DOB Webinar Series – Session 8: 320.7 Adjustments External and Financial Constraints

March 25th, 2025

presented by

DOB Sustainability Bureau

NYC Buildings

Presenters

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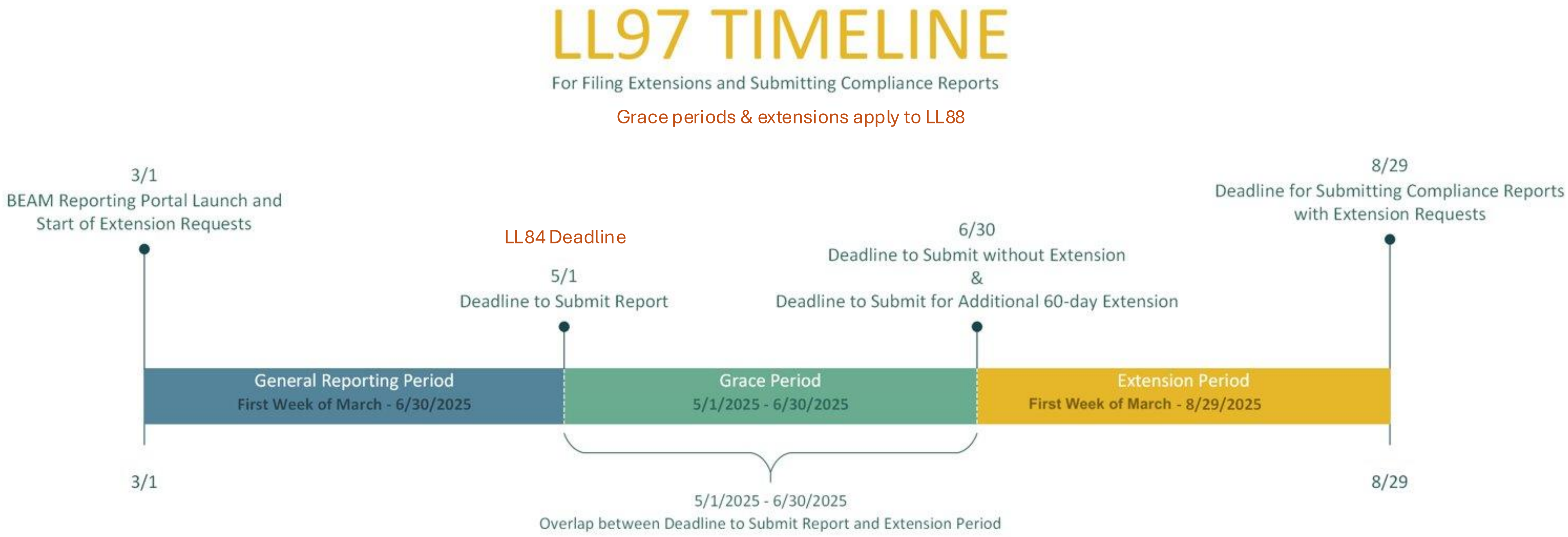
LL97 Timeline



Local Law 97 Reporting Process

BEAM

DOB NOW Pay filing fee Data transfers to BEAM nightly	**ESPM** Share property information with NYC Data transfers to BEAM nightly	**BEAM** Submit LL97 Report	**BEAM** Staff Review Process

The following three email addresses entered in DOB NOW will serve as the **only** email addresses to view building profile in the Building Energy Analysis Manager (BEAM).

- Owner
- Owner Representative
- Service Provider (RDP/RCxA) - *optional if owner's rep is also service provider*

320.7 Adjustment: External and Financial Constraints

LL97 section 28-320.7 provides pathways for owners to receive **temporary case-by-case adjustments** to their **emissions limits** if they face **external or financial constraints**.

External constraints can be **legal** or **physical** (“imposed by another provision of law…or…a physical condition of the building or building site…”).

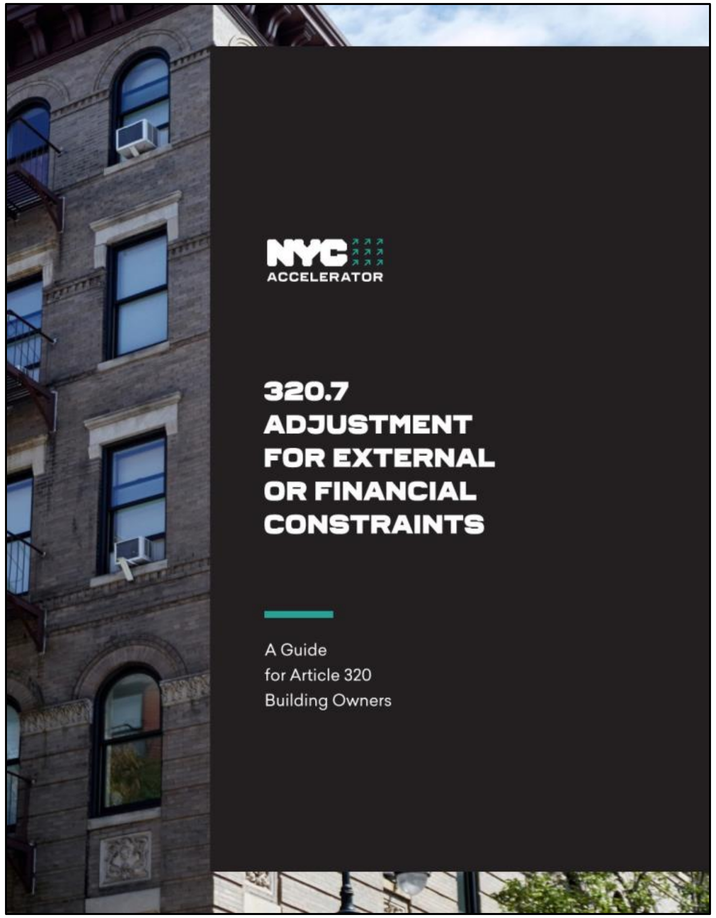
- Adjustment is valid up to **three years.**
- **The specific adjusted emissions limit is described by the RDP in their submission.**

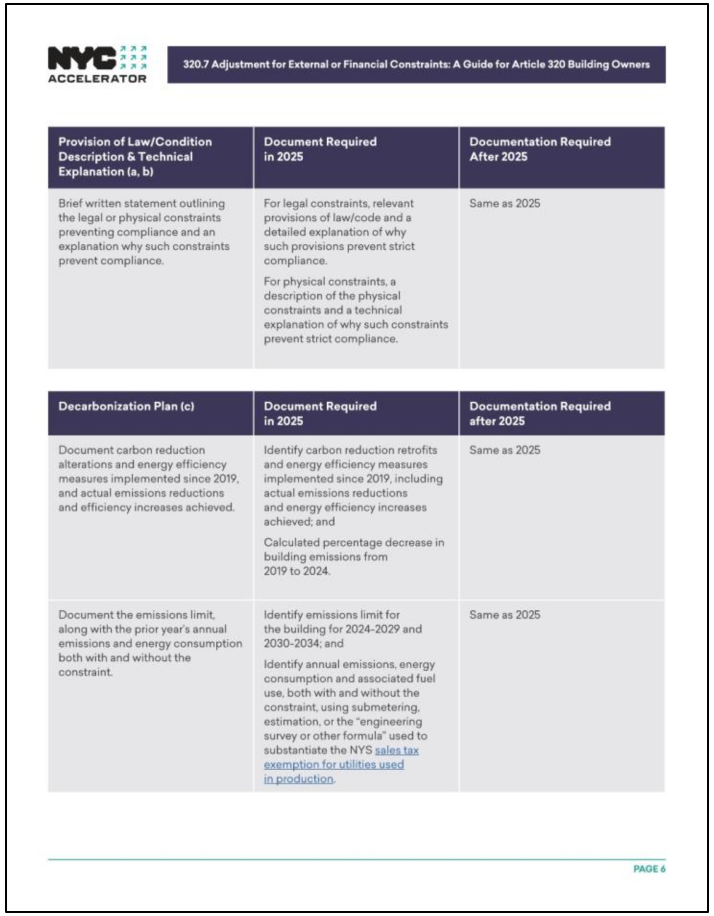
Financial constraints involve circumstances that prevent compliance based on established metrics that reflect industry best practices.

- Adjustment is valid up to **one year**.
- **The adjusted emissions limit will be equal to a building’s actual emissions.**

The corresponding Rule to 28-320.7, describing specific submission procedures, is [1 RCNY §103-12].

320.7 Adjustment: NYC Accelerator Guide





NYC ACCELERATOR

320.7 Adjustment for External or Financial Constraints: A Guide for Article 320 Building Owners

Provision of Law/Condition Description & Technical Explanation (a, b)	Document Required in 2025	Documentation Required After 2025
Brief written statement outlining the legal or physical constraints preventing compliance and an explanation why such constraints prevent compliance.	For legal constraints, relevant provisions of law/code and a detailed explanation of why such provisions prevent strict compliance. For physical constraints, a description of the physical constraints and a technical explanation of why such constraints prevent strict compliance.	Same as 2025

Decarbonization Plan (c)	Document Required in 2025	Documentation Required after 2025
Document carbon reduction alterations and energy efficiency measures implemented since 2019, and actual emissions reductions and efficiency increases achieved.	Identify carbon reduction retrofits and energy efficiency measures implemented since 2019, including actual emissions reductions and energy efficiency increases achieved; and Calculated percentage decrease in building emissions from 2019 to 2024.	Same as 2025
Document the emissions limit, along with the prior year's annual emissions and energy consumption both with and without the constraint.	Identify emissions limit for the building for 2024-2029 and 2030-2034; and Identify annual emissions, energy consumption and associated fuel use, both with and without the constraint, using submetering, estimation, or the "engineering survey or other formula" used to substantiate the NYS sales tax exemption for utilities used in production.	Same as 2025

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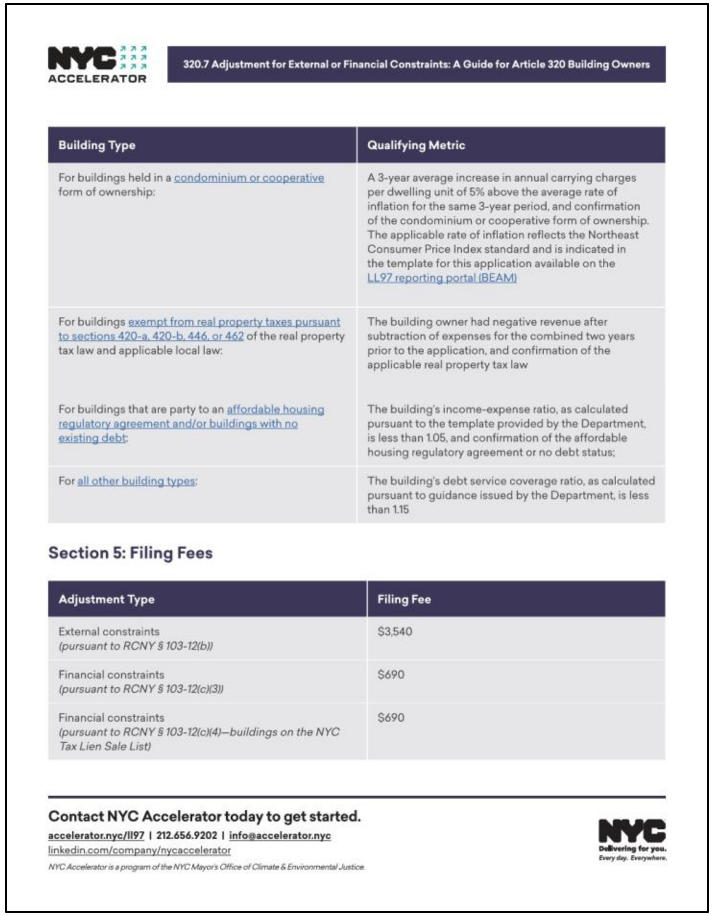


NYC ACCELERATOR

320.7 Adjustment for External or Financial Constraints: A Guide for Article 320 Building Owners

Building Type	Qualifying Metric
For buildings held in a condominium or cooperative form of ownership:	A 3-year average increase in annual carrying charges per dwelling unit of 5% above the average rate of inflation for the same 3-year period, and confirmation of the condominium or cooperative form of ownership. The applicable rate of inflation reflects the Northeast Consumer Price Index standard and is indicated in the template for this application available on the LL97 reporting portal (BEAM)
For buildings exempt from real property taxes pursuant to sections 420-a, 420-b, 446, or 462 of the real property tax law and applicable local law:	The building owner had negative revenue after subtraction of expenses for the combined two years prior to the application, and confirmation of the applicable real property tax law
For buildings that are party to an affordable housing regulatory agreement and/or buildings with no existing debt:	The building's income-expense ratio, as calculated pursuant to the template provided by the Department, is less than 1.05, and confirmation of the affordable housing regulatory agreement or no debt status;
For all other building types:	The building's debt service coverage ratio, as calculated pursuant to guidance issued by the Department, is less than 1.15

Section 5: Filing Fees

Adjustment Type	Filing Fee
External constraints *(pursuant to RCNY § 103-12(b))*	$3,540
Financial constraints *(pursuant to RCNY § 103-12(c)(3))*	$690
Financial constraints *(pursuant to RCNY § 103-12(c)(4)—buildings on the NYC Tax Lien Sale List)*	$690

Contact NYC Accelerator today to get started.

accelerator.nyc/ll97 | 212.656.9202 | info@accelerator.nyc
linkedin.com/company/nycaccelerator

NYC Accelerator is a program of the NYC Mayor's Office of Climate & Environmental Justice.

