

User Guide

Article 321 Penalty Mitigation Report

When an owner of a covered building subject to Article 321 is **unable to demonstrate timely compliance with** either NYC Administrative Code §28-321.2.1 (**performance-based pathway**) or §28-321.2.2 (**prescriptive pathway**), such owner may apply for penalty mitigation in one of the following ways:

1. **Mediated Resolution**; or
2. **Eligible Energy Conservation Project** (EECP, see this HPD resource [here](#)); or
3. **Unexpected or Unforeseeable Event** (Rare)

This guide describes how to pursue **Penalty Mitigation** for a covered building subject to Article 321, including:

1. DOB NOW Filing Fee for Article 321 Penalty Mitigation
2. Filing an LL97 Penalty Mitigation (Article 321) ticket
3. 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.

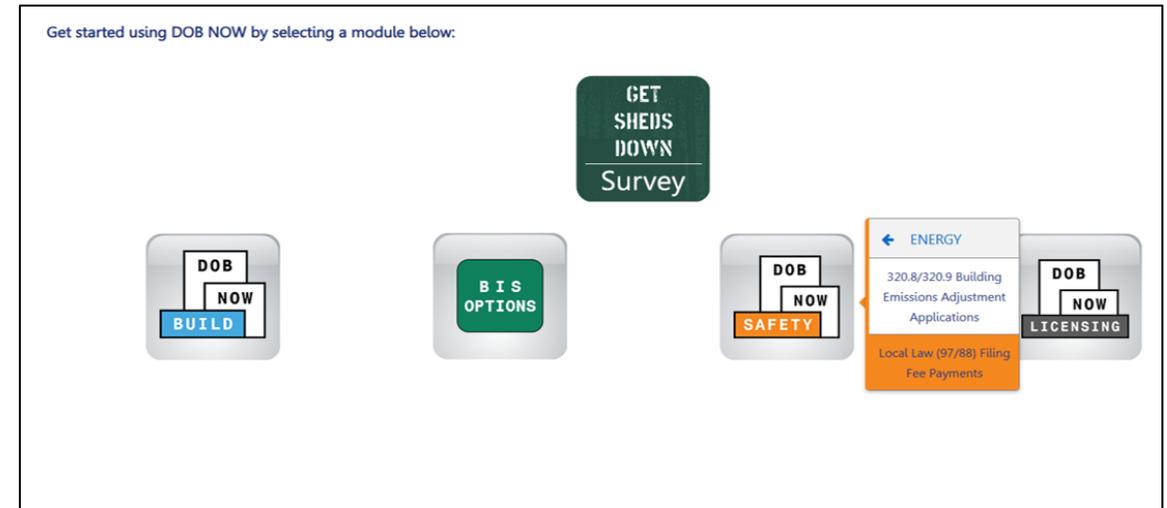
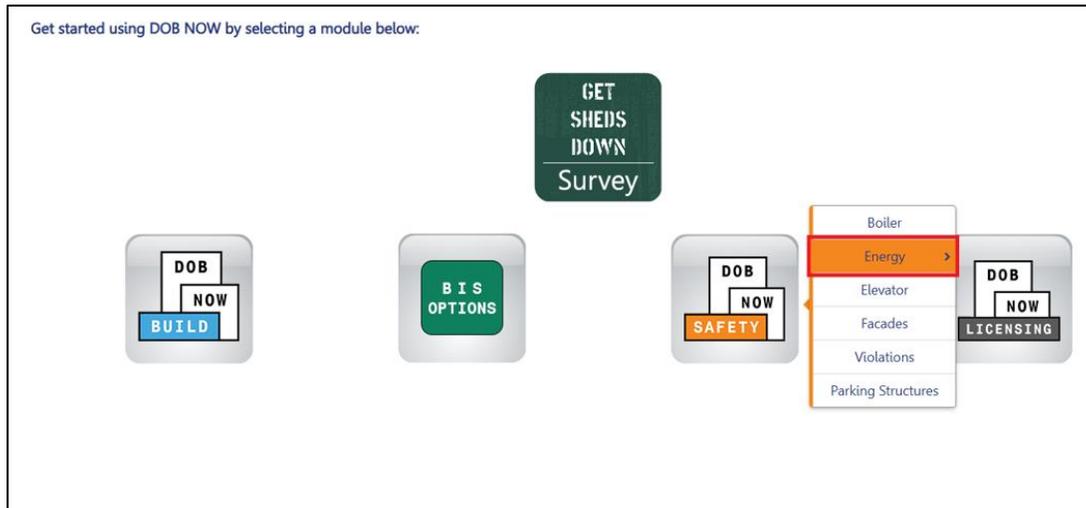
- Owner
- Owner Representative
- Service Provider (RDP/RCxA)

