



Buildings

Sustainability Enforcement Unit
280 Broadway, 3rd Floor
New York, New York 10007

Notice of Violation

Month XX, 20XX

Name

Address

Borough/Block/Lot: X/XXXXX/XXXX

Premises: Premises address

BIN: XXXXXXX

Violation No: XXXXXXBENCHXXXX

Date of Violation: XX/XX/20XX

Dear **Name**:

City of New York records demonstrate that you are in violation for failure to submit the total energy usage of your building ('Benchmark') for the **Benchmarking period 20XX (compliance deadline Month XX, 20XX)**, as mandated by the NYC Administrative Code §28-309.4. This information is required to be submitted annually no later than May 1. Continued failure to benchmark may result in additional violations on a **quarterly basis and an additional penalty of \$500.00 per quarter** with a maximum of \$2,000 per year.

For further information on benchmarking, including how to establish an account and file a report, please visit the City's Greener, Greater Buildings Plan website at www.nyc.gov/qbee.

Applicability – Covered Buildings under NYC Administrative Code §28-309.2 are, per NYC Department of Finance records:

- Any building greater than 25,000 gross square feet;
- Two or more buildings on the same tax lot that together exceed 100,000 gross square feet;
- Two or more buildings held in a condominium form of ownership that together are larger than 100,000 gross square feet.

To resolve this violation, you are required to:

1. Pay the penalty for failure to file the Benchmarking Report **by mail by either certified (bank) check or money order** payable to the NYC Department of Buildings for the penalty amount stated, as per Title 1 of the Rules of the City of New York §103-06(l) to:
NYC Department of Buildings
Sustainability Enforcement Unit
280 Broadway, 3rd floor
New York, NY 10007
2. Include a copy of this violation notice.
3. Submit the energy benchmarking report for the current compliance year by the next quarterly deadline to avoid another violation. **Penalty Amount: \$500.00 (in certified check or money order ONLY)**

If you believe this violation was issued in error, you are directed to:

1. Email a completed [Benchmarking Violation Challenge Form](#) within **30 days** from the postmark date of this violation. You may also mail this form.

Email: sustainability@buildings.nyc.gov

Mail: NYC Department of Buildings
Sustainability Enforcement Unit
280 Broadway, 3rd floor
New York, NY 10007

2. Include a copy of this violation notice in your message.

(over)

The **Benchmarking Violation Challenge Form** is available on the Department's website at <http://www1.nyc.gov/site/buildings/business/benchmarking.page>.

A reason for the challenge to this violation **must** be documented. This challenge may include, but is not necessarily limited to **one** of the following:

1. Proof from the Department of Finance that the building in question is not a covered building as defined in NYC Administrative Code §28-309.2;
2. Proof of timely Benchmarking as indicated by a confirmation email from the U.S. Environmental Protection Agency's Portfolio Manager that includes a date-stamped copy of data released to the City;
3. Proof that the building was demolished, or was a new building with a NB permit and no TCO;
4. Certification to the Department by a registered design professional (use the form available at <http://www1.nyc.gov/site/buildings/business/benchmarking.page>) that the property is real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units;
5. Proof of each factor listed in the 'Exception' provision of Section 28- 309.4.3 of the NYC Administrative Code, including proof of a request for benchmarking assistance, as defined in AC Section 28-309.11 of the. Such proof shall consist of a completed copy of the submitted [Benchmarking Assistance form](#); or
6. Documentation to be submitted in the case where an Owner is a subsequent bona fide purchaser for the year in question:
 - a. Copy of the deed
 - b. Notarized affidavit stating that there is no relationship between the previous owner and the subsequent bona fide purchaser. If the subsequent bona fide purchaser is an entity, the affidavit must be on the entity's letterhead and signed by the Owner or an officer of the entity. The affidavit must include:
 - i. The name of the subsequent bona fide purchaser
 - ii. The location of the property
 - iii. A statement that the subsequent bona fide purchaser did not receive the property as a gift
 - iv. A statement that the subsequent bona fide purchaser had no interest or relationship with the prior owner at the time of purchase; and
 - v. A statement that the subsequent bona fide purchaser is not acting in any way for the benefit of the prior owner.

If you have any questions, please email sustainability@buildings.nyc.gov. Please **include your violation number and BBL in the subject heading**. To review the status of your violation, please visit the Department's Building Information System at www.nyc.gov/bis.



Rick D. Chandler, P.E.
Commissioner