

User Guide

Article 320 Penalty Mitigation

When an owner of a covered building subject to Article 320 is **unable to demonstrate timely compliance** with the **annual GHG emissions limit**, such owner can demonstrate qualification for a **mitigated penalty or a mediated resolution** by providing documentation showing the following:

- The owner can demonstrate they are taking concrete action towards compliance, by showing their **good faith efforts (GFE)** pursuant to 1 RCNY §103-14(i)(2).
- An **unexpected or unforeseen circumstance** that has damaged the building making compliance impossible

This presentation will cover how to pursue **Penalty Mitigation** for a covered building subject to Article 320, including:

- Filing an LL97 Penalty Mitigation (Article 320) ticket
- Preparing and submitting supporting documentation

Critical Information for DOB NOW: Safety



The **Owner, Owners Representative, and Service Provider (RDP/RCxA) email** addresses **must be** provided in the DOB NOW Filing Fee process.

- These **3 email addresses** are the only way to **access** your building profile in **BEAM**.
- While you may be able to create a BEAM account without submitting a DOB NOW filing fee, applicable building information will **not** be present in your building profile.
- The **BEAM account** must be **created** using **one of the three email addresses** identified in the LL97 DOB NOW Fee portal associated with the BIN/BBL.

Email addresses entered in DOB NOW will serve as the **only** email addresses to view building profile in BEAM.

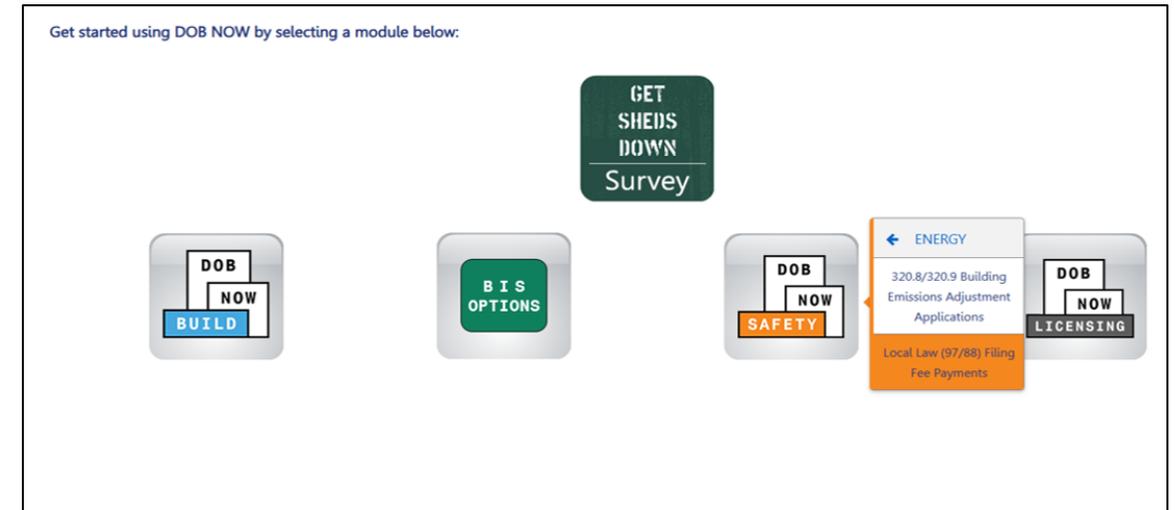
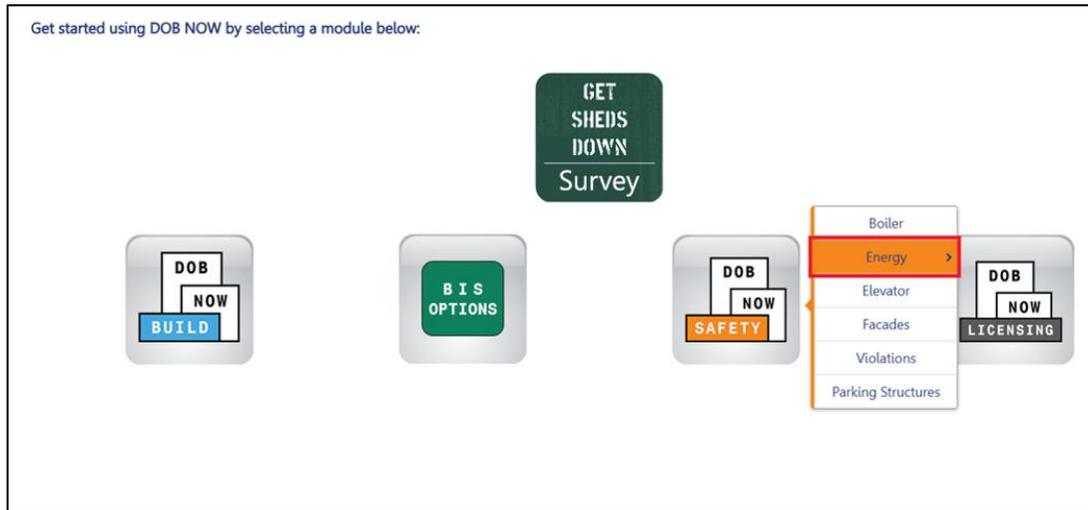
- Owner
- Owner Representative
- Service Provider (RDP/RCxA)

DOB NOW Filing Fee Payment information and submitted emails are transferred to BEAM on a nightly basis. It is not possible to complete a BEAM report in one day.