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.

Article 321: Penalty Mitigation Filing Fee



- 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**.

The screenshot shows the NYC Department of Buildings Local Law Payments dashboard. At the top, there is a header with the NYC Department of Buildings logo and the text 'Local Law Payments'. Below the header, there are two buttons: '+ Local Law 97 Payment' and '+ Local Law 88 Payment'. The '+ Local Law 97 Payment' button is highlighted with a red box. Below the buttons, there are two tabs: 'Local Law 97 Fee Payments' and 'Local Law 88 Fee Payments'. Below the tabs, there is a table with the following columns: View..., Actions, Transaction Number, Transaction Status, and Payment Status. The table contains one row with the following data: View... (empty), Actions (Select Action:), Transaction Number (LL97000001041), Transaction Status (Pre-filing), and Payment Status (Due).

View...	Actions	Transaction Number	Transaction Status	Payment Status
	Select Action: ▾	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 a web application. At the top, there is a header 'Stakeholders*' with a right-pointing arrow. Below this, the question 'Are you an:' is followed by two radio button options: 'Owner' and 'Owner's Representative (also provide Owner Information)'. The 'Owner' option is selected. Below the radio buttons are two tabs: 'Owner Information*' and 'Owner's Representative'. The 'Owner Information*' tab is active. The form contains several input fields: 'Email*' (with a placeholder 'Please enter email address'), 'Owner Type*' (a dropdown menu with 'Select Type:' selected, 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 'Email*' field is highlighted with a red box.

Article 321: Penalty Mitigation Filing Fee

Under **Owner Information**, select **Owner Type**.

- The following owner types are **fee exempt**:
 1. Buildings owned by a not-for-profit corporation that is used exclusively for educational, charitable and/or religious purposes,
 2. 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.

The screenshot shows a web form titled "Stakeholders*" with a right-pointing arrow. Below the title is the question "Are you an:" with two radio button options: "Owner" (which is selected) and "Owner's Representative (also provide Owner Information)". Below this are two tabs: "Owner Information*" (which is active) and "Owner's Representative". The "Owner Information*" tab contains several input fields: "Email*" (with a placeholder "Please enter email address"), "Owner Type*" (a dropdown menu with "Select Type" selected), "Service Provider (RDP/RCxA) email address", "First Name", "Middle initial", "Last Name", "Business Name*", "Business Address*", "City*", "State*", "Zip Code*", and "Business Telephone".

Article 321: Penalty Mitigation Filing Fee



- Select **Article 321** 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 321: Penalty Mitigation Filing Fee

- Select one the following:
 1. Mediated resolution (RCNY 103-17(g))
 2. Unexpected or Unforeseeable Event (RCNY 103-17(f)(1))
 3. Eligible Energy Conservation Alteration Project (RCNY 103-17(f)(2))

In this example, we've selected Mediated Resolution, which is likely to be the selected option.

