

FREQUENTLY ASKED QUESTIONS

Local Law 33/18 as Amended by Local Law 95/19

Requirements

Q1. What is required to comply with Local Law 33 of 2018?

A1. To comply with Local Law 33/18, the energy and water consumption of a building must be benchmarked annually by May 1. The energy efficiency score and grade that is obtained and assigned based on the benchmarking reporting, must be disclosed in the form of a [Building Energy Efficiency Rating label](#) (sample), which is issued by the Department of Buildings every year on October 1st, by displaying it annually within 30 days after October 1st in a conspicuous location near each public entrance to the building until October 1st of the following year.

Q2. What happens if a building owner fails to submit a benchmarking report on time?

A2. Buildings for which required benchmarking information was not submitted on time will be assigned an “F” grade in the form of the Building Energy Efficiency Rating Label. The label with an “F” grade must be displayed within 30 days after October 1st in a conspicuous location near each public entrance to such building until October 1st of the following year.

Building Energy Efficiency Rating Label

Q1. What is the required file format needed to download the label?

A1. A printed 8½” x 11” paper label is acceptable.

Q2. Is there a limit on the number of copies that may be printed?

A2. No, you may print as many copies as needed.

Q3. Does the label have to be in color, laminated or framed?

A3. The label may be printed in color (highly recommended) or in gray scale. Framing/laminating the label is suggested, but not required, as long as all information included in the label is clearly visible for the entire year.

Q4. Are there any specific requirements in terms of where the label has to be displayed?

A4. Once printed, the label must be displayed either externally or internally in a conspicuous location near each public entrance, so it is visible to the public. The label must be at a vertical height no less than four feet and no more than six feet from the ground or floor. The label must not be defaced, marred, camouflaged or hidden from public view. The label must be displayed year-round and replaced each year with the latest issued version.

Where to Obtain the Label

Q1. Is the label automatically mailed to the building owner from the City or is it available online for download?

A1. The label is not automatically mailed, an owner or owner’s representative must access it thru the [DOB NOW Public Portal](#), where it can be download and printed for posting.

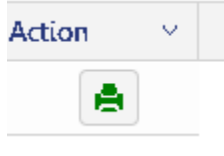
Q2. Where is the Building Energy Efficiency Rating label made available and how is it downloaded?

A2. Retrieve the label by visiting the DOB NOW Public Portal and following these steps (for better access, please use the Chrome browser):

1. Look for a new tab Building Energy Efficiency Rating on the DOB NOW Public Portal, under the Stop Work Orders Search tab:

2. Search by Borough, Block and Lot (all required fields). Do not enter any leading zeroes in the block and lot number boxes.
3. If the entered lot number exists, a list of BINs with corresponding addresses will be listed in rows. If not, an error message will be displayed:

- A button/ link to download the label will be displayed next to each row with the specific BIN/Address:



- Once a user clicks on one of the buttons/links, they will be taken to a new screen where they will enter their information and sign the attestations (performed by checking a box):

Building Energy Efficiency Rating
✕

The Owner of this property is*:

Select

*I am the:

Owner
 Owner's Representative

Owner Information:

Email*	First Name*	Last Name*
<input type="text" value="abc@example.com"/>	<input type="text"/>	<input type="text"/>
Business Name/Agency Name	Street Address*	City*
<input type="text"/>	<input type="text"/>	<input type="text"/>
State*	Zip Code*	Telephone Number
<input type="text" value="Select State"/>	<input type="text"/>	<input type="text"/>

I hereby certify that I am the owner or owner's authorized representative of the property listed above. I understand that, pursuant to Local Law 33 of 2018, §28-309.12.3 of the NYC Administrative Code, and §103-06 of Title 1 of the Rules of the City of New York, I am required to annually display the energy efficiency score and energy efficiency grade for the above-referenced covered building in a conspicuous location near each public entrance to such building within thirty (30) days after October 1st. I further certify that I personally, or persons under my direction or control, will print and post the "Building Energy Efficiency Rating Label" in accordance with the NYC Administrative Code, Department of Buildings rules, and other applicable laws for the above-referenced covered building.

I understand and agree that by personally clicking on the box at the left I am electronically signing this document and expressing my agreement with the statements and terms above and herein. I understand that this electronic signature shall have the same validity and effect as a signature affixed by hand.

Name*	Date*
<input type="text"/>	<input type="text"/>

Submit
Cancel

- Once the user clicks submit, the label will be displayed and available for downloading and printing.