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- Navigate to the DOB Now login page at nyc.gov/dobnow, enter your NYC.ID email address in the Email field, and select **Login**. If you need to create an NYC.ID account, select **Create Account** or use the [DOB NOW User Guide](#) for step-by-step instructions.
- After logging into DOB NOW, the Welcome page displays. Hover over **DOB NOW: Safety** and click **Energy**.
- From the Energy sub-menu, select **Local Law 97/88 Filing Fee Payments**.



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- On the Local Law Payments dashboard, select **+Local Law 97 Payment**.

NYC Department of Buildings
Local Law Payments

+ Local Law 97 Payment + Local Law 88 Payment

Local Law 97 Fee Payments Local Law 88 Fee Payments

View...	Actions	Transaction Number	Transaction Status	Payment Status
	Select Action: <input type="button" value="v"/>	LL97000001041	Pre-filing	Due

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In the **Stakeholders** section, select your role: **Owner** or **Owner's Representative**. The information of the logged in user will auto-populate in the selected section. Owner information is required.

- To **change the name or address**, select **Manage/Associate Licenses** from the person icon in the top right corner of the screen.
- If the **logged in user** is an **Owner's Representative**, enter the **email** address associated with the NYC.ID account of the **owner** on the **Owner Information Tab**. The grayed-out fields will auto-populate from the DOB NOW profile associated with the NYC.ID account.

NOTE: To submit a compliance report in BEAM, you must first pay your filing fee and create an account in BEAM using **one of the following emails provided here: Owner, Owner's Representative, or Service Provider (RDP/RCxA)**. Only these emails will allow you to access your building profile in BEAM. You **must** add all three email addresses by clicking either the Owner information or the Owner's Representative tabs.

The screenshot shows the 'Stakeholders*' section of the BEAM interface. Under 'Are you an:', the 'Owner' radio button is selected. Below this, there are two tabs: 'Owner Information*' and 'Owner's Representative'. The 'Owner Information*' tab is active. The form contains several fields: 'Email*' (with a placeholder 'Please enter email address'), 'Owner Type*' (a dropdown menu with 'Select Type:' selected and highlighted by a red box), 'Service Provider (RDP/RCxA) email address', 'First Name', 'Middle Initial', 'Last Name', 'Business Name*', 'Business Address*', 'City*', 'State*', 'Zip Code*', and 'Business Telephone'. The 'Owner Type*' dropdown is the only one with a red border.

Article 320: Penalty Mitigation Filing Fee

- Under **Owner Information**, select **Owner Type**.
- The following owner types are **fee exempt**:
 - Buildings owned by a not-for-profit corporation that is used exclusively for educational, charitable and/or religious purposes,
 - Buildings owned by a Federal, State, City or foreign government.
- **Fee-exempt owners are exempt from payment but still must complete these steps to get the Payment Confirmation Number to be entered in the BEAM Reporting Portal.**
 - If a fee exempt owner type is selected, the **NYC Department of Finance Property Information** must indicate that the **Tentative or Final Assessment Roll** assessed value is **zero**. Go to nyc.gov/nycproperty to **print proof** of exemption and upload it in the Reporting Portal with your report.

Stakeholders* >

Are you an:

Owner Owner's Representative (also provide Owner Information)

Owner Information* | Owner's Representative

Email*

Owner Type* ▼

Service Provider (RDP/RCxA) email address

First Name

Middle Initial

Last Name

Business Name*

Business Address*

City*

State*

Zip Code*

Business Telephone

Article 320: Penalty Mitigation Filing Fee



- Select **Article 320** to indicate your compliance pathway.
- Select **Yes** when asked whether you will be filing a compliance report in the LL97 Reporting Portal and select **2024** as your Report Year.

Transaction Information* ☑ ➤

Which article under Local Law 97 applies to your building?* (This information can be found on the LL97 Covered Buildings list.)