NYC Delivering for you. Every day. Everywhere.

https://www.nyc.gov/assets/buildings/pdf/nyc_acc_guide_.pdf

320.7 Adjustment: General Steps Demonstrating Eligibility

1. **Owner engages with NYC Accelerator (NYCA) and is assigned an Account Manager.**
2. **Owner verifies qualifying circumstance for the 320.7 Adjustment.**
   - Building must have existed on or before November 15, 2019; and
   - LL97 annual emissions report for the calendar year prior must be submitted; and
   - The maximum amount of **AHRF offsets** (10% of building emissions limit) has been purchased; and
   - An appropriate party attests to the adjustment application:
     - **RDP** attests to external constraint; or
     - **CPA** attests to financial constraint; or
     - Owner attests to building's presence on NYC Tax Lien Sale list.
3. **Owner and NYCA fill out an Adjustment Process Attestation (APA) Form.**
4. **320.7 Adjustment Application submitted in the LL97 Reporting Platform (BEAM) by that year's reporting deadline.**

320.7 Adjustment: External Constraints

Quelle: Deutsche Fotothek

Approach – Consider emissions directly associated with external constraint separately from other emissions and ensure as much work is being done as possible to achieve overall energy efficiency and emissions reductions.

320.7 Adjustment: External Constraints

The following three legal and/or physical circumstances have thus far been identified by the Department as **acceptable external constraints** for purposes of 320.7 adjustment applications:

i. Industrial and manufacturing (I&M) properties

- Previously the focus of a 2/19/2025 NYCA webinar, available to view on NYCA's YouTube page
- More details on next slide

ii. Hospitals

- E.g. those that are subject to health and safety regulations requiring them to use equipment and operate in manners that make it not feasible to decarbonize

iii. Certain landmarked buildings

- Landmarks Preservation Commission (LPC) needs to issue a denial related to the constraint
- Building must have implemented all other possible emissions reduction measures
- Does not apply to the majority of NYC landmarks

320.7 Adjustment: I&M Buildings

I&M buildings are considered to have external constraints when they feature specialized, equipment and processes that cannot feasibly be decarbonized using currently available technology.

1. Eligible I&M buildings are generally all three of the following:
   a. Building Code **occupancy groups F** (Factory) **or H** (High Hazard); and
   b. NAICS Sectors 31, 32, or 33 (manufacturing); and
   c. Energy Star Portfolio Manager (**ESPM**) property type "**Manufacturing/Industrial Plant**."

2. Emissions attributable to I&M constraints generally fall under the ASHRAE definition of **process load** and **process energy**: *"the load on a building resulting from the consumption or release of (energy consumed in support of a manufacturing, industrial, or commercial processes other than conditioning spaces and maintaining comfort and amenities for the occupants of a building)."*

3. Process energy can be measured using the methodology described in **NY State Tax Bulletin ST-917**, which describes the sales tax exemption for "**utilities used in production**."

320.7 Adjustment: Proposed Adjusted Emissions Limit

For 320.7 external constraints, the adjusted emissions limit is not simply a percentage of the building's actual (CY2018) emissions, as it was under 320.8 and 320.9). Instead, the submitting RDP proposes a number.

- **The proposed adjusted emissions limit should equal the building's regular emissions limit plus the emissions directly attributable to the external constraint.**

Example:

a. An I&M building's emissions in both CY2018 and CY2024 were **2500 tCO2e**. Its 2024-29 emissions limit is only **150 tCO2e**, so it is facing a significant penalty.

b. It previously received a 320.8 adjustment of 70% of 2500 = **1800 tCO2e**. It can now apply for a revised adjustment under 320.7 by showing the emissions attributable to process loads.

c. The building has **2400 tCO2e** attributable to process loads. It has only **100 tCO2e** attributable to non-process loads, which is less than its emissions limit of 150 tCO2e.

d. The RDP proposes a 320.7 adjusted emissions limit of 2400 + 150 = **2550 tCO2e**, which is approved by the Department as all required supporting documentation is provided.

NOTE: the 320.7 limit supersedes the 320.8 limit; the two limits do not stack.

320.7 Adjustment: External Constraints Supporting Documents

Supporting documentation that only needs to be submitted for 320.7 external constraints submissions (and is not required for 320.7 financial constraints submissions) includes the following:

- **Detailed description of the legal provision or physical condition creating the constraint**; and
- **Technical explanation** of how such provision or condition makes it not reasonably possible for the building to comply with its emissions limit; and
- **Plan for decarbonization** that lists the building's scheduled efforts to achieve compliance with its base emissions limit to the maximum extent possible over time.
  - In reporting year 2025, such a plan is less detailed than the "Decarbonization Plan" required when applying for Good Faith Efforts (GFE) under LL97 Article 320.
  - In reporting years after 2025, such a plan will be required to be more like the GFE Decarb Plan.

320.7 Adjustment: External Constraint, Plan for Decarbonization

Information to be shown	Documentation Required in 2025	Documentation after 2025
I. **Document progress made since the passage of LL97.**	* List decarbonization and energy efficiency measures implemented since 2019, including actual emissions and energy reductions achieved; and * Show the percentage change from 2019 to 2024.	Same as 2025
II. **Document current LL97 compliance status, and emissions attributed to the external constraint**	* Show the unadjusted emissions limits for the building for 2024-29 and 2030-34; and * Show the measured or estimated annual energy consumption both with and without the constraint.	Same as 2025

320.7 Adjustment: External Constraint, Plan for Decarbonization

Information to be shown	Documentation Required in 2025	Documentation after 2025
III. **Document current building systems.**	* List of all major base building and tenant equipment, including fuel type; OR * LL87 report created within the last 4 years; OR * Other energy/carbon audit from an incentive program (i.e. FlexTech); OR * Previous 320.8 adjustment application.	Same as 2025, plus: * List of all building equipment, including date of installation and whether such equipment serves multiple buildings; AND * Energy end-use breakdown (lighting, heating, cooling, ventilation, pumps, plug/process loads, domestic hot water, etc).

320.7 Adjustment: External Constraint, Plan for Decarbonization

Information to be shown	Documentation Required in 2025	Documentation after 2025
IV. **Document plan for decarbonization to the maximum extent possible.**	* Identify decarbonization measures that can be implemented, as well as measures that cannot be reasonably implemented and why; OR * Submitted plan from 320.8 application with current status of implementation.	Same as 2025, plus: * For each decarbonization and energy efficiency measure identified, the estimated carbon / energy savings, cost, and anticipated installation date.

320.7 Adjustment: Summary of External Constraints Requirements

Minimum Requirement for External Constraint Submission	Required for Article 320	N/A for Article 321
Confirm building was in existence prior to Nov. 15, 2019 *(checkbox in BEAM)*	x	
LL97 Annual Emissions report in 2025 *(ticket submission in BEAM)*	x	
NYCA APA Form *(upload in BEAM)*	x	
Purchase of offsets (10% of building emissions limit); no RECs allowed	x	
Adjusted Emissions Limit *(RDP enters proposed value in BEAM)*	x	
Technical Explanation *(supporting documentation upload in BEAM)*	x	
RDP Attestation *(checkbox and upload in BEAM)*	x	

320.7 Adjustment: General Steps Demonstrating Eligibility

1. **Owner engages with NYC Accelerator (NYCA) and is assigned an Account Manager.**
2. **Owner verifies qualifying circumstance for the 320.7 Adjustment.**
    - Building must have existed on or before November 15, 2019; and
    - LL97 compliance report for the calendar year prior must be submitted; and
    - The maximum amount of GHG offsets (10% of building emissions limit) has been purchased; and
    - An appropriate party attests to the adjustment application:
        - RDP attests to external constraint; or
        - CPA attests to financial constraint; or
        - Owner attests to building’s presence on NYC Tax Lien Sale list.
3. **Owner and NYCA fill out an Adjustment Process Attestation (APA) Form.**
4. **320.7 Adjustment Application, including APA Form, submitted in the LL97 Reporting Platform (BEAM) by that year’s reporting deadline.**

320.7 Adjustment: Financial Constraints

Building Type	Qualifying Metric
For buildings held in a condominium or cooperative form of ownership:	A 3-year average increase in annual carrying charges per dwelling unit of 5% above the average rate of inflation for the same 3-year period, and confirmation of the condominium or cooperative form of ownership.
For buildings exempt from real property taxes pursuant to sections 420-a, 420-b, 446, or 462 of the real property tax law and applicable local law:	The building owner had negative revenue after subtraction of expenses for the combined two years prior to the application, and confirmation of the applicable real property tax law.
For buildings that are party to an affordable housing regulatory agreement and/or buildings with no existing debt:	The building's income-expense ratio, as calculated pursuant to the template provided by the Department, is less than 1.05, and confirmation of the affordable housing regulatory agreement or no debt status.
For all other building types	The building's debt service coverage ratio, as calculated pursuant to guidance issued by the Department, is less than 1.15

320.7 Adjustment: Financial Metric Template(s)

	A	B	C	D	E
1					
2				**Financial Constraint Adjustment Worksheet**	
3				**Metric Test: Debt Service Coverage Ratio**	
4					
5				**For Fiscal Year Ending:**	
6					
7				Net Profit/Loss per Audited Financial Statements	
8				Non-Cash Expenses (Depreciation and Amortization)	
9				Interest Expense	
10				Expensed Capital Improvements	
11				Required Deposits to Replacement Reserves	
12				**Total Cash Available for Debt Service:**	
13					
14				**Annual Mortgage Debt Service:**	
15					
16				**Debt Service Coverage Ratio (DSCR):**	
17					
18				Is the DSCR <1.15?	
19					
20				**Notes**	
21					

(1) Metric: DSCR = Cash flow available for debt service/debt service <1.15.

(2) Expensed capital improvements: Necessary or emergency capital expenditure paid from operations (not from replacement reserves) would be added for purposes of the DSCR test.

Market Rate

- LL97 Financial Constraints Metric Templates Coops and Condos
- LL97 Financial Constraints Metric Templates Nonprofits
- LL97 Financial Constraints Metric Templates Market Rate
- LL97 Financial Constraints Metric Templates Affordable Housing and/or No Debt

320.7 Adjustment: Summary of Financial Constraints Requirements

Minimum Requirement for Financial Constraint Submission	Required for Article 320	Required for Article 321
Confirm building was in existence prior to Nov. 15, 2019 *(checkbox in BEAM)*	x	
LL97 Annual Emissions report in 2025 *(ticket submission in BEAM)*	x	
NYCA APA Form *(upload in BEAM)*	x	x
Purchase of offsets (10% of building emissions limit) and RECs	x	
CPA Attestation *(checkbox and upload in BEAM)*	x	x
Financial Metric Template *(upload in BEAM)*	x	x

Minimum Requirements for Tax Lien Sale List Submission	Required for Article 320	Required for Article 321
Confirm building was on the DOF list – document upload	x	x

320.7 Adjustment: Tax Lien Sale list

NYC Department of Finance | Vehicles | Property | Business | Auctions | Courts | About | Payments | Search

Property Tax Bills | Benefits | Assessments | Tax Maps

< Property

Lien sales

If you do not pay your property taxes, water and sewer charges, and other property-related charges, your property may be at risk of being included in a lien sale.

When you are included in the lien sale, the City of New York sells your debt to an authorized buyer. The buyer then has the right to collect what you owe. This does not mean that your property has been sold, but if you do not resolve your outstanding debt, the lien sale can be a first step toward foreclosure.

The next lien sale is scheduled for May 20, 2025.

Properties eligible for the lien sale

Data as of 3/17/2025	Acrobat	Excel
Manhattan	Download	Download
Bronx	Download	Download
Brooklyn	Download	Download
Queens	Download	Download
Staten Island	Download	Download

For LL97 adjustment applications, the data must be post-May 20

320.7 Adjustments

Step 1: DOB NOW Filing Fees

NYC Buildings

320.7 Adjustments

A. **External constraint adjustment**

B. **Financial constraint adjustment**

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.

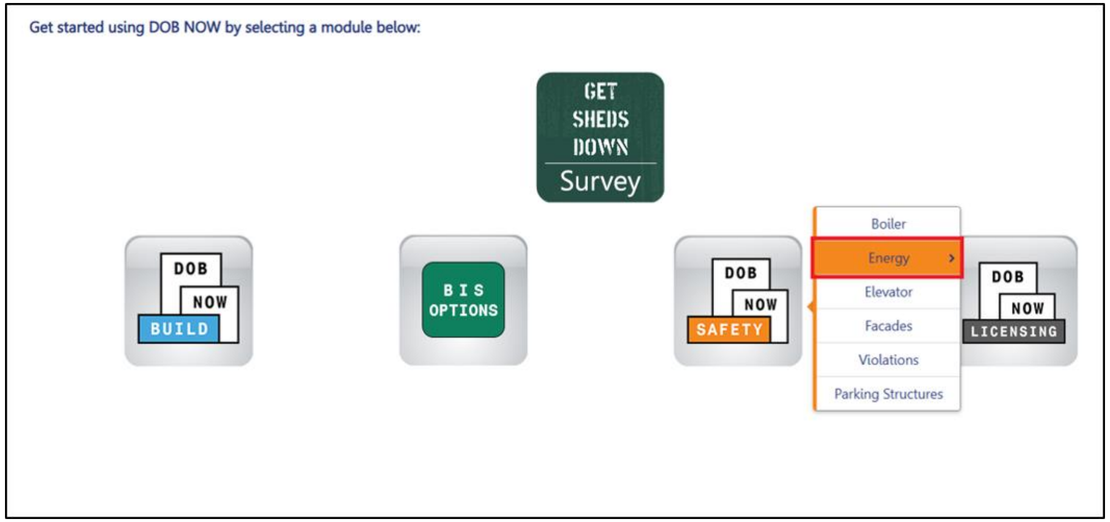
Email addresses entered in DOB NOW will serve as the **only** email addresses to view building profile in BEAM.