Timeline**Q1. When will the Building Energy Efficiency Rating Label be available?**

A1. The label will be available for building owners to download, print, and display on October 1 of each year.

Q2. When is the deadline to print and display the label?

A2. 30 days after October 1

Fees**Q1. What is the penalty for failure to display the Building Energy Efficiency Rating Label by the deadline?**

A1. The penalty is a DOB violation and a fine of \$1,250

Applicability**Q1. Who must comply with this law?**

A1. Owners of properties that are listed on the Covered Buildings List for benchmarking compliance as per Department of Finance records.

Q2. Which property types are eligible for an ENERGY STAR score?

A2. ENERGY STAR 1-100 score eligibility:

- Barracks
- Data center
- Hospital (general medical and surgical) (eligible to receive the ENERGY STAR 1-100 score at the campus level)
- Hotel (eligible to receive the ENERGY STAR 1-100 score at the campus level)
- K-12 school (eligible to receive the ENERGY STAR 1-100 score at the campus level)
- Medical office
- Multifamily housing (eligible to receive the ENERGY STAR 1-100 score at the campus level)
- Office (covers office, bank branch, financial office, and courthouse)
- Residence hall/ dormitory
- Retail store (covers retail and wholesale club/supercenter)

- Senior care community (eligible to receive the ENERGY STAR 1-100 score at the campus level)
- Supermarket/grocery store
- Warehouse (covers distribution center, non-refrigerated warehouse, and refrigerated warehouse)
- Wastewater treatment plant
- Worship facility

Q3. Why isn't my property generating an ENERGY STAR score?

A3. There may be a number of reasons. Click on the 'Not currently eligible for Energy Star Certification' button with the Energy Star logo for an explanation as to why your property isn't generating a score. Follow the recommended suggestions if applicable.

Q4. My property is a campus where the buildings share utilities. I have different scores for the child properties and the parent property. Will I be assigned a letter grade for each building?

A4. If the benchmarking data was submitted as a campus and the property type is eligible to receive the ENERGY STAR 1-100 score at the campus level, the parent property will generate a score. The scores shown for the child properties will not be taken into account as the child properties in the campus structure may not reflect the energy consumption data for the entire building due to shared systems. Property types that are eligible to receive the ENERGY STAR 1-100 score at the campus level will receive one grade associated with the score assigned to the parent.

Q5. There are multiple buildings on my lot. How many labels will I receive?

A5. Multiple buildings on one lot will receive one campus grade if the benchmarking data was submitted as a campus and the property type is eligible to receive the ENERGY STAR 1-100 score at the campus level, or the same grade for each building on the lot if the benchmarking data was submitted aggregated across all buildings in one report as a standalone property. **In both scenarios the assigned label will be generated for each building on the lot and must be printed by accessing each building's property profile in the DOB NOW Public Portal and posted as required by Law.** Multiple labels can be printed for buildings with more than one public entrance.

Please note, if the lobbies of the individual buildings that comprise the campus are not public entrances, as they are typically only accessible to those who live in that individual building and have no central lobby or entryway (for example, garden style cooperative apartment complexes with individual entrances for each tenant), the LL33/18 Energy Grade and Energy Score label should be placed in the lobby of the management office for the campus. Typically, when a campus submits their benchmarking report, they submit one report that includes all the buildings that comprise the campus and the issued grade corresponds to the score generated for a parent property. Thus, placing one label with the Grade and Score in the lobby of the management office for the campus would comply with the intent of the Law for such buildings.

Q6. What is a public entrance and when is the posting of the label not required?

A6. As per Building Code (BC) section 1102:

PUBLIC ENTRANCE: An entrance that is not a service entrance.

RESTRICTED ENTRANCE: An entrance that is made available for public use but on a controlled basis, and that is not a service entrance.

SERVICE ENTRANCE: An entrance solely for delivery of goods or services.

Q6.1 Does an entrance that is restricted only to only certain occupants of the facility qualify as a public entrance?

A6.1 A “Public Entrance” is not defined in in the NYC Administrative Code; however, it is defined in BC section1102 as “an entrance that is not a service entrance.” An entrance where access is limited to a certain subset of the public – is not a “service entrance”, so the posting of the score and grade label is required. The Building Code also defines a “Restricted Entrance” as “an entrance that is made available for public use but on a controlled basis, and that is not a service entrance.” Therefore, if the entrance is considered a “restricted entrance,” it may still be accessible for public use and the intent of the law’s posting requirement is to advise occupants of the building on the energy efficiency of the building, and so would also require the posting.