Article 320 Article 321

Will you be filing a compliance report in the LL97 Reporting Portal?* Yes No

Report Year*

2024 ▾

Article 320: Penalty Mitigation Filing Fee

Select one the following:

1. **Good Faith Efforts Report**
2. **(Rare) Unexpected or Unforeseeable Event**

Article 320 Information*

What type of Article 320 compliance report will you be filing in the LL97 Reporting Portal?*

Annual building emissions report (28-320.3.7; RCNY 103-14(b))

Good Faith Efforts report (RCNY 103-14(i)(2))

Article 320 annual building emissions report Payment Confirmation number*

Enter annual building emissions report payment confirmation number like 97320C000001773

Unexpected or Unforeseeable Event (RCNY 103-14(i)(1))

Select all that apply to the Article 320*

Shares Energy Service (RCNY 103-14 (b)(4))

Beneficial Electrification (RCNY 103-14 (d)(3)(vii))

Distributed Energy Resources (i.e., solar, storage, fuel cell) (RCNY 103-14 (d)(3)(vi); RCNY 103-14(e)(2))

Time of Use Methodology (RCNY 103-14 (d)(3)(iii))

Qualified generation facilities (RCNY 103-14 (d)(3)(vi)(e))

None

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- In the Property Information section, enter the **Borough, Block and Lot** and click **Search & Add**.

Property Information* ▼

Select the BIN(s) for which you are filing a single report.

Borough, Block, Lot

Borough* **Block*** **Lot***

Article 320: Penalty Mitigation Filing Fee

- In the **Building Identification Number** pop-up window, check the box(es) by the BIN(s) for this payment then click **Select & Add**.

Building Identification Number

	BIN	Address	Borough
<input checked="" type="checkbox"/>	1028159	125 COLUMBUS AVENUE	MANHATTAN

Total Items: 1

1 / 1 10 Items Per Page 1 - 1 of 1 items

Select & Add 1 Cancel

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- The property information will then be listed in a grid under the Search & Add button and can be removed by selecting the trash icon. If selections are changed in the Transaction Information section after an address has been added, the system will remove the address and it will need to be re-entered.
- Select **Yes** to confirm the BIN(s) has either a single owner or the property is a co-op or condo.
 - Enter any **Related Payment Confirmation Number** (any payment that has already been processed in DOB NOW: *Safety* for the same property)

Action	BIN	Address	Borough	Block	Lot
	1028159	125 COLUMBUS AVENUE	MANHATTAN	1118	1

Is the selected BIN(s) associated with a single owner or is the property a co-op or condo?*

Yes No

Related Payment Confirmation Number (any payment that has already been processed in DOB NOW: *Safety* for the same property).

Separate each by a comma ","

Article 320: Penalty Mitigation Filing Fee



- The Proceed to Pay button will display the payment amount. Click **Proceed to Pay** and then **Pay Now**.
- A **CityPay window** will open in a new window/tab where payment is made by selecting the Check or Credit Card tab. See the [DOB NOW Payments CityPay Manual](#) for step-by-step instructions.

Payment Confirmation

Are you sure you want to make a payment of [Filing Fee Amount](#)

eCheck payments can take up to 10 days to process. The transaction will not be complete until the payment is processed.

Please confirm that your pop-up blocker is turned off before clicking on the Pay Now button.