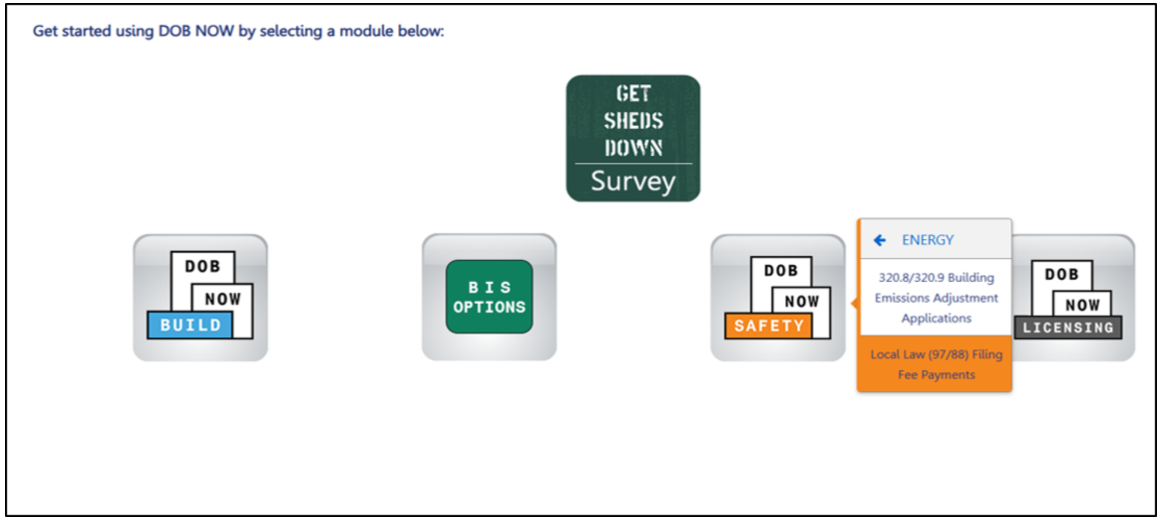
- Owner
- Owner Representative
- Service Provider (RDP/RCxA)

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.

320.7 Adjustments

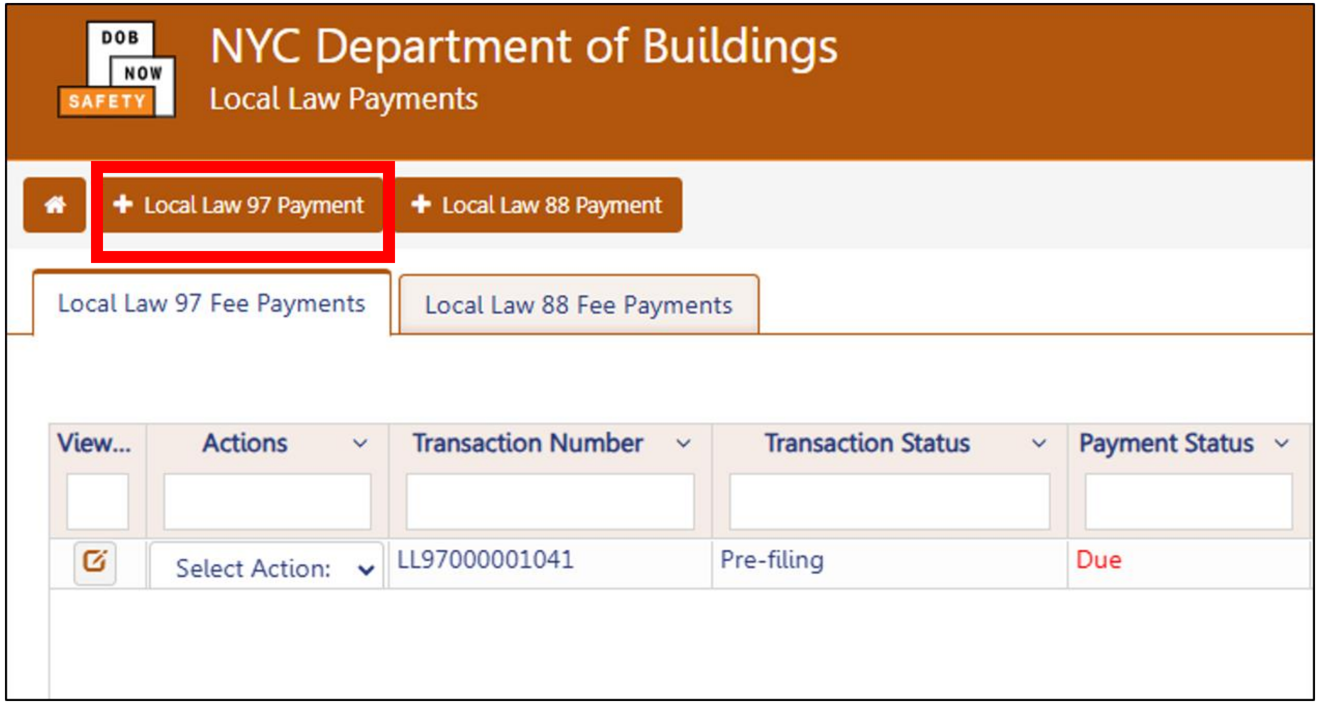
- Navigate to the DOB Now login page at nyc.gov/dobnow, enter your NYC.ID email address in the Email field, and select **Login**. If you need to create an NYC.ID account, select **Create Account** or use the **DOB NOW User Guide** for step-by-step instructions.
- After logging into DOB NOW, the Welcome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





320.7 Adjustments Filing Fee

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

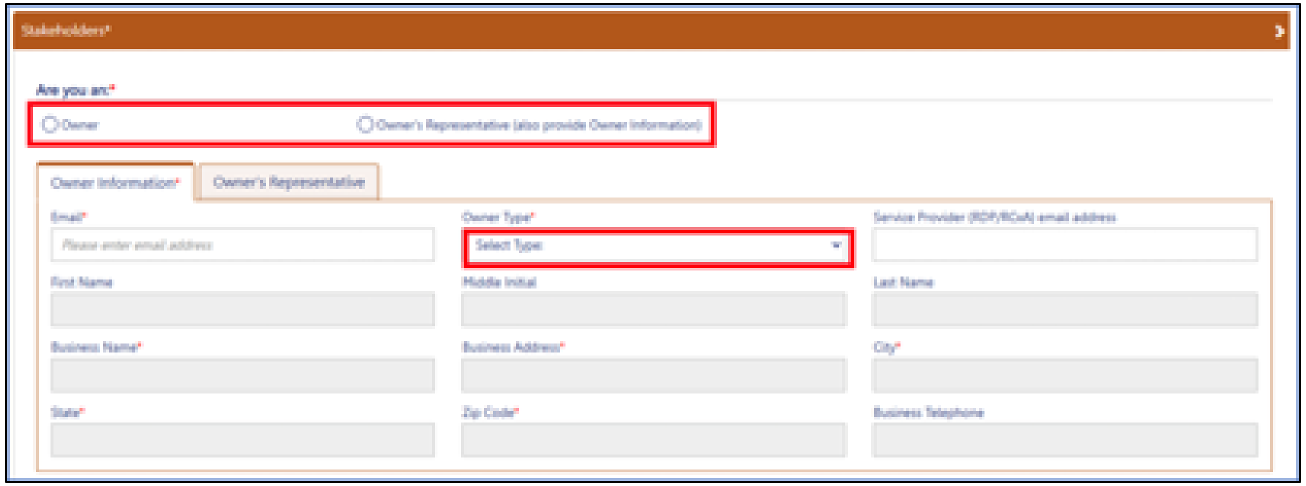


320.7 Adjustments Filing Fee

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.

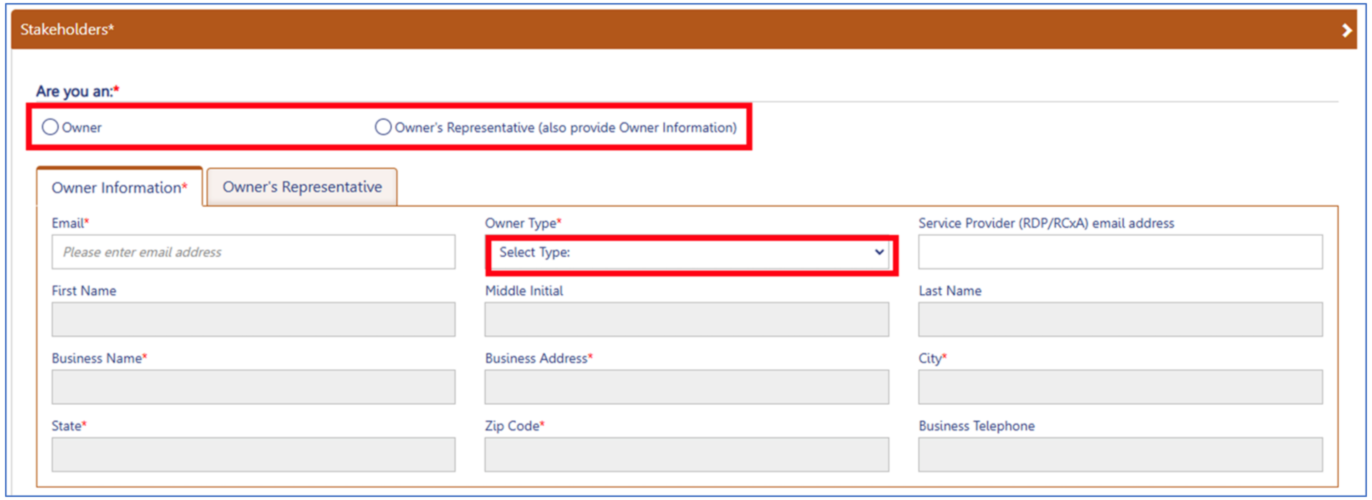


320.7 Adjustments Filing Fee

DOB NOW

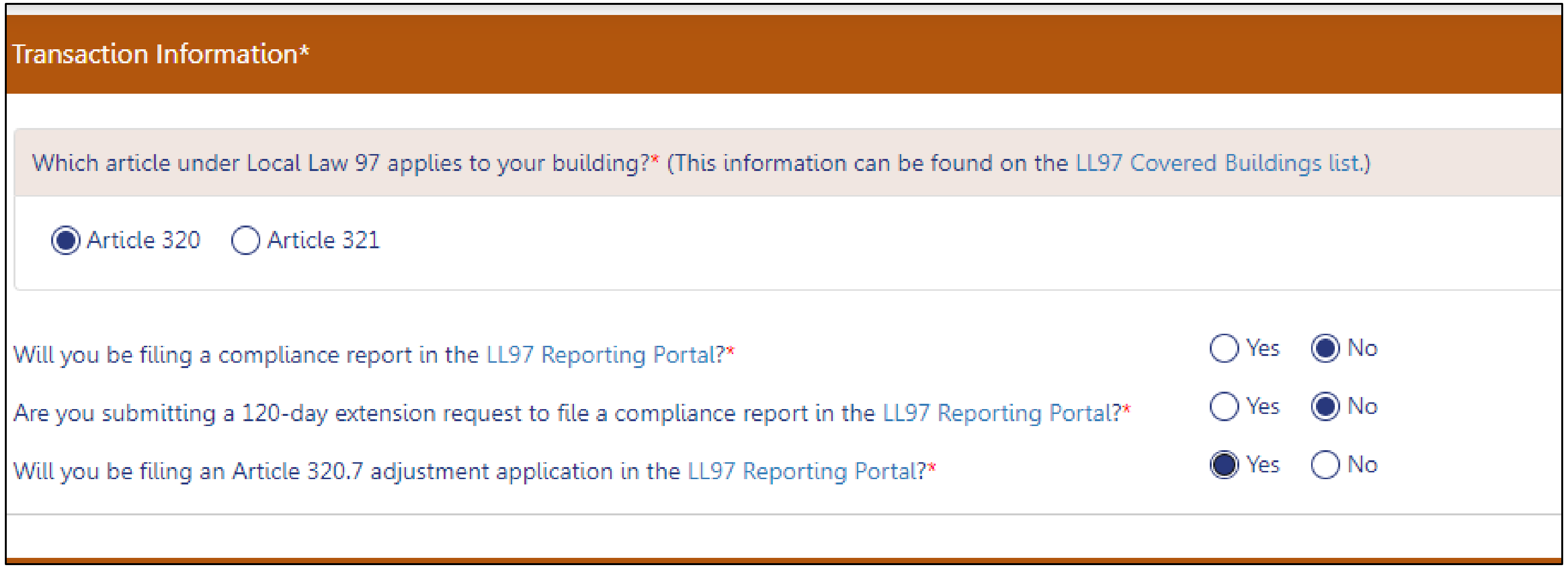
Under **Owner Information**, select **Owner Type**.