Article 321 Information* ➤

What type of Article 321 compliance report will you be filing in the LL97 Reporting Portal?*

Compliance Report - Energy Compliant Building or Prescriptive Energy Conservation Measures (28-321.3; RCNY 103-17(b)(1))

Mediated resolution (RCNY 103-17(g))

Article 321 compliance report Payment Confirmation number*

Unexpected or Unforeseeable Event (RCNY 103-17(f)(1))

Eligible Energy Conservation Alteration Project (RCNY 103-17(f)(2))

Article 321: Penalty Mitigation Filing Fee

- 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***

Search & Add

Article 321: 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 Items Per Page 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 321: 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.

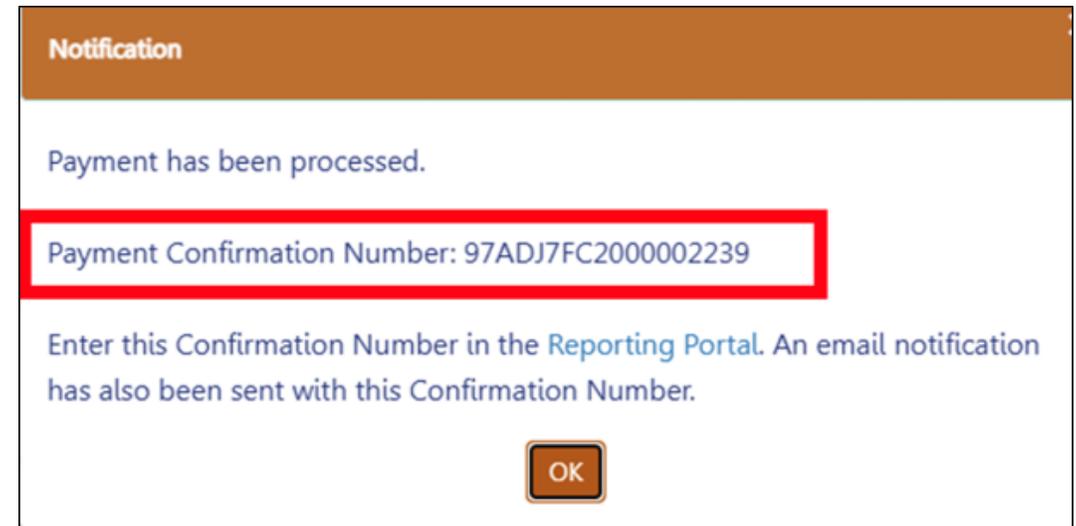
Pay Now **Cancel**

- 321 Penalty Mitigation Filing Fees:
- Mediated Resolution: \$800
 - Eligible Energy Conservation Project: \$210
 - Unexpected or Unforeseeable Event: \$60