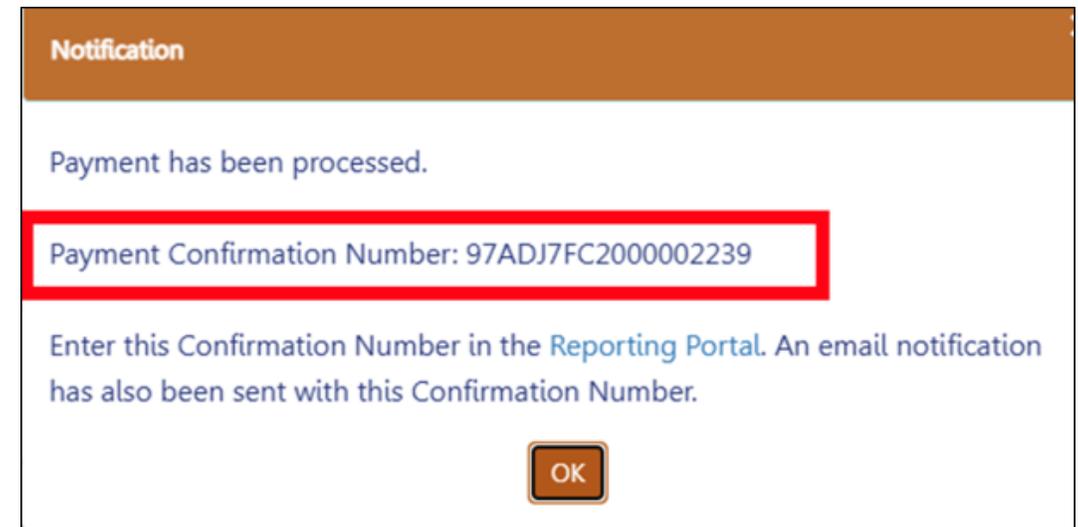
Pay Now **Cancel**

320 Penalty Mitigation Filing Fees:

- Good Faith Efforts: \$950
- Unexpected or Unforeseeable Event: \$60

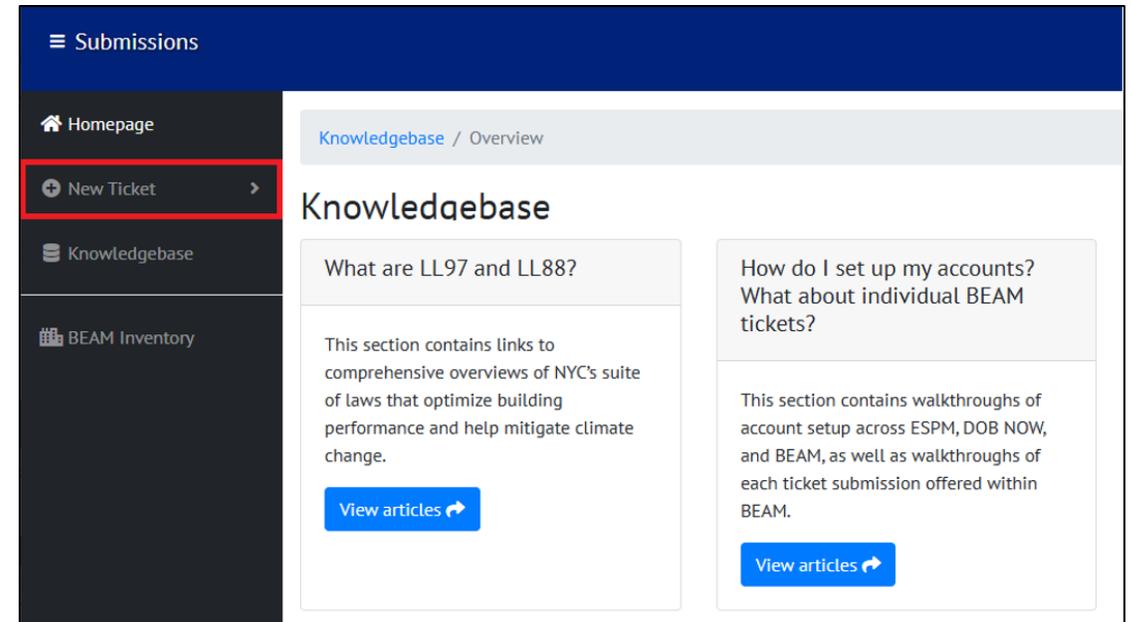
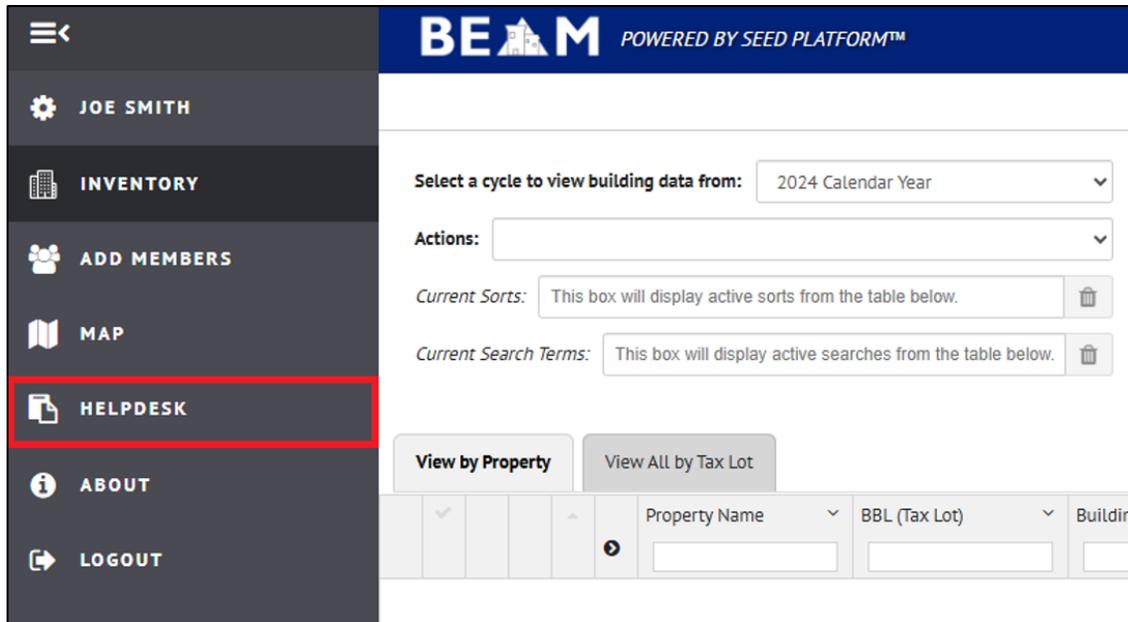
Article 320: Penalty Mitigation Filing Fee

- After payment is submitted in City Pay, receipt details will be provided that show a receipt number. This is **NOT** the number to be entered into the BEAM Reporting Portal.
- Return to the DOB NOW window. For credit card/Paypal/Venmo payments, you will see a notification with a **Payment Confirmation Number**. This is the number to be submitted in the Reporting Portal. It will also be sent to you by email.
- For payments by **eCheck**, the status of the transaction will change to **Pending Payment Verification**.
 - The **Payment Confirmation Number** will be sent by email when the payment clears (**up to 10 business days** after it is submitted).
 - **Your data will not be logged in BEAM until:**
 - The payment clears; and
 - The status on DOB NOW no longer says "pending"; and
 - You have a payment confirmation number.