- 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.



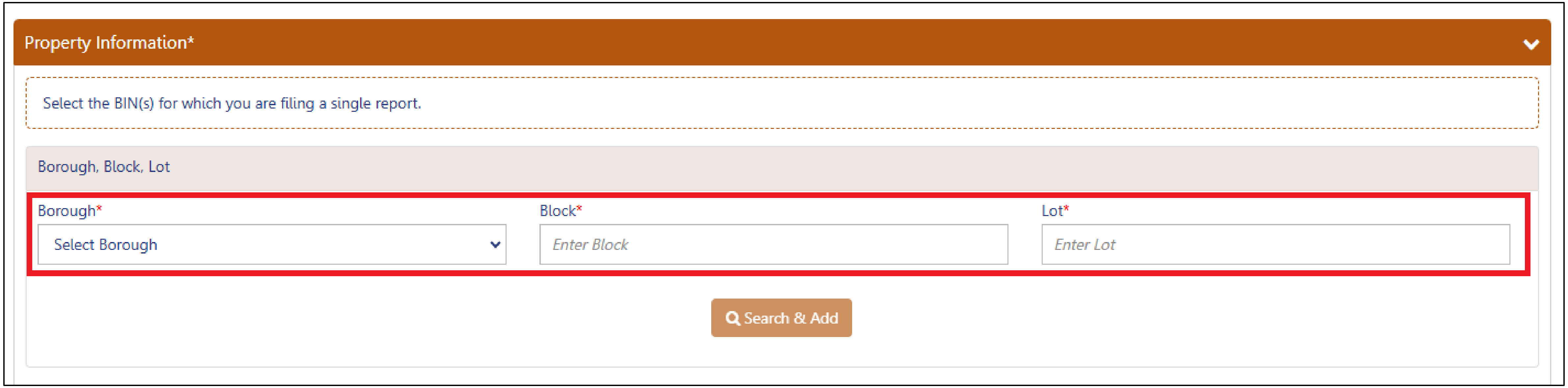
320.7 Adjustments Filing Fee

- Select **Article 320** or **Article 321** to indicate your compliance pathway.
- Select **No** when asked whether **you will be filing a compliance report in the LL97 Reporting Portal*.**
- Select **No** when asked **are you submitting a 120-day extension request to file a compliance report in the LL97 Reporting Portal?***
- Select Yes when asked **will you be filing an Article 320.7 adjustment application in the LL97 Reporting Portal?***



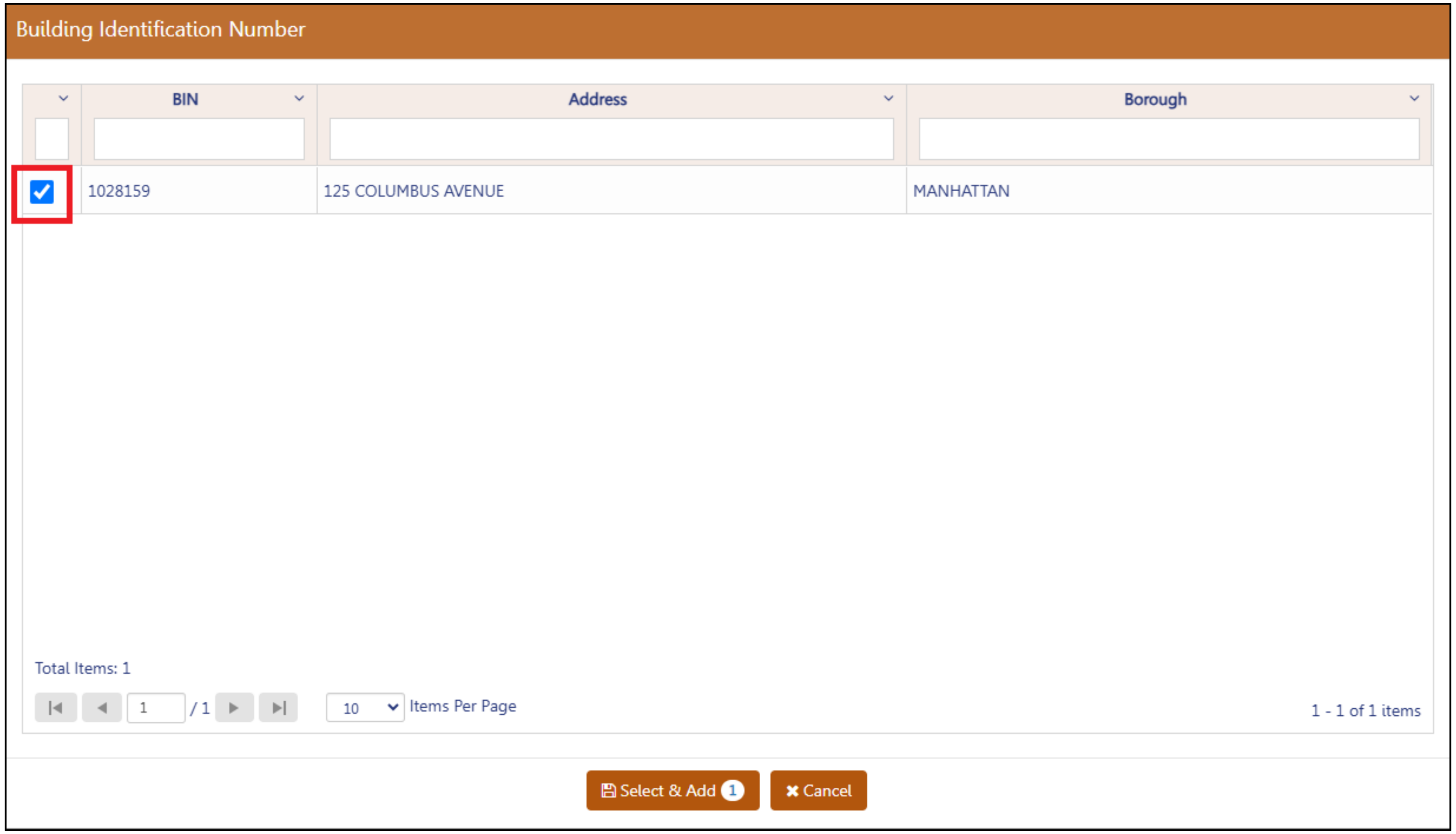
320.7 Adjustments Filing Fee

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



320.7 Adjustments Filing Fee

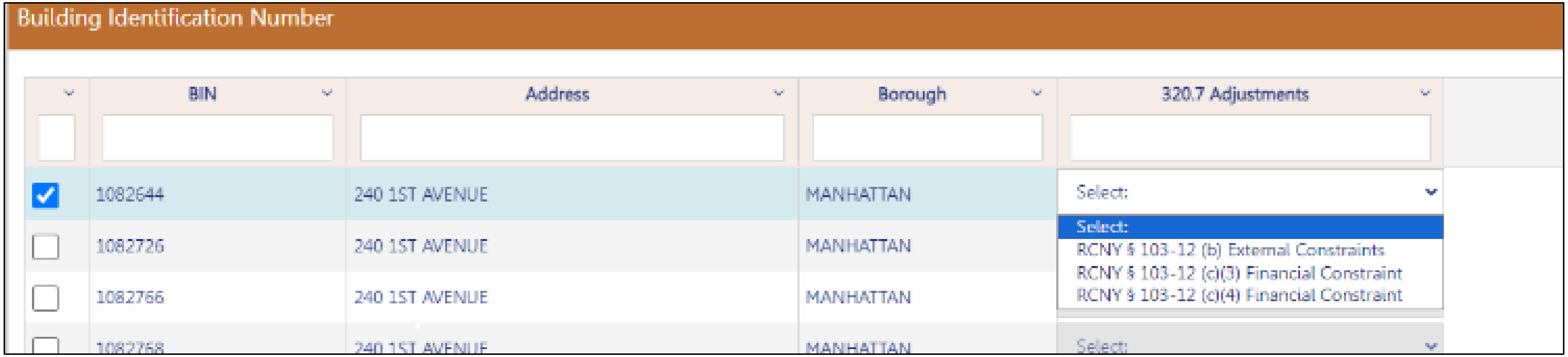
- In the **Building Identification Number** pop-up window, check the box(es) by the BIN(s) for this payment then click **Select & Add**.



320.7 Adjustments Filing Fee

Select one the following:

- RCNY § 103-12 (b) External Constraints
- RCNY § 103-12 (c)(3) Financial Constraint
    - *Financial Metric*
- RCNY § 103-12 (c)(4) Financial Constraint
    - *DOF Tax Lien Sale List*

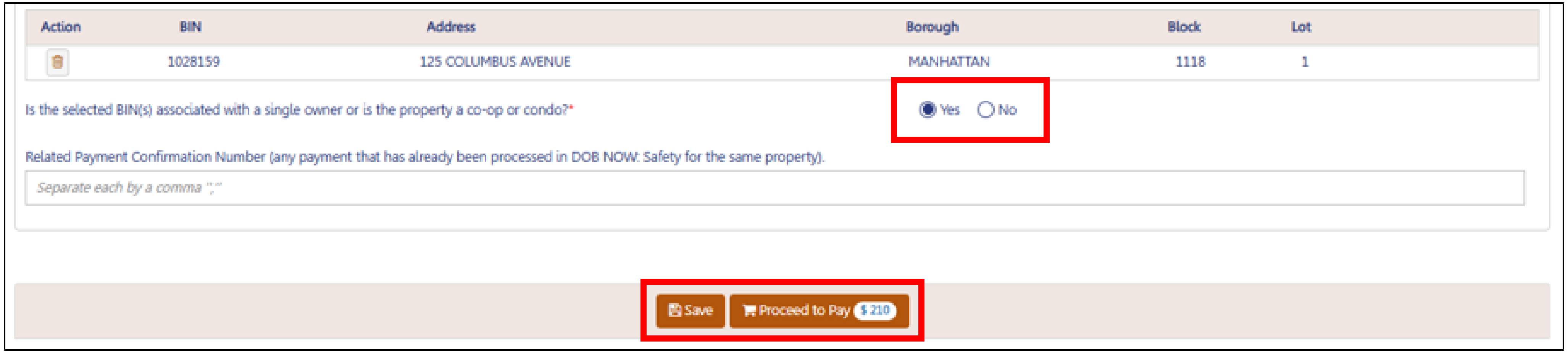


320.7 Adjustments Filing Fee

DOB NOW

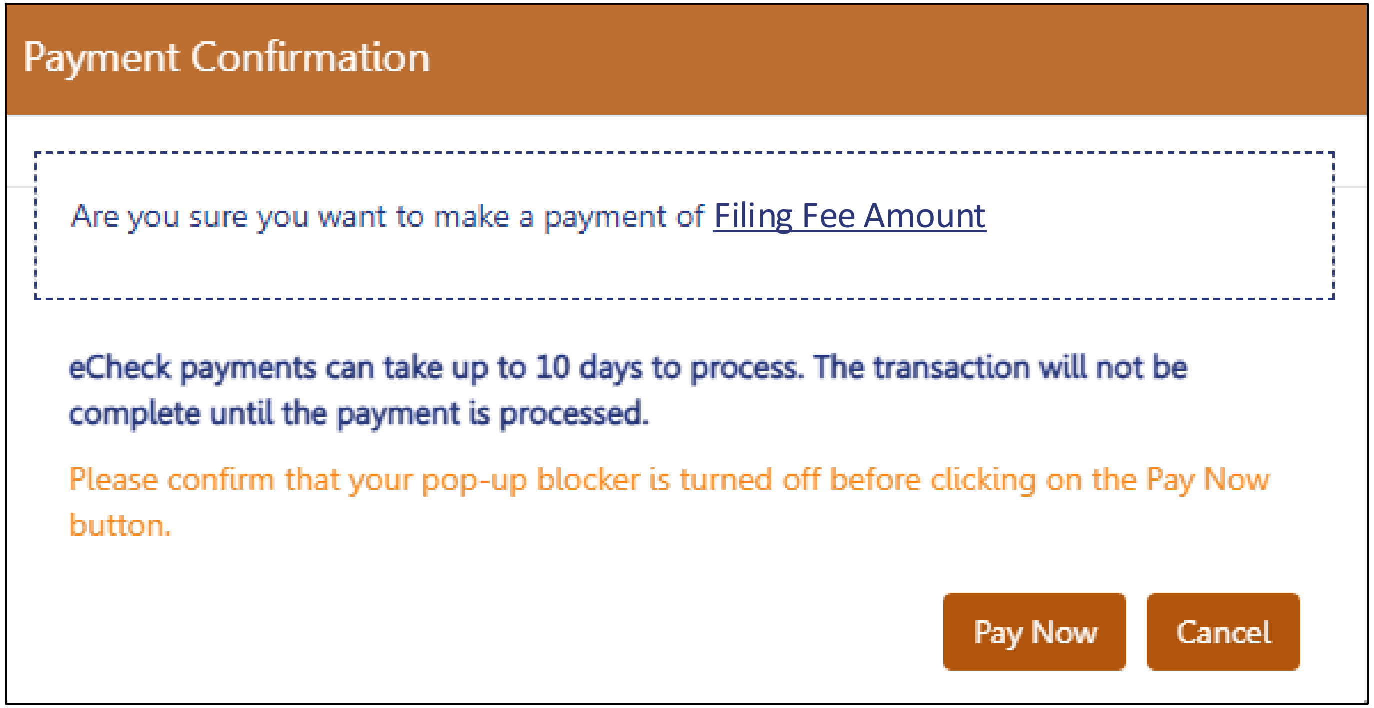
- The property information will then be listed in a grid under the Search & Add button and can be removed by selecting the trash icon. If selections are changed in the Transaction Information section after an address has been added, the system will remove the address and it will need to be re-entered.

