

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) is proposing to amend its rules regarding elevators, escalators, personnel hoists, and moving walks.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11:00 am on 3/30/26.

- Join through Internet – Desktop app:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar. Then follow the prompts to either continue using the browser or download/open the Teams desktop app.

<https://events.gcc.teams.microsoft.com/event/c083e102-a59d-47ce-94ef-c6952ee43ccb@32f56fc7-5f81-4e22-a95b-15da66513bef>

Enter your name when prompted and click the **“Join now”** button. If you don't have computer audio or prefer to phone in for audio, select **“Phone audio”** under **“Other join options”** then click the **“Join now”** button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

<https://events.gcc.teams.microsoft.com/event/c083e102-a59d-47ce-94ef-c6952ee43ccb@32f56fc7-5f81-4e22-a95b-15da66513bef>

When prompted select **“Join meeting”**. Type your name and then select **“Join meeting”** again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

PLEASE NOTE: The above links are used to register for the hearing. Once registered, you will receive a confirmation email that will include a link to join the hearing. If you should run into technical difficulties when using the above links to register or you do not receive the registration confirmation email with your link to join the hearing, please use one of the following alternative methods to join the hearing. You should receive the confirmation email within a short time of registering. Please check your junk email folder too if you do not see the email in your inbox. Best practice is to register for the hearing prior to the actual hearing date.

Alternatively, open the Teams app and select “Join a meeting”. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select “Join meeting”.

Meeting ID: 240 016 795 454 9
Passcode: nh2nS9h4 (Code is case sensitive)

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 646-893-7101
Phone Conference ID: 270 236 535#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

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.
- **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 by emailing dobrules@buildings.nyc.gov by 3/23/26 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes, you must submit comments by 3/30/26.

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 can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 3/16/26.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are hearing impaired, and audio only access for those who are visually impaired.

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/>. 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 and may be requested by email at dobrules@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter, Article 112 of Title 28 of the New York City Administrative Code and Chapter 30 of the New York City Building Code authorize DOB to make this proposed rule. This proposed rule was included in DOB's regulatory agenda for Fiscal Year '26.

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

What rules 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 of Proposed Rule

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 proposed amendments would repeal the remaining Chapter 11 rules since some provisions are now obsolete or are found elsewhere. Some of the current Chapter 11 provisions would be moved to new sections to align with the numbering for similar rules and code references would be 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 Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, Article 112 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 an imminently hazardous condition that may be dangerous to life, health or safety exists. In addition, the device will be tagged as unsafe. This tag may not be removed without prior approval from the department. Such imminently hazardous 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 imminently hazardous 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:

(a) All elevators are out of service in a building or building section for more than 14 days with no demonstrated practical difficulty nor any alternative accommodation provided for tenants. Proof of a practical difficulty acceptable to the department must be provided and includes, but is not limited to, letters from part manufacturers or authorized representatives indicating a required part will not be available for more than 14 days. An alternative accommodation includes, but is not limited to:

- (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;
- (3) relocation of tenants to a building with elevator service; or
- (4) reimbursement of tenant expenses related to hotel or other lodging costs.

(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.

**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 Relating to Elevators, Escalators, Personnel Hoists and Moving Walks

REFERENCE NUMBER: 2025 RG 109

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
Senior Counsel

Date: February 13, 2026

**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 Relating to Elevators, Escalators, Personnel Hoists and Moving Walks

REFERENCE NUMBER: DOB-209

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/ Francisco X. Navarro
Mayor's Office of Operations

February 13, 2026
Date