

UPCOMING CHANGE

Local Law 84/2009: Issuance of Department of Buildings (DOB) Violations for Non-Compliance

Owners are required to perform annual analyses of a property's total energy use on specific building types in New York City. The benchmarking reports must be submitted electronically by May 1 each year. These requirements are outlined in NYC Administrative Code § 28-309.4.

Beginning with the May 1, 2016 compliance deadline, submitted reports with one or more missing or inaccurate data fields will be considered non-compliant, and will receive a warning in the form of a **Notice of Data Inaccuracy**. Failure to submit a corrected report prior to the next quarterly deadline (*August 1, November 1, and February 1*) will result in a violation for each period of non-compliance.

Reporting Criteria

Buildings that meet any of the following characteristics – based exclusively on NYC Department of Finance ownership information records – must submit Benchmarking reports:

- Buildings greater than 50,000 gross square feet; *or*
- A tax lot that contains two or more buildings that, together, exceed 100,000 gross square feet; *or*
- Two or more buildings held in a condominium form of ownership that, together, are larger than 100,000 gross square feet.

Exemptions from Reporting Requirements

Property owners who have received a violation for failing to submit a benchmarking report – and who believe that their building does not meet the above criteria – may email the Department of Finance at benchmarking@finance.nyc.gov. The email must include:

- The building(s) borough, block and lot numbers;
- Contact name with email address or telephone number; and
- Reason for dispute with your correct square footage.

Resolving a Violation

You must mail the \$500 penalty for failure to file the benchmarking report to:

NYC Department of Buildings
Sustainability Enforcement Unit
280 Broadway, Third Floor
New York, NY 10007

Payments may be made by certified/bank check or money order payable to the NYC Department of Buildings, as per Title 1 of the Rules of the City of New York § 103-06(l).

Challenging a Violation

If you believe a violation was issued in error, complete a **Local Law 84/2009 Benchmarking Violation Challenge Form** and mail; or email the form to the Department within 30 days from the violation postmark date. Mail the form to the attention of Benchmarking at the address listed above, or email it to sustainability@buildings.nyc.gov.

If you have additional questions about your benchmarking violation, email sustainability@buildings.nyc.gov. For general information regarding the benchmarking requirement, including how to submit your report, please visit the [Mayor's Office of Sustainability](#) or contact the Benchmarking Help Center at (212) 566-5584.