- 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)



320.7 Adjustments 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.



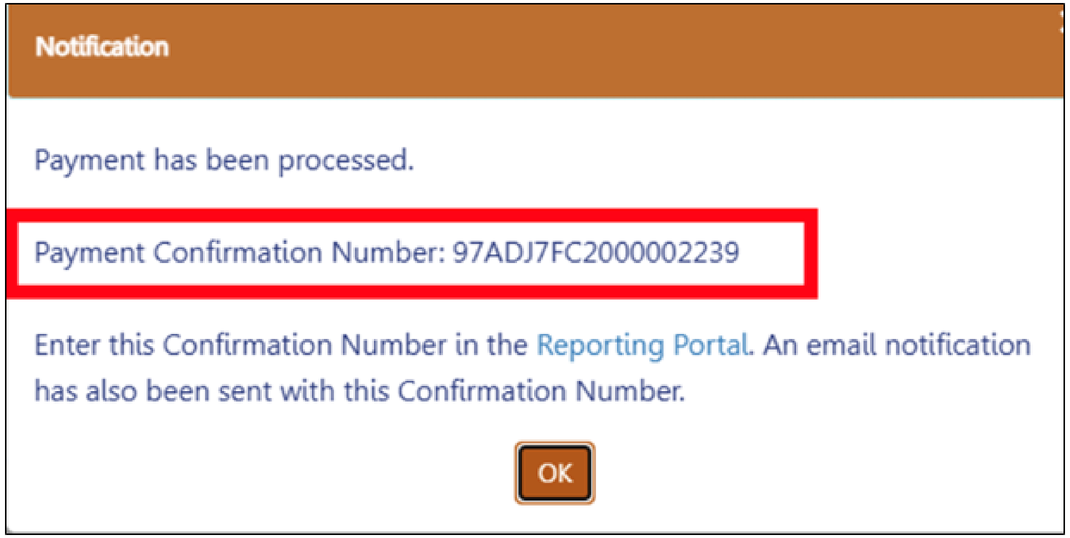
320.7 Filing Fees

- RCNY § 103-12 (b) External Constraints: $3,540
- RCNY § 103-12 (c)(3) Financial Constraint: $690
- RCNY § 103-12 (c)(4) Financial Constraint: $300

320.7 Adjustments 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.

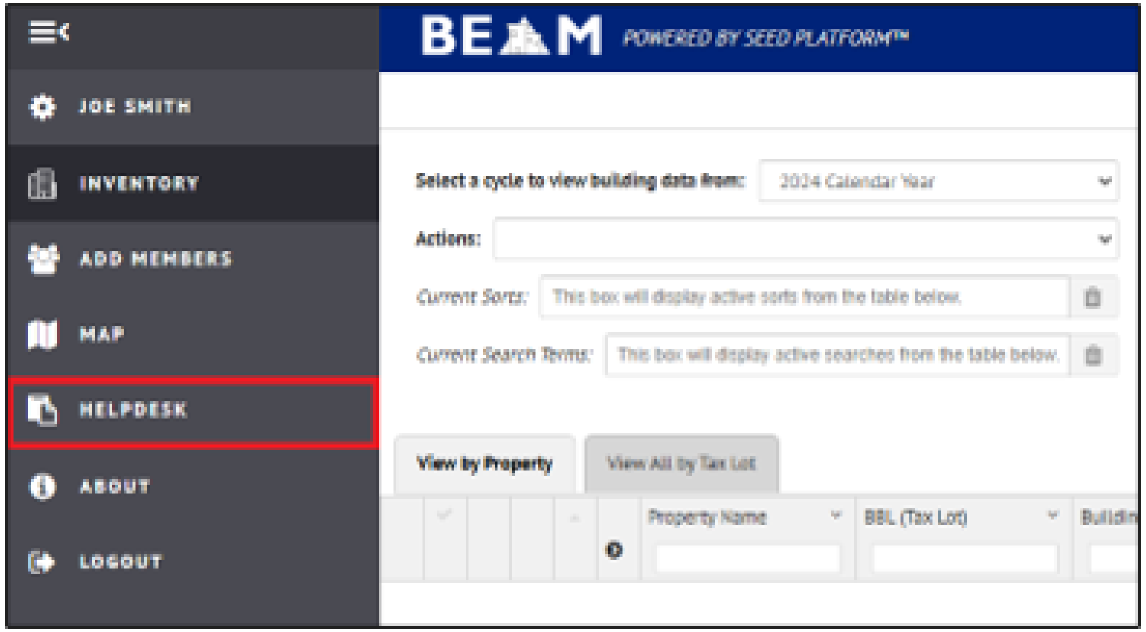


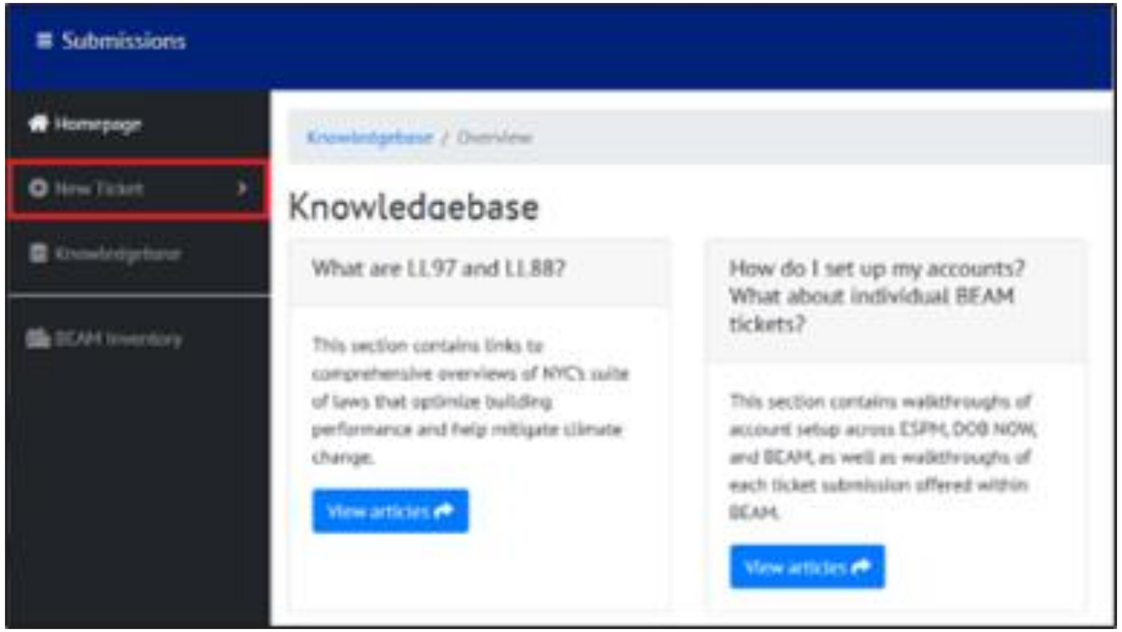
320.7 Adjustments
Step 2: Apply in BEAM

a) External constraint
b) Financial constraint

Finding the ticket

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**, then select **10. LL97 Application for §320.7 Adjustment (Article 320 and Article 321)**





Step 1: Create 320.7 Adjustment Ticket

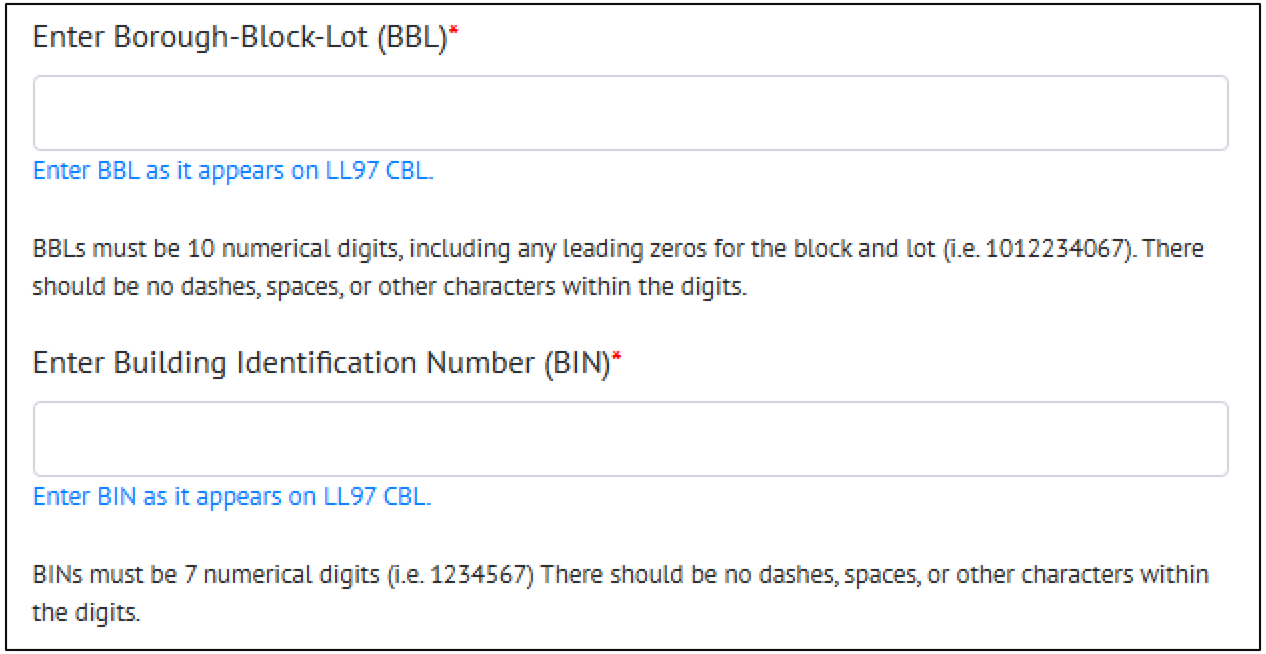
BEAM

1. On the BEAM Portal, from the left sidebar, navigate to **Helpdesk**, then select **New Ticket** then select **10. LL97 Application for §320.7 Adjustment (Article 320 and Article 321)**.
2. **A complete "10. LL97 Application for §320.7 Adjustment (Article 320 and Article 321)" ticket must include all of the following:**
   - Building address, Borough-Block-Lot (BBL) and Building Identification Number (BIN).
   - Upload of all applicable supporting documentation.
   - Confirmation of Registered Design Professional (RDP) attestation and upload of attestation documentation.
   - DOB NOW Payment Confirmation Number.
     - 320.7 Adjustments (Item 1) RCNY § 103-12 (b) External Constraints: i.e. 97ADJ7ECxxxxxx
     - 320.7 Adjustments (Item 2.1) RCNY § 103-12 (c)(3) Financial Constraint: i.e. 97ADJ7FC1xxxxxx
     - 320.7 Adjustments (Item 2.1) RCNY § 103-12 (c)(4) Financial Constraint: i.e. 97ADJ7FC2xxxxxx

Step 1: Property Details

BEAM

- **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.


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)*

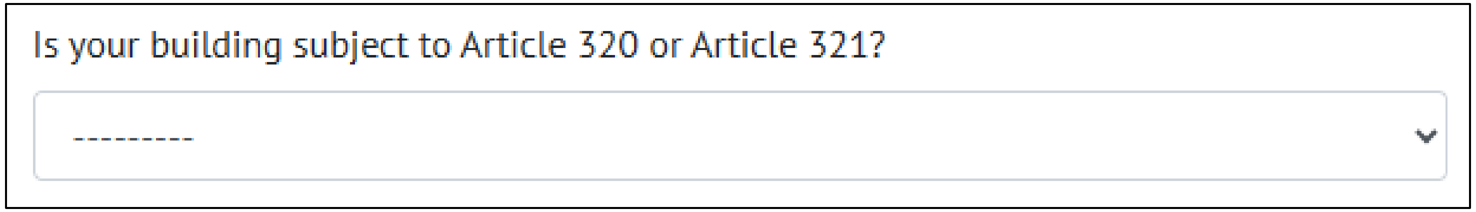
Enter BIN as it appears on LL97 CBL.

