



March 27, 2018

Notice of Violation

SAMPLE

Borough/Block/Lot: **SAMPLE**
Premises:

BIN:

Violation No.:
Date of Violation:

Rick D. Chandler, P.E.
Commissioner

**Department of Buildings
Sustainability Enforcement
(EERV)
280 Broadway, 3rd floor
New York, NY 10007**

DEAR MANAGEMENT

City of New York records indicate that you are in violation for failure to submit an Energy Efficiency Report (EER) for 2017 as mandated by the NYC ADMINISTRATIVE CODE §28-308.4. This report is required to be submitted every ten years, no later than December 31.

For further information on LL87/09 Energy Audits & Retro-commissioning, including how to file a report, please visit

<http://www1.nyc.gov/site/buildings/business/energy-audits-and-retro-commissioning.page>

Applicability – Covered Buildings under NYC ADMINISTRATIVE CODE §28-308.1, are, as per Department of Finance records:

- Any building greater than 50,000 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 dismiss this Violation, you are required to:

1. Pay the penalty for failure to submit an EER by mail.
2. Payment must be made by either **Certified (bank) check or money order** payable to "NYC Department of Buildings" for the penalty amount stated below, as per Title 1 of the Rules of the City of New York §103-07(m)
3. Include a copy of this notice of violation.

Penalty Amount: \$3,000.00 first year; \$5,000.00 each additional year of non-submittal

The Penalty Amount owed must be mailed to:

Department of Buildings
Sustainability Enforcement (EERV)
280 Broadway, 3rd floor
New York, NY 10007



If you believe this violation was issued in error, you are directed to email the completed Local Law 87/2009 Energy Audits & Retro-commissioning Challenge Form and all applicable supporting documentation, within 30 days from the postmark of this violation to:

Email: LL87@buildings.nyc.gov

The Local Law 87/2009 Energy Audits & Retro-commissioning Violation Challenge form is available at:

http://www1.nyc.gov/assets/buildings/pdf/eer_violation_challenge.pdf

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.
2. Proof of timely submission as indicated by a confirmation email from the Department of Buildings.
3. Where an owner is a subsequent bona fide purchaser for the year in question. The Department requires the following documentation:
 1. Copy of the deed
 2. 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:
 - a) The name of the subsequent bona fide purchaser
 - b) The location of the property
 - c) A statement that the subsequent bona fide purchaser did not receive the property as a gift
 - d) A statement that the subsequent bona fide purchaser had no interest or relationship with the prior owner at the time of purchase; and
 - e) A statement that the subsequent bona fide purchaser is not acting in any way for the benefit of the prior owner.
4. Proof of early compliance with the filing requirements pursuant to §28-308.7 of the Administrative Code.
5. Proof that the building is less than ten years old at the start of its first assigned calendar year, and that the base building systems are in compliance with the New York City energy conservation code as in effect for new buildings constructed on and after July 1, 2010, or currently in effect.
6. Proof that the building underwent substantial rehabilitation within the preceding ten years, and that the base building systems are in compliance with the New York City conservation code as in effect for new buildings constructed on and after July 1, 2010, or as in effect on the date of such substantial rehabilitation, whichever is later.
7. Proof that the owner was granted an extension of time to file the report.
8. Proof that the owner was granted a deferral to file the report at a later time.

If you have any questions, please email: LL87Questions@buildings.nyc.gov.

Rick D. Chandler, P.E.

A handwritten signature in black ink that reads "Rick Chandler".

Commissioner