Article 320: Penalty Mitigation

- On the BEAM Platform at nyc.beam-portal.org, from the left sidebar, navigate to **Helpdesk**. Then again from the left sidebar, click **New Ticket**.



- Select **08. LL97 Penalty Mitigation (Article 320)**.

Submit a 08. LL97 Penalty Mitigation (Article 320)

When an owner of a covered building subject to Article 320 is unable to demonstrate timely compliance with the annual GHG emissions limit, such owner can demonstrate qualification for a mitigated penalty or a mediated resolution by providing documentation showing the following:

1. The owner can demonstrate they are taking concrete action towards compliance, by showing their good faith efforts (GFE) pursuant to [1 RCNY §103-14\(i\)\(2\)](#); OR
2. An unexpected or unforeseen circumstance that has damaged the building making compliance impossible.

A complete “LL97 Penalty Mitigation (Article 320)” ticket must include all of the following:

1. Building address, Borough-Block-Lot (BBL) and Building Identification Number (BIN).
2. Upload of all applicable supporting documentation.
3. Confirmation of [Registered Design Professional \(RDP\)](#) attestation and upload of attestation documentation.
4. [DOB NOW](#) Payment Confirmation Number. (i.e. 97320Gxxxxx or 97320Uxxxxx).

For more information see the Article 320 Guide available in the Knowledgebase and on [DOB's website](#).

- On the Create Ticket page, enter **Submitter Email**. This email address will receive copies of all public updates to this ticket. **The email address must match one of the following:** one of the email addressees entered in DOB NOW (building owner, owner representative, or service provider).
- Enter **Borough-Block-Lot (BBL)**, **Building Address** and **Building Identification Number (BIN)**.

Submitter Email*

This e-mail address will receive copies of all public updates to this ticket.

Enter Building Address*

[Enter address as it appears on NYC DOB BIS.](#)

Enter Borough-Block-Lot (BBL)*

[Enter BBL as it appears on LL97 CBL.](#)

BBLs must be 10 numerical digits, including any leading zeros for the block and lot (i.e. 1012234067). There should be no dashes, spaces, or other characters within the digits.

Enter Building Identification Number (BIN)*

[Enter BIN as it appears on LL97 CBL.](#)

BINs must be 7 numerical digits (i.e. 1234567) There should be no dashes, spaces, or other characters within the digits.

Article 320: Penalty Mitigation

Select from the dropdown one of the two mitigating factor types:

- a) Good Faith Efforts
- b) (Rare) Unexpected or unforeseeable event

Please select the mitigating factor type:

Good Faith Efforts

Unexpected or Unforeseeable Event

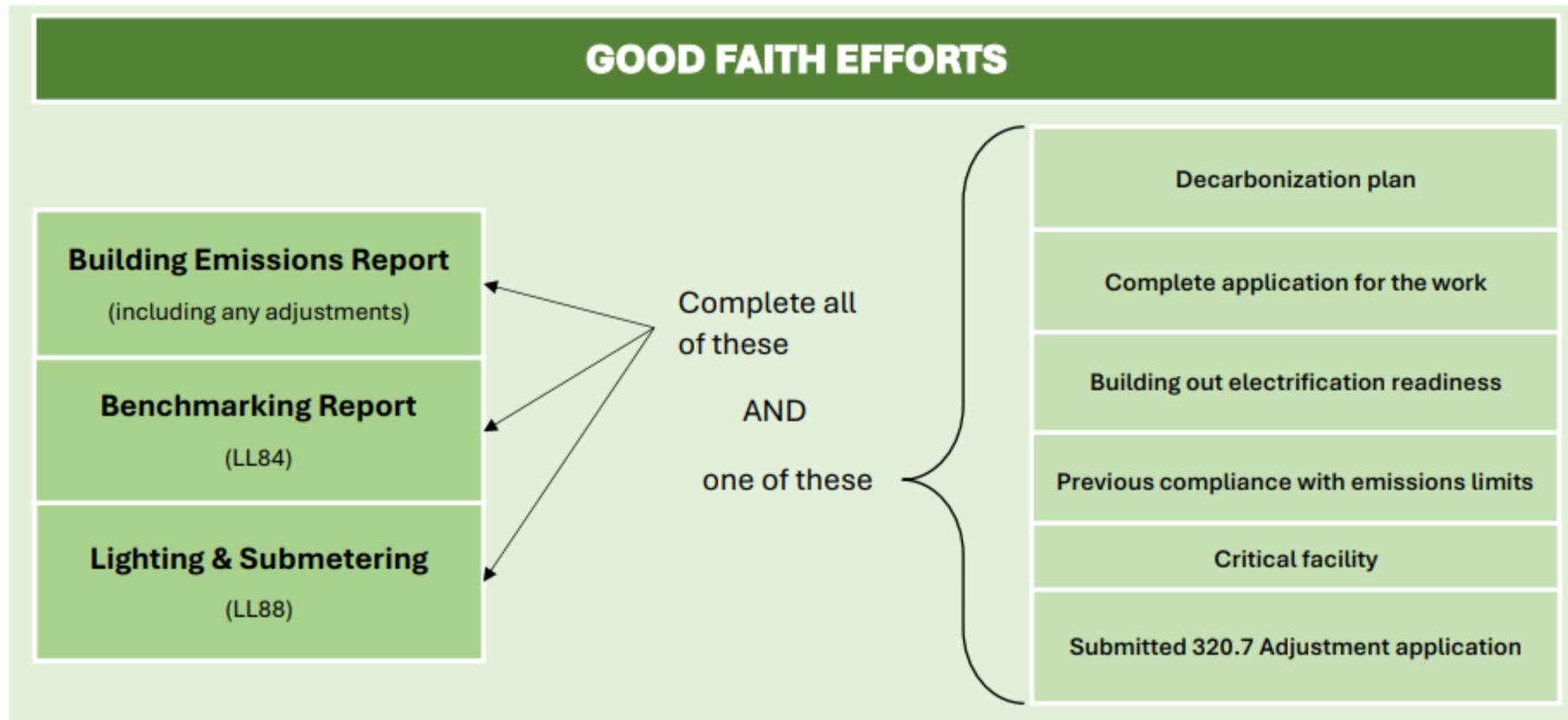
To show **GFE** as part of a mediated resolution request, a building owner must substantiate that they have **actively planned for and taken concrete steps towards reducing emissions. Evidence of such planning and action demonstrates** that an owner is acting in “**good faith**” to meet the intent of **LL97**.

GFE require three prerequisites to be submitted to the reporting portal:

- I. The building’s **LL97 emissions report** for the calendar year just-concluded, taking into account any Department granted adjustments;
- II. The building’s **LL84 benchmarking report** for the calendar year just-concluded; and
- III. The building’s **one-time LL88 lighting upgrades and submetering report** (LL88 of 2009, aka Article 310 and Article 311 in conjunction with 1 RCNY §103-18, with commentary in the Department’s LL88 FAQ).

Article 320: Penalty Mitigation - Good Faith Efforts

In addition to the three prerequisites, one of six electives must be submitted:



1. Please select the mitigating factor type: **Good Faith Efforts**, if applicable
 - a) Please confirm that the **annual emissions report** was submitted by this property for the previous calendar year pursuant to **LL97**, if applicable.
 - b) Please confirm that the **annual benchmarking report** was submitted by this property for the previous calendar year pursuant to **LL84**.
 - c) Please confirm that applicable **upgrades** have been made to **lighting systems** and **submeters** installed pursuant to **LL88**.

Please select the mitigating factor type:

Good Faith Efforts

Please confirm that the annual emissions report was submitted by this property for the previous calendar year pursuant to LL97.

Please confirm that the annual benchmarking report was submitted by this property for the previous calendar year pursuant to LL84.

Please confirm that applicable upgrades have been made to lighting systems and submeters installed pursuant to LL88.

If you've selected **Good Faith Efforts**,

- a) Please **select one** of the following plans to demonstrate good faith efforts have been made.
 - a) **Submit a decarbonization plan**
 - b) **Demonstrate that work is underway**
 - c) **Waiting on utility for more power**
 - d) **Building is a critical facility**

Please select one of the following plans to demonstrate good faith efforts have been made.

-----▼

Submit a decarbonization plan

Demonstrate that work is underway

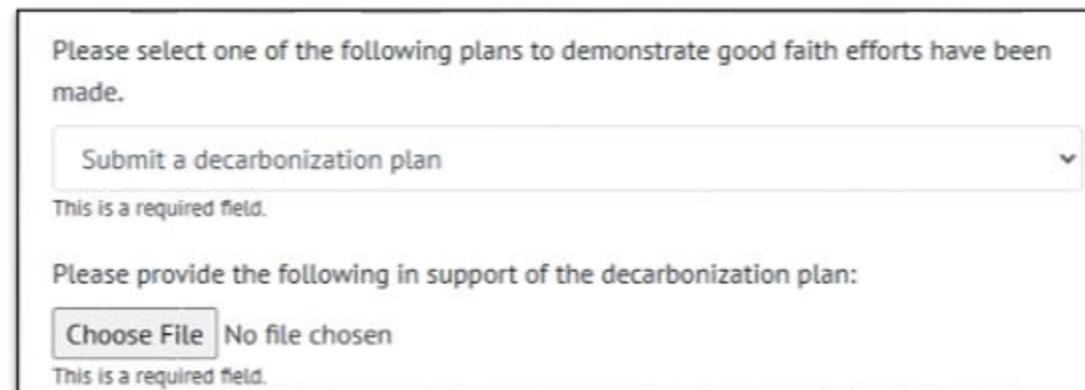
Waiting on utility for more power

Building is a critical facility

Article 320: Penalty Mitigation - Good Faith Efforts

Please select **one of the following plans** to demonstrate good faith efforts have been made:

- If selecting "**Submit a decarbonization plan**":
 - Click "**Choose file**" and upload the following supporting documentation in a single document.
 - An ANSI/ASHRAE/ACCA Standard 211 energy audit, as defined in 1 RCNY §103-14(a) based on building size, that is four years old or less on the date of decarb plan submission;
 - A detailed inventory of base building energy-using equipment – as per Section 5.1 of ASHRAE 211, excerpted under “additional information” below – showing date of equipment installation;
 - Evidence of any energy efficiency measures (“EEMs”) that resulted in at least a 10% reduction in building emissions and that were completed on or after January 1, 2013; and
 - A list of proposed alterations and O&M changes to achieve timely LL97 compliance, with each item showing its completion timeline, projected emissions reduction, and details on how it will be paid for.



Please select one of the following plans to demonstrate good faith efforts have been made.

Submit a decarbonization plan

This is a required field.

Please provide the following in support of the decarbonization plan:

Choose File No file chosen

This is a required field.

Note: All documents must be combined and submitted as one document

Article 320: Penalty Mitigation - Good Faith Efforts

Please select **one of the following plans** to demonstrate good faith efforts have been made:

- If selecting "**Demonstrate that work is underway**":
 - Click "**Choose file**" and upload the following supporting documentation in a single document.
 - Evidence of general alteration work underway to reduce emissions:
 - For work requiring a Department-issued permit, this can be comprised of Department-approved plans and PW1s.
 - For work not requiring a Department-issued permit (such as work listed in 1 RCNY §101-14 or §28-105.4), this can be comprised of paid invoices and signed contracts with service providers.
 - All forms of evidence must show an appropriate job scope/description.
 - A project completion timeline,
 - Calculations of projected reductions based on such work, and
 - A signed contract with a provider for such work.



Please select one of the following plans to demonstrate good faith efforts have been made.

Demonstrate that work is underway

This is a required field.

Please provide documentation for each of the following showing that work is underway:

Choose File No file chosen

Note: All documents must be combined and submitted as one document

Article 320: Penalty Mitigation - Good Faith Efforts

Please select **one of the following plans** to demonstrate good faith efforts have been made:

- If selecting "**Waiting on utility for more power**":
 - Click "**Choose file**" and upload the following supporting documentation in a single document:
 - A Department-approved electrical filing showing appropriate project scope; and
 - Certification from the electrical utility that they have accepted the increased load request; and
 - Anticipated timeline for completion.



Please select one of the following plans to demonstrate good faith efforts have been made.

Waiting on utility for more power

This is a required field.

Please provide documentation for each of the following showing that the building is waiting for more power:

Choose File No file chosen

Note: All documents must be combined and submitted as one document

Article 320: Penalty Mitigation - Good Faith Efforts

Please select **one of the following plans** to demonstrate good faith efforts have been made:

- If selecting "**Building is a critical facility**":
 - Click "**Choose file**" and upload the following supporting documentation in a single document:
 - Please upload supporting documentation including a description demonstrating how penalty payment would negatively impact a critical facility's ability to provide services.



Please select one of the following plans to demonstrate good faith efforts have been made.

Building is a critical facility

This is a required field.

Please provide documentation supporting the building is a critical facility:

Choose File No file chosen

Note: All documents must be combined and submitted as one document

Article 320: Penalty Mitigation - Good Faith Efforts

- Please **confirm** that this **report** has been **reviewed** by a **Registered Design Professional**.
- Please enter the **license number** of the reviewing **Registered Design Professional**.
- Please upload an **attestation** by the reviewing **Registered Design Professional**, with the form provided

Please confirm that this report has been reviewed by a Registered Design Professional.