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

Step 2: Select Article 320 or Article 321

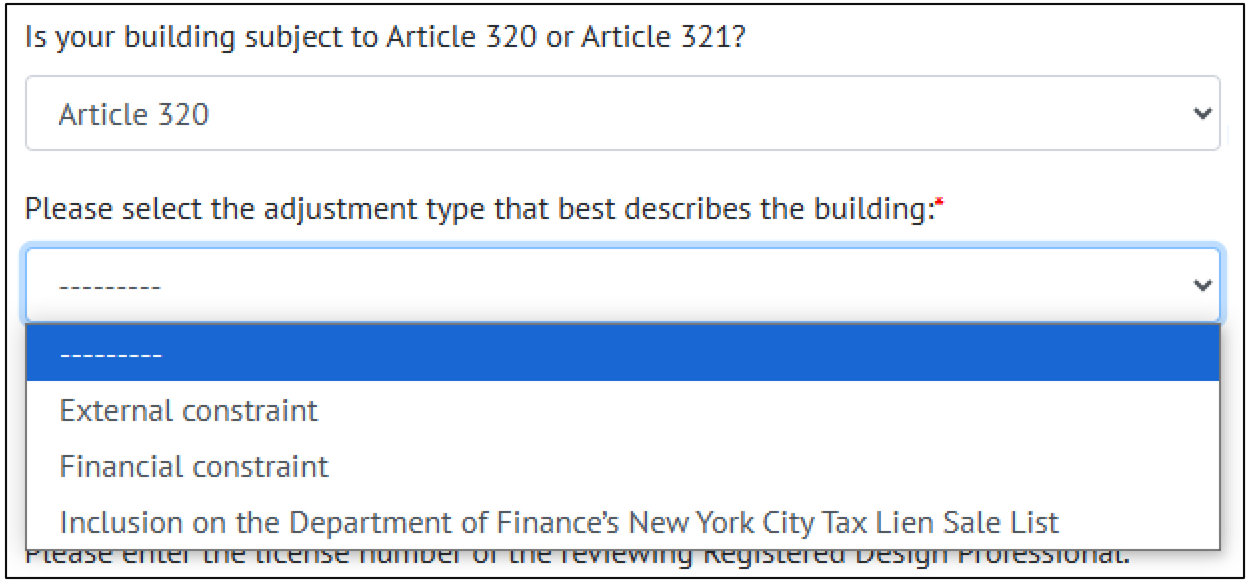
Select from the dropdown whether your building is subject to Article 320 or Article 321?

- Article 320
- Article 321



Select the adjustment type that best describes the building:

- External constraint
- Financial constraint
- Inclusion on the Department of Finance's New York City Tax Lien Sale List


Is your building subject to Article 320 or Article 321?

Article 320

Please select the adjustment type that best describes the building:*

External constraint

Financial constraint

Inclusion on the Department of Finance’s New York City Tax Lien Sale List

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

Step 2a: Article 320 – External Constraint

If selecting External Constraint:

The following items must be submitted:

1. The below materials as prepared by a registered design professional:
   - I. A description of the provision of law or physical condition preventing compliance with the annual building emissions limit and a technical explanation of how such provision or condition makes it not reasonably possible for the building to achieve strict compliance with the annual building emissions limit; and
   - II. A technical explanation of the building's efforts to achieve compliance with the annual building emissions limit to the maximum extent possible, including:
     - I. All carbon reduction alterations and energy efficiency measures implemented since 2019, including actual emissions reductions and efficiency increases achieved,
     - II. The building's emissions limit, along with the prior year's annual emissions and energy consumption both with and without the constraint,
     - III. The building's current operational status, including building systems,
     - IV. Measures the owner will implement to achieve decarbonization to the maximum extent possible, and
     - V. All alternative methods to achieve compliance considered and why such methods were not deemed reasonably possible; AND
2. The completed 320.7 Adjustment Process Attestation (APA) Form signed by the NYC Accelerator.

Please enter the proposed 320.7 adjusted limit in tCO2e:

Please submit supporting documentation.

Choose File No file chosen

Step 2a: Article 320 – External Constraint

BEAM

1. Building was in existence, or permit for construction issued, prior to November 15, 2019.
2. Building emissions report for the calendar year prior to the submission of the application for an adjustment was submitted, including:
    1. actual building emissions for the prior calendar year;
    2. the gross floor area of the building;
    3. the property types in the building;
    4. the building emissions intensity based on actual emissions for the prior calendar year.
3. Owner has purchased maximum allowable amount of greenhouse gas offsets.

Please confirm that the building has met all of the following conditions:

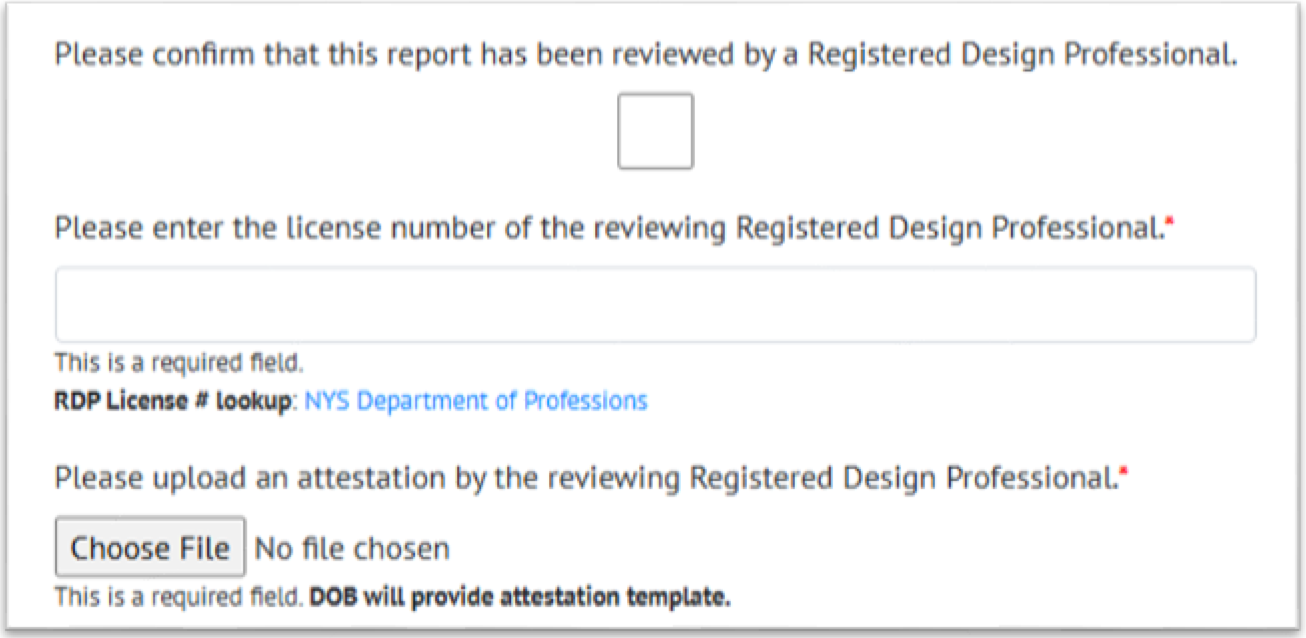
☐

1. Building was in existence, or permit for construction issued, prior to November 15, 2019.
2. Building emissions report for the calendar year prior to the submission of the application for an adjustment was submitted, including: a) actual building emissions for the prior calendar year; b) the gross floor area of the building; c) the property types in the building; d) the building emissions intensity based on actual emissions for the prior calendar year.
3. Owner has purchased maximum allowable amount of greenhouse gas offsets.

Step 2a: Article 320 – External Constraint

BEAM

1. Please confirm that this report has been reviewed by a Registered Design Professional.
2. Please enter the license number of the reviewing Registered Design Professional.
3. Please upload an attestation by the reviewing Registered Design Professional


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.*

Choose File No file chosen

This is a required field. **DOB will provide attestation template.**

Step 2a: Article 320 – Financial Constraint

BEAM

If selecting Financial Constraint:

Upload the **supporting documentation** for Financial Constraint:

- **The completed financial constraint metric template** prepared by a Certified Public Accountant, and
  - LL97 Financial Constraints Metric Templates Coops and Condos
  - LL97 Financial Constraints Metric Templates Nonprofits
  - LL97 Financial Constraints Metric Templates Market Rate
  - LL97 Financial Constraints Metric Templates Affordable Housing and/or No Debt
- The completed **320.7 Adjustment Process Attestation (APA) Form** signed by the NYC Accelerator.
  - 320.7 Adjustment CPA Attestation Form

Please select the adjustment type that best describes the building:*

Financial constraint

Please submit supporting documentation.

Choose File No file chosen

Please provide the following documentation:
i. The completed financial constraint metric template prepared by a Certified Public Accountant, and
ii. The completed 320.7 Adjustment Process Attestation (APA) Form signed by the NYC Accelerator.

Step 2a: Article 320 – Financial Constraint

BEAM

1. Building was in existence, or permit for construction issued, prior to November 15, 2019.
2. Building emissions report for the calendar year prior to the submission of the application for an adjustment was submitted, including:
    1. actual building emissions for the prior calendar year;
    2. the gross floor area of the building;
    3. the property types in the building;
    4. the building emissions intensity based on actual emissions for the prior calendar year.
3. Owner has purchased maximum allowable amount of greenhouse gas offsets.

Please confirm that the building has met all of the following conditions:

☐

1. Building was in existence, or permit for construction issued, prior to November 15, 2019.
2. Building emissions report for the calendar year prior to the submission of the application for an adjustment was submitted, including: a) actual building emissions for the prior calendar year; b) the gross floor area of the building; c) the property types in the building; d) the building emissions intensity based on actual emissions for the prior calendar year.
3. Owner has purchased maximum allowable amount of greenhouse gas offsets.

Step 2a: Article 320 – Inclusion on DOF NYC Tax Lien Sale List

If selecting Inclusion on DOF NYC Tax Lein Sale List:

Please submit proof the building is on the Department of Finance’s annual New York City Tax Lien Sale List.

Please select the adjustment type that best describes the building:*

Inclusion on the Department of Finance's New York City Tax Lien Sale List

Please submit supporting documentation.

Choose File No file chosen

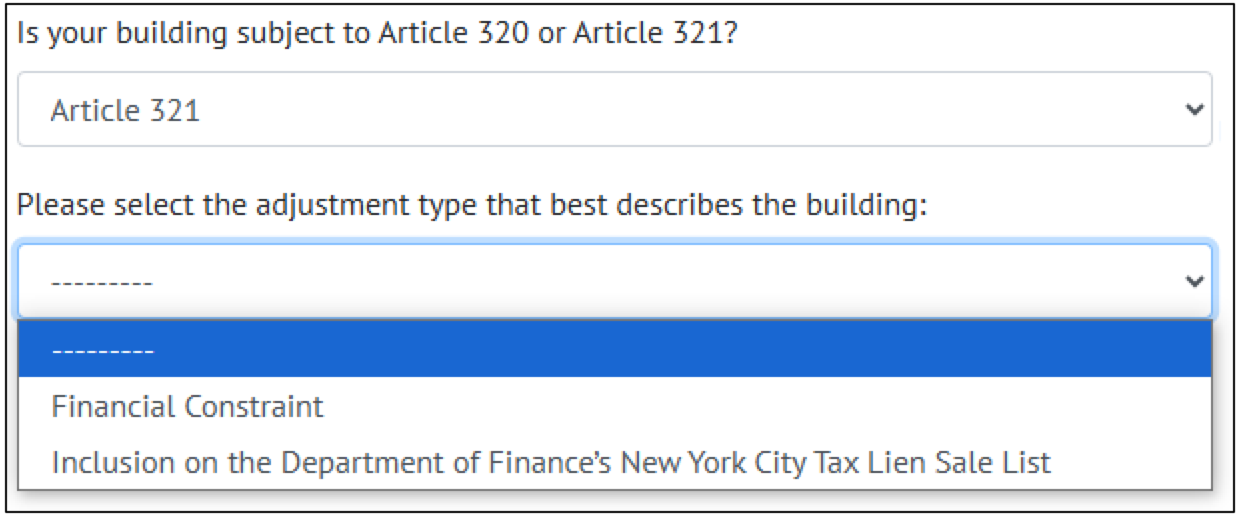
Please submit proof the building is on the Department of Finance's annual New York City Tax Lien Sale List.

Step 2b: Article 321

If selecting Article 321:

Select the **adjustment type** that best describes the building:

- Financial constraint
- Inclusion on the Department of Finance's New York City Tax Lien Sale List


Is your building subject to Article 320 or Article 321?

