide proof of a practical difficulty and an elevator restoration schedule to the department. Proof of a practical difficulty acceptable to the department includes, but is not limited to, letters from part manufacturers or authorized part distributors.

- (b) Firefighters' Emergency Operation not functioning in premises.
- (c) Badly worn, defective, or damaged hoist cables and/or governors cables.
- (d) Defective hoistway doors.
- (e) Defective hoistway door interlocks.
- (f) Defective car door/gate.
- (g) Defective car door/gate switch.
- (h) Defective/missing vision panels.
- (i) Defective car safety devices.
- (j) Defective brake assembly.
- (k) Defective hoist machine.
- (l) Defective selector/assembly.
- (m) Missing top emergency covers.
- (n) Defective escalator fire shutters.
- (o) Defective escalator comb plates.
- (p) Defective escalator stop switch.
- q) Excessive escalator skirt panel clearances.
- (r) Defective or non-functional safety switches.
- (s) Badly worn, defective, or damaged relays or controllers and/or selector.
- (t) Defective, badly worn, or damaged car safety device parts.
- (u) Defective car and/or counterweight buffers.
- (v) Any damaged, badly worn or defective equipment, which could result in elevator breakdown.

§ 103-20 Failure to keep or be prepared for scheduled appointment for the inspection or test of an elevator, escalator or other device, except amusement devices, listed in Chapter 30 of the New York City Building Code.

(a) Cancellation of scheduled appointments. Scheduled appointments for the inspection or tests of an elevator, escalator or other device, except amusement devices, listed in Chapter 30 of the New York City Building Code may be canceled no later than two business days prior to the scheduled appointment.

(b) Unprepared or not present for appointment. Where a department inspector arrives at the site of a scheduled inspection or test and is unable to perform the scheduled inspection or witness the test because the owner or its authorized representative has failed to cancel the

appointment in accordance with the provisions of subdivision (a) of this section, or fails to keep or is unprepared for the scheduled appointment, the department will impose a fee for the missed appointment in the amount of \$200. The fee is due and payable within thirty days after the date of the missed appointment or prior to the scheduling of a new appointment, whichever is earlier.

§ 103-21 Pre-inspection clearance of an elevator, escalator or other device, except amusement devices, listed in Chapter 30 of the New York City Building Code. An owner or its authorized representative may request the department to perform a pre-inspection clearance of an elevator, escalator, or other device, except amusement devices, listed in Chapter 30 of the New York City Building Code within five business days of the department's receipt of such request and payment of the required fee of \$815 per device. The department reserves the right to schedule a pre-inspection clearance during hours that are operationally feasible, including non-regular business hours.

§ 8. Chapter 3000 of Title 1 of the Rules of the City of New York is amended by adding a new section 3009-01 to read as follows:

3009-01 Renewal of a temporary use certificate for an elevator, escalator, or other device, except amusement devices, listed in Chapter 30 of the New York City Building Code.

(a) Renewal. A temporary use certificate issued pursuant to Section 3009.3 of the New York City Building Code for an elevator, escalator or other device, except amusement devices, listed in Chapter 30 of the New York City Building Code may be renewed subject to the following:

- (1) Each renewal application must be submitted in a form and manner acceptable to the department not later than five business days prior to the expiration date of the temporary use certificate;
- (2) Such application must state the reason for renewal and be accompanied by the required fee as set forth in subdivision (c) of this section; and
- (3) Such application must be submitted on behalf of the owner and signed by the owner or its authorized representative.

(b) Inspection. The department may require an inspection prior to the issuance of a renewal of a temporary use certificate.

(c) Fee. Each application for renewal must be accompanied by a fee of \$100 per device.