

Department of Finance records demonstrate that you are the Owner of a 'covered building' as per NYC Administrative Code §28-309.2, and you failed to submit the total energy usage of your covered building to the City of New York as referenced on the violation served upon you.

If any of the reasons listed below for challenging this violation are applicable, please email this completed form, with supporting documentation, to sustainability@buildings.nyc.gov, indicating **Benchmarking Violation Challenge** in the subject line. An electronic submission with attached evidence is required to remove the violation. You **must** submit your challenge within **30 days** of the mailing of the violation.

VIOLATION #				B E N C H
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PREMISES: _____

BOROUGH/BLOCK/LOT: _____

BIN: _____

I am in receipt of the above NYC Department of Buildings violation for failure to comply with the **NYC Administrative Code §28-309.4**. I challenge this violation, with supporting documentation, based on the following:

- Proof of timely Benchmarking - you must forward the confirmation e-mail from ENERGYSTAR that includes a date-stamped copy of the data released to the City AND the data attachment from that e-mail.
- Proof that the building was demolished, or was a new building with an NB permit and no Temporary Certificate of Occupancy.
- Certification by a registered design professional 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 - use the form provided at the Department's website.
- This covered building does not exceed 50,000 gross square feet, is not two or more buildings on the same tax lot that together exceed 100,000 gross square feet, is not two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 100,000 gross square feet, and is not a city building; the owner requested benchmarking assistance in connection with this building and such request was made at least 60 days before the due date of the benchmarking report for which this violation was issued; and the owner corrected this violation within 60 days after the date of the notice of this violation – you must attach a completed copy of submitted Request for Benchmarking Assistance Form and proof of Benchmarking.
- Proof of change in ownership as indicated on a recorded deed signifying new ownership during the year in question – you must attach a copy of the recorded deed when submitting a challenge.
- I have contacted the Department of Finance (benchmarking@finance.nyc.gov) and obtained proof from the Agency that the building(s) located on this tax lot is below the square footage requirement for Benchmarking, or otherwise not covered by the NYC Benchmarking Law

NOTE: You must contact the Department of Finance first.

- Other reason(s) for challenge (please describe briefly and provide any additional information):

Signature of Owner or Managing Agent

Name (please print)

Phone Number

Email Address