Q6.2. Do loading dock entrances or service entrances count as public entrances?

A6.2. Per BC section 1102, loading dock entrances and service entrances would be considered a Service Entrance - An entrance solely for delivery of goods or services. Accordingly, since the public, including occupants of

the building, should not be entering thru a “service entrance”, the posting requirement should not apply to any “service entrance.”

Q6.3. Do street level retail store entrances count as public entrances?

A6.3 If the entrance is exclusive to a particular retail store and not also an entrance to the building in general, such as a lobby, then such an entrance should not be considered a “public entrance” for the purpose of LL 33/18, as the intent of the Law’s requirement is to advise occupants of the building about the energy score and grade. As customers that are entering a retail store cannot be assumed to be occupants or potential occupants of the larger building, the notice requirement does not apply to such entrances.

Q7. What if my property is not eligible for an ENERGY STAR score?

A7. Properties not eligible for an ENERGY STAR score will receive an “N” grade. “N” grade buildings (buildings exempted from benchmarking or not covered by the Energy Star program) are not subject to the posting requirement.

Q8. What kind of property is not eligible for an ENERGY STAR score?

A8. Buildings exempted from benchmarking or not covered by the Energy Star program:

- Multifamily buildings with less than 20 units, enclosed parking, or other property types that are not eligible to receive a 1-100 ENERGY STAR Score
- Some mixed-use buildings; a multi-use property can receive the ENERGY STAR Score, but these two conditions apply:
 - 1) seventy-five percent (75%) of the property's Gross Floor Area (GFA) must be comprised of property types that are eligible for an ENERGY STAR Score; and
 - 2) more than fifty percent (50%) of the GFA must be comprised of one eligible property type (excluding parking)
- Buildings that contain a data center, television studio, and/or trading floor that together exceed ten percent of the GFA

Q9. Are there other exemptions?

A9. Properties with New Build or Demolition permits and no TCO in the applicable reporting year, or properties with an ownership change in the applicable reporting year may be eligible for a temporary exemption. To request such exemption email to sustainability@buildings.nyc.gov.

Contacts**Q1. I have a question about my Building Energy Efficiency Rating – who can I contact?**

A1. Questions pertaining to your Building Energy Efficiency Rating can be addressed by the NYC Sustainability Help Center, Monday through Friday, 9:00 am to 5:00 pm. Email Help@NYCsustainability.org or call **(212) 566-5584**.

Q2. I would like to challenge my violation – who can I contact?

A2. If you believe that you received a violation in error, you may challenge it. The challenge request form must be submitted to the Department **within 30 days** of the Notice of Violation postmark. The challenge request form is accessible in the DOB NOW portal. You will need to have previously created an account in eFiling to log into DOB NOW. To challenge an EGRADE violation, follow the instructions included in the [DOB NOW: Safety - Local Law 33 of 2018](#) guide.

Q3. What paperwork must be submitted along with my violation challenge request?

A3. Per Title 1 of the Rules of the City of New York [§103-06 \(m\)](#), you may challenge the EGRADE violation. The challenge request may include, but is not necessarily limited to, **one** of the following:

1. For requests related to the label printing issues, provide correspondence related to the issue, screenshot of outage, and email sent to the Department of Buildings within 30 days of Oct 31st to notify the Department of the issue;
2. For properties exempt from benchmarking requirements, submit an email from the NYC Department of Finance or Department of Buildings with the confirmation of exemption;
3. If the label was temporarily removed, provide photographic proof of display and the reason for removal;
4. If the label was posted (Violation incorrect), provide photographic proof of the display and description of the entrance(s) location.

Payments

Q1. How do I pay the violation?

A1. To resolve an EGRADE violation, pay the penalty for failure to timely display the energy efficiency score and energy efficiency grade as per Title 1 of the Rules of the City of New York [§103-06 \(l\)](#).

To pay a penalty, follow the instructions included in the [DOB NOW: Safety - Local Law 33 of 2018](#) guide.

Please note:

- Payments can be made by eCheck or credit card
- Credit card payments include a 2% non- refundable service charge
- If you need to create an eFiling account, visit www.nyc.gov/dobnowtips
- Penalty is \$1,250 per violation