Please enter the license number of the reviewing Registered Design Professional.*

This is a required field.
RDP License # lookup: [NYS Department of Professions](#)

Please upload an attestation by the reviewing Registered Design Professional.*

No file chosen

This is a required field.
[Article 320 Professional Attestation Form](#)

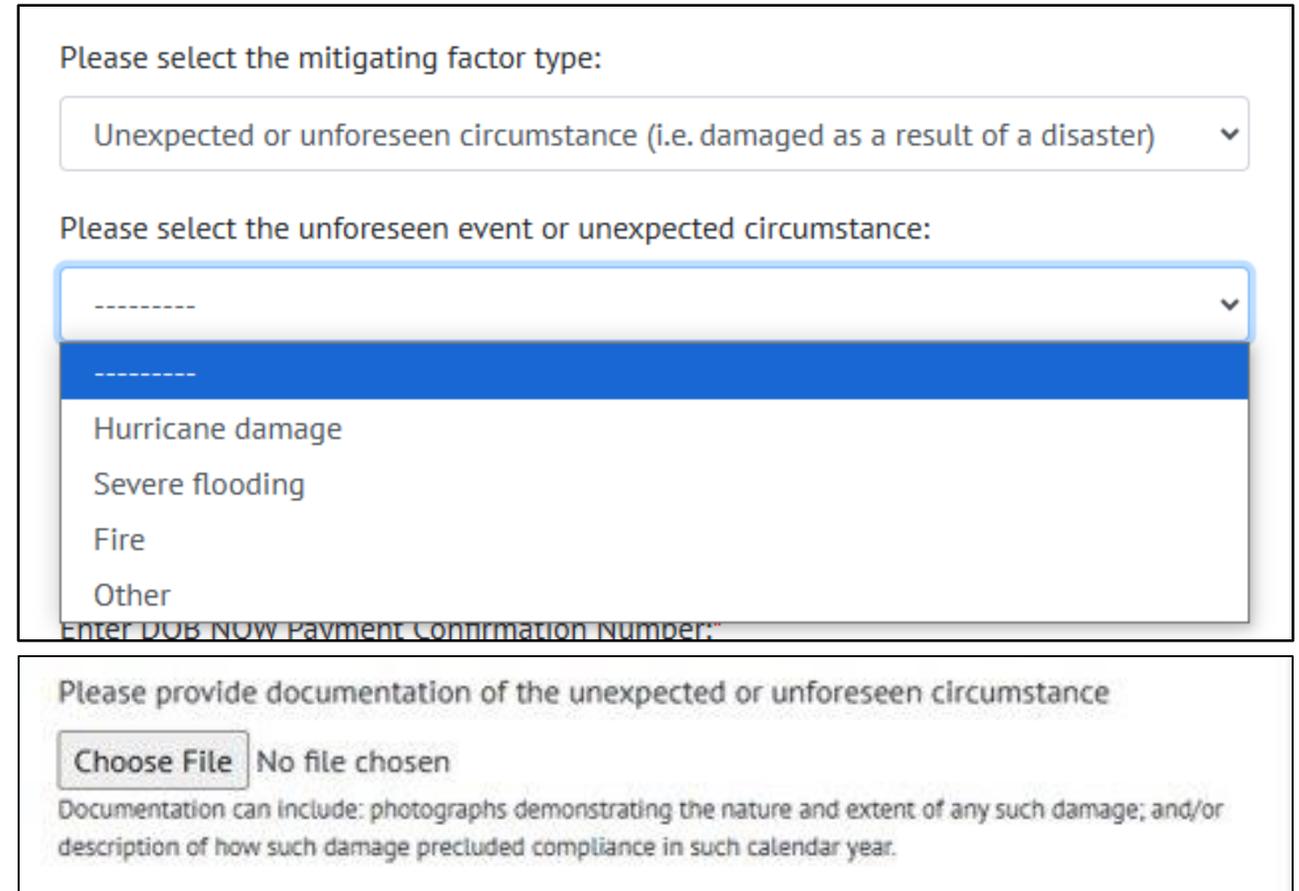
Select the mitigating factor type: **Unexpected or Unforeseeable Event**

1. Select the unforeseen event or unexpected circumstance:

1. **Hurricane damage**
2. **Severe flooding**
3. **Fire**
4. **Other**

2. Click "**Choose file**" and upload the following supporting documentation in a single document:

- Photographs demonstrating the nature and extent of any such damage, and/or a description of how such damage precluded compliance in such calendar year.



The screenshot shows a web form with the following elements:

- A dropdown menu for "Please select the mitigating factor type:" with the selected option "Unexpected or unforeseen circumstance (i.e. damaged as a result of a disaster)".
- A second dropdown menu for "Please select the unforeseen event or unexpected circumstance:" with a list of options: "Hurricane damage", "Severe flooding", "Fire", and "Other". The "Hurricane damage" option is currently selected.
- A "Choose File" button next to the text "No file chosen".
- Below the file selection, a note states: "Documentation can include: photographs demonstrating the nature and extent of any such damage; and/or description of how such damage precluded compliance in such calendar year."

- Enter DOB Now **Payment Confirmation Number**
- Click **Submit Ticket** to submit your Article 320: Penalty Mitigation Report

Enter DOB NOW Payment Confirmation Number:*

This is a required field. [DOB NOW User Guide](#).
(i.e. **97321MRxxxxx, 97321Exxxxxx, or 97321Uxxxxx).

Submit Ticket