Article 321

Please select the adjustment type that best describes the building:

Financial Constraint

Inclusion on the Department of Finance's New York City Tax Lien Sale List

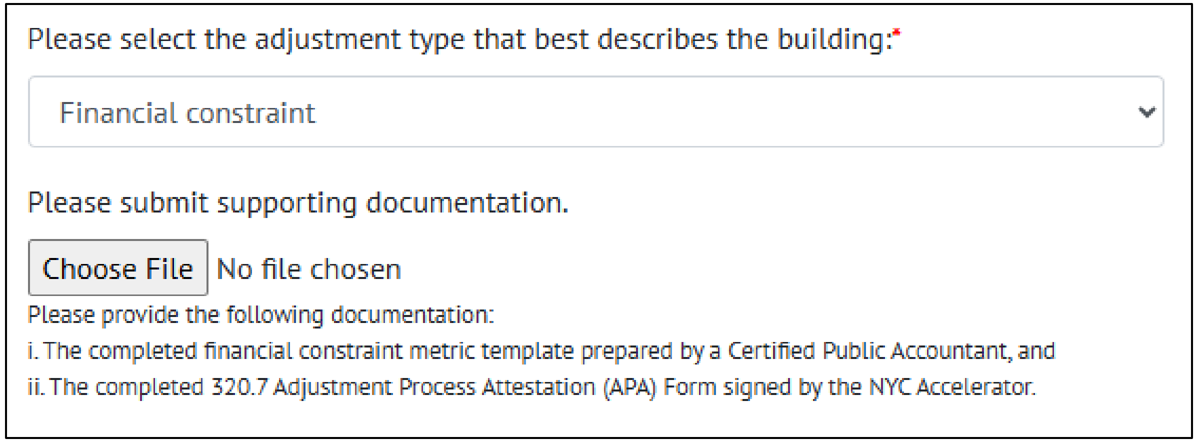
Step 2b: Article 321 – Financial Constraint

BEAM

If selecting Financial Constraint:

Upload the **supporting documentation** for Article 321 – Financial Constraint:

- The completed financial constraint metric template prepared by a Certified Public Accountant, and
  - LL97 Financial Constraints Metric Templates Coops and Condos
  - LL97 Financial Constraints Metric Templates Nonprofits
  - LL97 Financial Constraints Metric Templates Market Rate
  - LL97 Financial Constraints Metric Templates Affordable Housing and/or No Debt
- The completed 320.7 Adjustment Process Attestation (APA) Form signed by the NYC Accelerator.
  - 320.7 Adjustment CPA Attestation Form



Please select the adjustment type that best describes the building:*

Financial constraint

Please submit supporting documentation.

Choose File No file chosen

Please provide the following documentation:

i. The completed financial constraint metric template prepared by a Certified Public Accountant, and

ii. The completed 320.7 Adjustment Process Attestation (APA) Form signed by the NYC Accelerator.

Step 2b: Article 321 – Inclusion on DOF NYC Tax Lein Sale List

If selecting Inclusion on DOF NYC Tax Lein Sale List:

Please submit proof the building is on the Department of Finance's annual New York City Tax Lien Sale List.

Please select the adjustment type that best describes the building:*

Inclusion on the Department of Finance's New York City Tax Lien Sale List

Please submit supporting documentation.

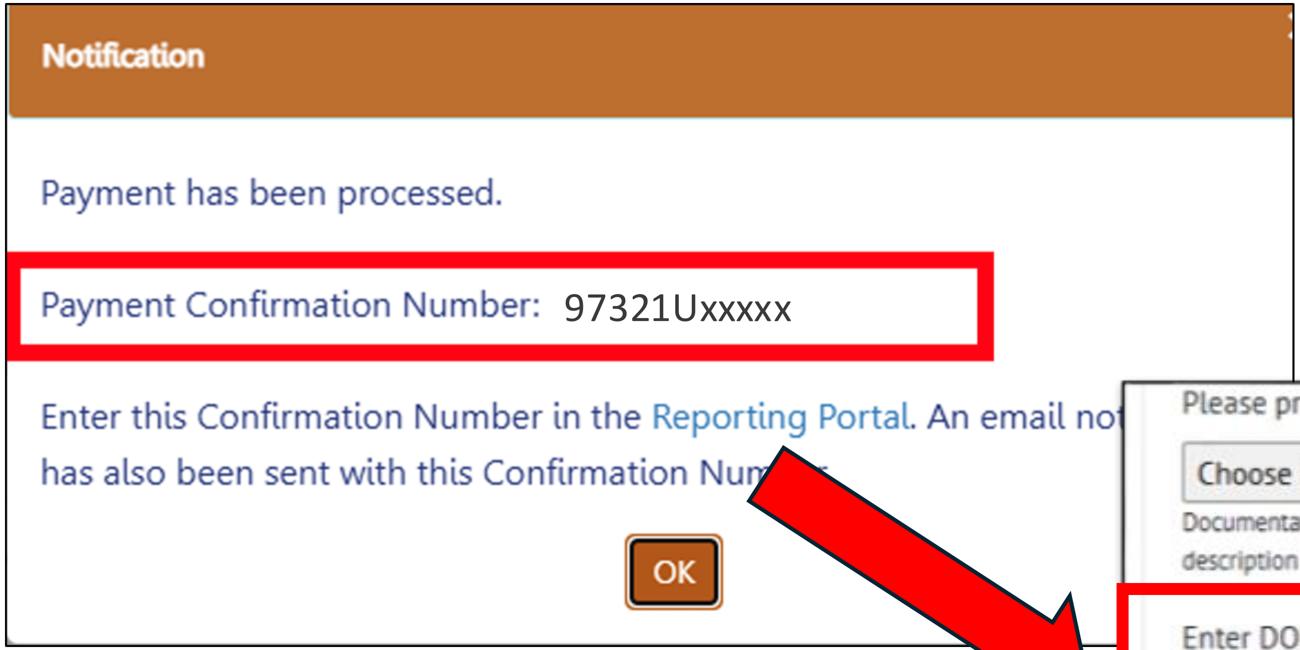
Choose File No file chosen

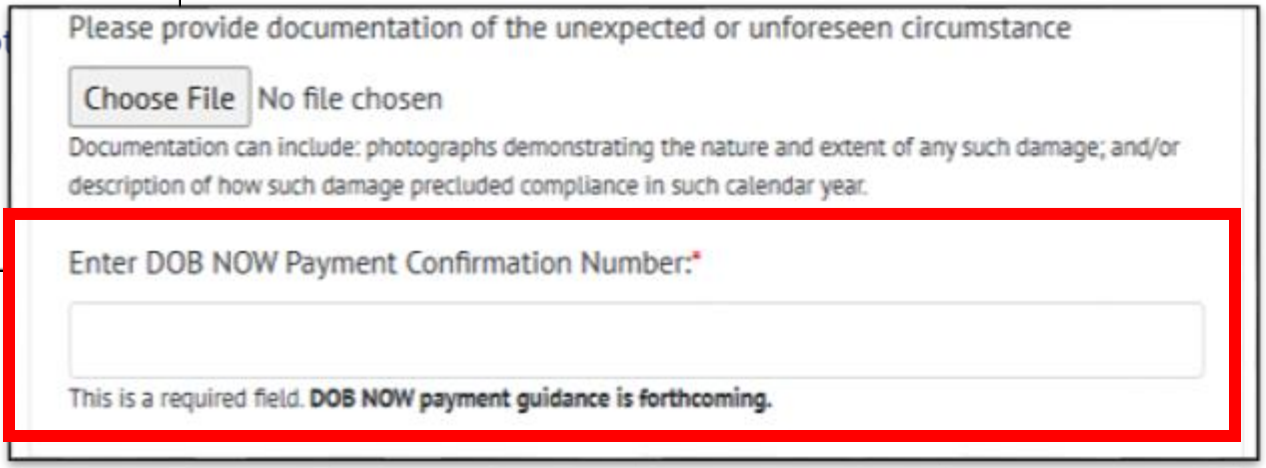
Please submit proof the building is on the Department of Finance's annual New York City Tax Lien Sale List.

Step 3: DOB NOW Payment Confirmation Number

BEAM

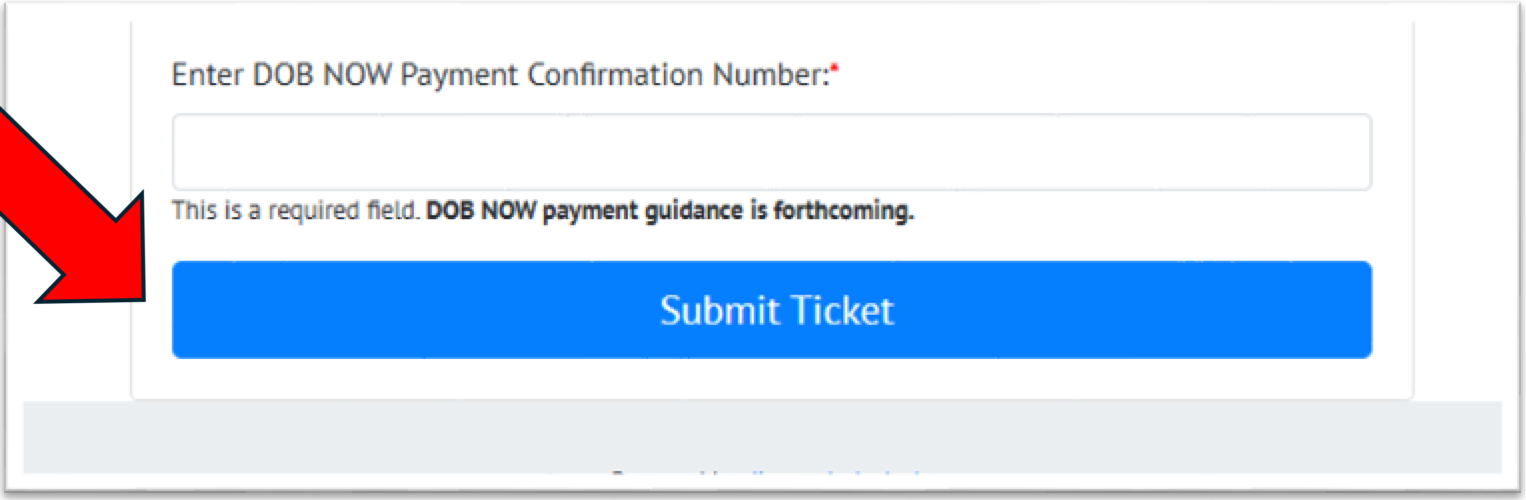
- Enter the **DOB NOW Payment Confirmation Number**





Step 4: Submit Ticket

- You are ready to click "**Submit Ticket**".



Webinar Schedule

Webinar Date	BEAM (Ticket Name)
2/28/2025	Overview of LL97 Reporting Process
3/5/2025	Benchmarking Forum
3/7/2025	Article 321 Compliance Filing: Part 1 LL97 Compliance Report (Article 321)
3/11/2025	Article 320 Filing: Part 1 LL97 Building Emissions Limit & RDP Attestation (Article 320), LL97 Deductions and Alternatives to Calculating Annual Building Emissions (Article 320 and Article 321).
3/14/2025	Article 321 Compliance Filing: Part 2 LL97 Penalty Mitigation (Article 321), LL97 Covered Building List (CBL) Disputes.
3/18/2025	Article 320 Continued: Part 2 LL97 Penalty Mitigation (Good Faith Efforts), LL97 Covered Building List (CBL) Disputes.
3/20/2025	LL88 Lighting & Sub-Metering
3/25/2025	LL97 Application for §320.7 Adjustment
3/28/2025	Combined Reporting

Questions and Inquiries?

Contact: BEAM_LL97@buildings.nyc.gov

How Does NYC Accelerator Work?

- Who is eligible?
  - Any privately owned New York City building ≥5,000 square feet (new or existing)
  - Smaller buildings referred to partner organizations
- How does it work?
  - Call us and get connected with a dedicated Account Manager
  - Receive objective advice customized to your needs
- How much does it cost, and what's the catch?
  - No catch, no cost, no sign-up or commitment

How Can NYC Accelerator Help You?

Typical Customer Experience

1. Learn About Program
2. Building Needs Assessment
3. Decide on Energy Conservation Measures
4. Implement Measures
5. Stay in Touch

Application Assistance: 320.7 Adjustment for External Constraints

Demonstrating Eligibility for the 320.7 Adjustment for External Constraints

+ Step 1: Engage with NYC Accelerator.
  - Building owner contacts/connects with NYC Accelerator and is assigned an Account Manager who guides them through the 320.7 Adjustment Application process.

a. Owner and Account Manager work together to do a Building Needs Assessment

   a. Completing a Building Information Form, review estimated LL97 compliance status, available LL87 audit or decarbonization plan, recommend potential energy conservation measures/decarbonization projects to aid in achieving compliance; and

   b. Identifying all available incentives and financing opportunities and pursuing those incentives and opportunities; and

   c. Identifying service providers

+ Step 2: Verify qualifying circumstance for the 320.7 Adjustment.
  - Owner works with NYC Accelerator and a Registered Design Professional (RDP) to complete the appropriate documentation

Building Assessment

NYC ACCELERATOR

Building Walk-Through Guide

Thank you for your interest in engaging NYC Accelerator to help your building chart its path to decarbonization. To help streamline the process for working with NYC Accelerator we strongly encourage gathering this information. Please complete and return to your Account Manager.