Article 321: Penalty Mitigation Filing Fee

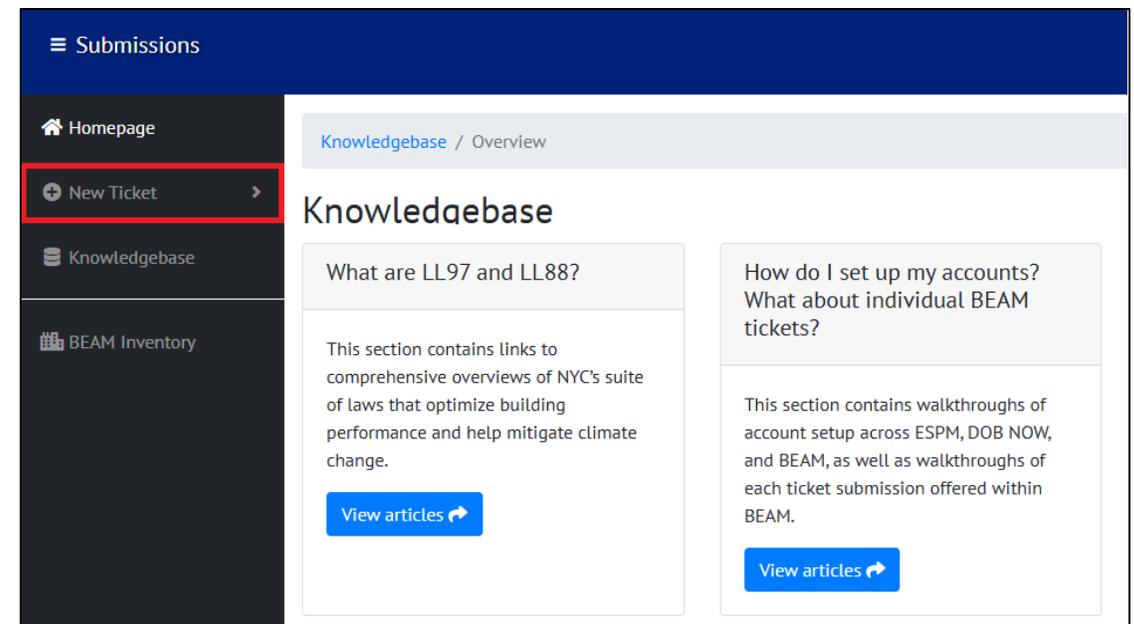
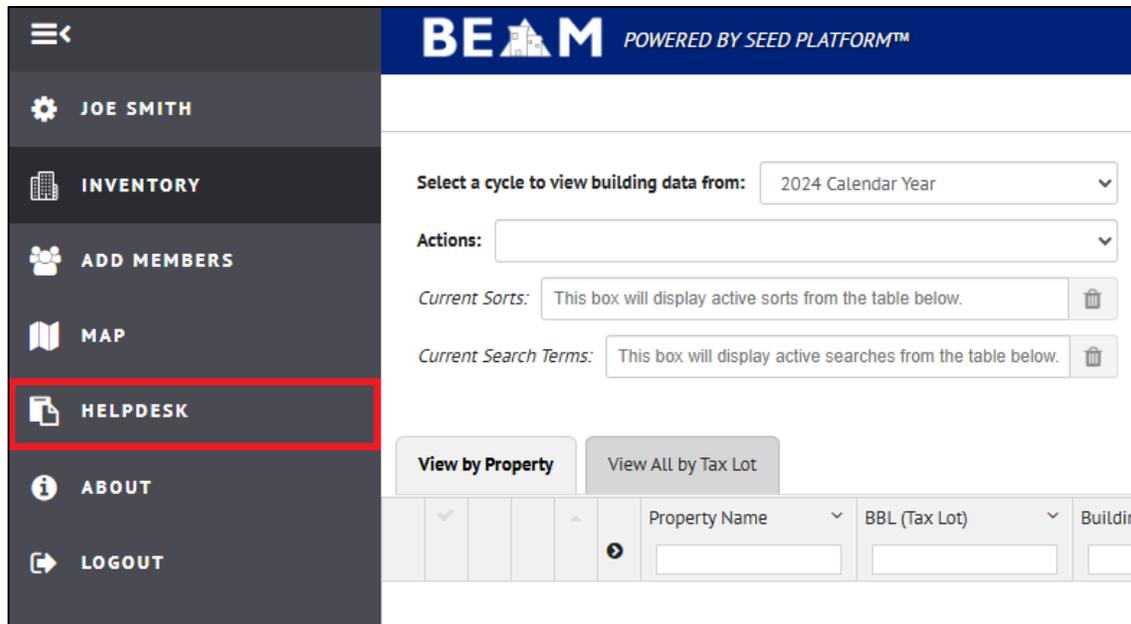


- After payment is submitted in City Pay, receipt details will be provided that show a receipt number. This is **NOT** the number to be entered into the BEAM Reporting Portal.
- Return to the DOB NOW window. For credit card/Paypal/Venmo payments, you will see a notification with a **Payment Confirmation 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 321: 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**.



