Benchmarking Reports: Violations for Non-compliance

Building owners required to perform annual analyses of their property’s total energy use must submit Benchmarking reports by May 1, 2015, as outlined in the NYC Administrative Code §28-309.4. Failure to submit a Benchmarking report will result in a penalty of $500. Continued failure to report required energy usage will result in additional violations on a quarterly basis and additional penalties of $500 per violation.

Buildings that meet any of the following characteristics 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.

Challenging Violations

If you believe a violation was issued in error, you may submit a Benchmarking Violation Challenge Form. This form must be mailed to the Department within 30 days of the violation’s postmark. Email it to Sustainability@buildings.nyc.gov or mail it to the NYC Department of Buildings, Sustainability Enforcement Unit, 280 Broadway 7th floor, New York, NY 10007.

Please note: eligible properties are determined solely by records obtained from the NYC Department of Finance. Property owners who believe they have received a violation in error because their building does not meet the criteria for Benchmarking should email Benchmarking@finance.nyc.gov. Please include: the building(s) borough, block and lot numbers; reason for dispute with the correct square footage; and a contact name/telephone number.

Resolving Violations

Pay the penalty for failure to file the Benchmarking Report by either certified (bank) check or money order payable to “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). Mail your payment to the NYC Department of Buildings, Sustainability Enforcement Unit, 280 Broadway 7th floor, New York, NY 10007. Please include a copy of the violation.

For information regarding the Benchmarking requirement, including how to submit your report, you may review material at http://www.nyc.gov/html/gbee/html/plan/ll84.shtml.