Account Manager: ____________ **Date:** ____________
Building Address: ____________
BBL: ____________
Building Contact: ____________
Email: ____________ **Phone:** ____________
Owner / Property Manager: ____________

Category	Equipment (Check all that apply)	Status / Comments
Space Heating Equipment	___ Steam Boiler ___ District Steam ___ Hot Water (Hydronic) Boiler ___ Heat Pump ___ PTACs ___ Electric Resistance	System age: ___ years If Steam Boiler: ___1-pipe system ___2-pipe system
Space Heating Fuel	___ #2 Oil ___ #4 Oil ___ Natural Gas ___ Dual Fuel (Oil or Gas) ___ Electric ___ District Steam	
Space Heating Controls	___ Outdoor Temperature Sensor ___ Indoor Temperature Sensors ___ Mechanical controls ___ Digital controls	
Domestic Hot Water (DHW) System	___ Boiler system coil ___ Stand-alone system (tank) ___ Stand-alone system (Instantaneous / tankless)	Stand-alone system (tank or tankless) age: ___ years
Low-Flow Devices (In-Unit)	___ Faucet Aerators ___ Low-flow showerheads	

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Category	Equipment (Check all that apply)	Status / Comments
Cooling	___ Window air conditioners ___ PTACs ___ Centralized cooling (Chiller) with cooling tower ___ Heat pumps (split system, air, water, or ground source, VRF)	System age: ___ years
Ventilation	___ Kitchen, bathroom exhaust fans ___ Rooftop exhaust fans ___ Fan circulation for hallways ___ Fans for parking lots	Years since last rooftop fan replacement or retrofit (motor upgrade): ___
LED Lighting	___ Hallways / Corridors ___ Stairwells ___ Lobby ___ Outdoor ___ In-unit ___ Occupancy sensors	Years since last lighting upgrade: ___
Building Envelope: Insulation	Insulation ___ Heating system pipes ___ Hot Water pipes	
Building Envelope: Windows	Window type ___ single pane ___ double or triple pane	Window age: ___ years
Building Envelope: Roof	Roof Uses ___ Patio/Deck ___ Garden plantings ___ Solar Panel Energy System ___ Mechanical equipment ___ Exhaust fans ___ None (open space)	Roof age (since last replacement): ___ years
On-Site Generation	Existing Systems ___ Solar PV (electricity generation) ___ Solar Thermal (hot water) ___ Combined Heat & Power (CHP) co-generation	System Age: Solar PV ___ years Solar Thermal ___ years Combined Heat & Power (CHP) co-generation ___ years
Elevators	___ Number of elevators	Elevator equipment (motors) age: ___ years

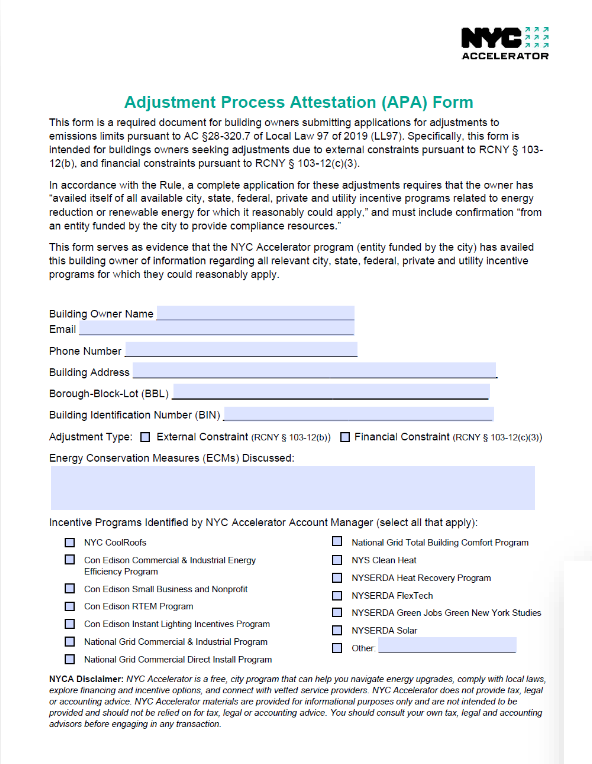
Demonstrating Eligibility for the 320.7 Adjustment for External Constraints

+ Step 3: Obtain an Adjustment Process Attestation (APA) Form from NYC Accelerator, reflecting a building owner's engagement in Steps 1 and 2.

  If applying for an adjustment due to external constraints, a complete APA Form requires the following:

  - Owner engages in Steps 1 and 2 and works with their Account Manager to populate the APA Form; and
  - Owner signs the APA Form verifying they engaged in Steps 1 and 2 and sends the Form via email to the Account Manager; and
  - Account Manager verifies that the owner engaged in Steps 1 and 2 and that relevant incentives have been identified and pursued and returns the APA Form to owner via email confirming that the information is accurate or informing the owner of any issues.

Adjustment Process Attestation (APA) Form



NYC ACCELERATOR

Adjustment Process Attestation (APA) Form

This form is a required document for building owners submitting applications for adjustments to emissions limits pursuant to AC §28-320.7 of Local Law 97 of 2019 (LL97). Specifically, this form is intended for buildings owners seeking adjustments due to external constraints pursuant to RCNY § 103-12(b), and financial constraints pursuant to RCNY § 103-12(c)(3).

In accordance with the Rule, a complete application for these adjustments requires that the owner has "availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could apply," and must include confirmation "from an entity funded by the city to provide compliance resources."

This form serves as evidence that the NYC Accelerator program (entity funded by the city) has availed this building owner of information regarding all relevant city, state, federal, private and utility incentive programs for which they could reasonably apply.

Building Owner Name

Email

Phone Number

Building Address

Borough-Block-Lot (BBL)

Building Identification Number (BIN)

Adjustment Type: ☐ External Constraint (RCNY § 103-12(b)) ☐ Financial Constraint (RCNY § 103-12(c)(3))

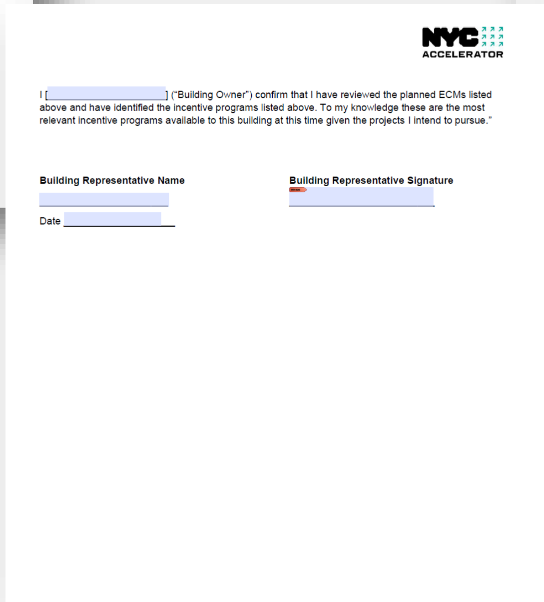
Energy Conservation Measures (ECMs) Discussed:

Incentive Programs Identified by NYC Accelerator Account Manager (select all that apply):

- ☐ NYC CoolRoofs
- ☐ Con Edison Commercial & Industrial Energy Efficiency Program
- ☐ Con Edison Small Business and Nonprofit
- ☐ Con Edison RTEM Program
- ☐ Con Edison Instant Lighting Incentives Program
- ☐ National Grid Commercial & Industrial Program
- ☐ National Grid Commercial Direct Install Program
- ☐ National Grid Total Building Comfort Program
- ☐ NYS Clean Heat
- ☐ NYSERDA Heat Recovery Program
- ☐ NYSERDA FlexTech
- ☐ NYSERDA Green Jobs Green New York Studies
- ☐ NYSERDA Solar
- ☐ Other:

NYCA Disclaimer: *NYC Accelerator is a free, city program that can help you navigate energy upgrades, comply with local laws, explore financing and incentive options, and connect with vetted service providers. NYC Accelerator does not provide tax, legal or accounting advice. NYC Accelerator materials are provided for informational purposes only and are not intended to be provided and should not be relied on for tax, legal or accounting advice. You should consult your own tax, legal and accounting advisors before engaging in any transaction.*

APA Form for Commercial & Industrial Buildings



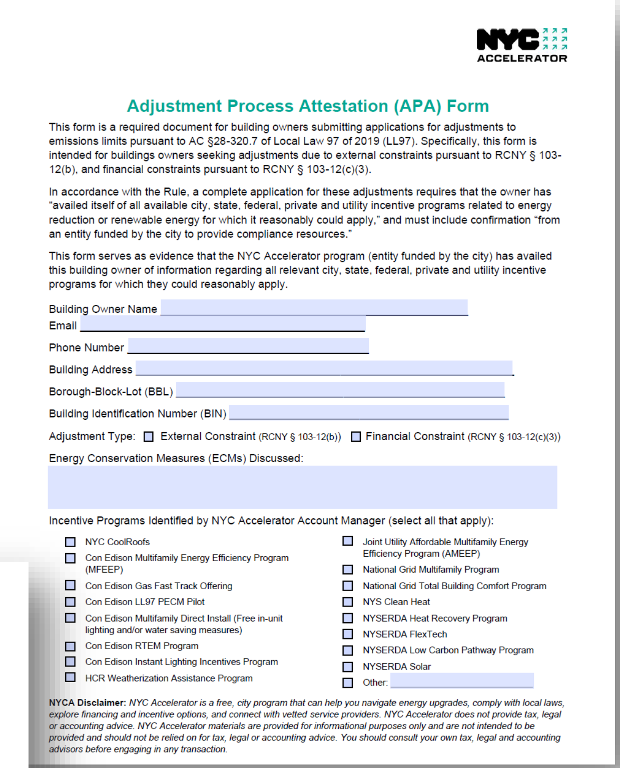
NYC ACCELERATOR

I [ ] ("Building Owner") confirm that I have reviewed the planned ECMs listed above and have identified the incentive programs listed above. To my knowledge these are the most relevant incentive programs available to this building at this time given the projects I intend to pursue."

Building Representative Name

Building Representative Signature

Date



NYC ACCELERATOR

Adjustment Process Attestation (APA) Form

This form is a required document for building owners submitting applications for adjustments to emissions limits pursuant to AC §28-320.7 of Local Law 97 of 2019 (LL97). Specifically, this form is intended for buildings owners seeking adjustments due to external constraints pursuant to RCNY § 103-12(b), and financial constraints pursuant to RCNY § 103-12(c)(3).

In accordance with the Rule, a complete application for these adjustments requires that the owner has "availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could apply," and must include confirmation "from an entity funded by the city to provide compliance resources."

This form serves as evidence that the NYC Accelerator program (entity funded by the city) has availed this building owner of information regarding all relevant city, state, federal, private and utility incentive programs for which they could reasonably apply.

Building Owner Name

Email

Phone Number

Building Address

Borough-Block-Lot (BBL)

Building Identification Number (BIN)

Adjustment Type: ☐ External Constraint (RCNY § 103-12(b)) ☐ Financial Constraint (RCNY § 103-12(c)(3))

Energy Conservation Measures (ECMs) Discussed:

Incentive Programs Identified by NYC Accelerator Account Manager (select all that apply):

- ☐ NYC CoolRoofs
- ☐ Con Edison Multifamily Energy Efficiency Program (MFEEP)
- ☐ Con Edison Gas Fast Track Offering
- ☐ Con Edison LL97 PECM Pilot
- ☐ Con Edison Multifamily Direct Install (Free in-unit lighting and/or water saving measures)
- ☐ Con Edison RTEM Program
- ☐ Con Edison Instant Lighting Incentives Program
- ☐ HCR Weatherization Assistance Program
- ☐ Joint Utility Affordable Multifamily Energy Efficiency Program (AMEEP)
- ☐ National Grid Multifamily Program
- ☐ National Grid Total Building Comfort Program
- ☐ NYS Clean Heat
- ☐ NYSERDA Heat Recovery Program
- ☐ NYSERDA FlexTech
- ☐ NYSERDA Low Carbon Pathway Program
- ☐ NYSERDA Solar
- ☐ Other:

NYCA Disclaimer: *NYC Accelerator is a free, city program that can help you navigate energy upgrades, comply with local laws, explore financing and incentive options, and connect with vetted service providers. NYC Accelerator does not provide tax, legal or accounting advice. NYC Accelerator materials are provided for informational purposes only and are not intended to be provided and should not be relied on for tax, legal or accounting advice. You should consult your own tax, legal and accounting advisors before engaging in any transaction.*

APA Form for Multifamily Buildings

Application Assistance:
320.7 Adjustment for Financial Constraints

Demonstrating Eligibility for the 320.7 Adjustment for Financial Constraints

+ Step 1: Engage with NYC Accelerator.
  - Building owner contacts/connects with NYC Accelerator and is assigned an Account Manager who guides them through the 320.7 Adjustment Application process.

Step 2: Verify qualifying circumstance for the 320.7 Adjustment.

- Owner works with CPA to complete the appropriate documentation pursuant to Section 4 in 320.7 Adjustments Guide. Once complete, the Account Manager will verify that they have identified and discussed the appropriate energy conservation measures, incentives, financing programs, and contractors with the owner.

Demonstrating Eligibility for the 320.7 Adjustment for Financial Constraints

- Step 3: Obtain an Adjustment Process Attestation (APA) Form from NYC Accelerator, reflecting a building owner's engagement in Steps 1 and 2.
  - A complete Article 321 APA Form requires the following:
  - Owner engages in Steps 1 and 2 and works with their Account Manager to populate the APA Form;
  - Owner signs the APA Form verifying they engaged in Steps 1 and 2 and sends the Form via email to the Account Manager; and
  - Account Manager verifies that the owner engaged in Steps 1 and 2 and that relevant incentives and relevant financing opportunities have been identified and pursued and returns the APA Form to owner via email confirming that the information is accurate or informs the owner of any issues.

Demonstrating Eligibility for the 320.7 Adjustment for Financial Constraints

- Step 4: Building Representative submits 320.7 Adjustment Application, including the APA Form, to DOB in the LL97 Reporting Platform by the reporting deadline.

NYC ACCELERATOR

Contact Our Team of Experts

Web: accelerator.nyc

Email: info@accelerator.nyc

Phone: 212-656-9202