1. Select **09. LL97 Penalty Mitigation (Article 321)**.

Submit a 09. LL97 Penalty Mitigation (Article 321)

When an owner of a covered building subject to Article 321 is unable to demonstrate timely compliance with either NYC Administrative Code §28-321.2.1 (performance based pathway) or §28-321.2.2 (prescriptive pathway), such owner may apply for penalty mitigation in one of the following ways:

1. **Mediated Resolution**; or
2. **Eligible Energy Conservation Project** ((EECP) - see resource and form [here](#)); or
3. **Unexpected or Unforeseeable Event**.

A complete "Article 321 Penalty Mitigation" 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 \(RDP\)](#) or Qualified Retro-Commissioning (RCx) Agent attestation, as applicable.
4. [DOB NOW](#) Payment Confirmation Number.
 - i. Mediated Resolution Reports (i.e. **97321MRxxxxx**); or
 - ii. Eligible Energy Conservation Project (EECP) (i.e. **97321Exxxxxx**); or
 - iii. Unexpected or Unforeseeable Event (i.e. **97321Uxxxxx**).

- 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.

- Select from the dropdown one of three mitigating factor types:
 - Mediated Resolution
 - Eligible Energy Conservation Project (EECP)
 - (Rare) Unexpected or Unforeseeable Event

Please select the mitigating factor type:

Mediated Resolution

Eligible Energy Conservation Project (EECP)

Unexpected or unforeseen circumstance (i.e. damaged as a result of a disaster)

Article 321: Penalty Mitigation - Mediated Resolution

- Select the mitigating factor type: **Mediated Resolution**
 - Mediated resolution is an option for **building owners** who can demonstrate that they are **making diligent efforts** to comply with **Article 321 but need additional time for completion**.
- Click "**Choose file**" and upload the following supporting documentation in a single document.
 - A work plan describing either:
 - a) How the building will comply with 2030 emissions limits by 2030**, including estimated emissions reduction of proposed renovations and how such renovations will be financed and implemented, as certified by an RDP ; or
 - b) How the 13 PECMs will be completed by December 31, 2025**, including which vendors are responsible, as certified by an RCx agent.
- **Check the box** under "Please confirm that the annual benchmarking report was submitted by this property for the previous calendar year pursuant to LL84."

Please select the mitigating factor type:

Mediated Resolution

Please provide the following documentation to apply for a mediated resolution:

No file chosen

Documentation must include:

1. A work plan describing either:

a. How the building will comply with 2030 emissions limits by 2030, including estimated emissions reduction of proposed renovations and how such renovations will be financed and implemented, as certified by an RDP; or

b. How the PECMs will be completed by December 31, 2025, including which vendors are responsible, as certified by an RCx agent.

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

- Select the mitigating factor type: **Eligible Energy Conservation Project (EECP)**
- Click "**Choose file**" and upload the following supporting documentation in a single document.
 - Commitment from state/local agency of governmental assistance; AND
 - [EECP Narrative Form](#) and corresponding documentation as identified in the form

Please select the mitigating factor type:

Eligible Energy Conservation Project (EECP) ▼

Please provide documentation certifying the eligible energy conservation project.

No file chosen

Please provide the following:

1. Commitment from state/local agency of governmental assistance; AND
2. [EECP Narrative Form](#) and corresponding documentation as identified in the form

- Select the mitigating factor type: **Unexpected or Unforeseeable Event**
- Select the unforeseen event or unexpected circumstance:
 - **Hurricane damage, Severe flooding, Fire, or Other**
- Click "**Choose file**" and upload the following supporting documentation.
 - Accepted documentation can include photographs demonstrating the nature and extent of any such damage, and/or a description of how such damage precluded compliance in such calendar year.

Please select the mitigating factor type:

Unexpected or unforeseen circumstance (i.e. damaged as a result of a disaster) ▾

Please select the unforeseen event or unexpected circumstance:

----- ▾

Hurricane damage

Severe flooding

Fire

Other

Please provide documentation of the unexpected or unforeseen circumstance

No file chosen

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 321: 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