NYC Local Law 97 Penalties & DOB NOW / BEAM Filing Card (2026)

Updated November 24, 2026 · Canonical guide: bcesg.org/local-law-97-fines-calculator-268-per-ton/

Worked Asymmetry Benchmark (60,000 sq ft Group B Office): Under 2024–2029 limits (0.00758 tCO2e/sq ft), a 454.8-ton cap at 550 actual tons yields (550 - 454.8) x $268 = **$25,514/yr**. Failing to file triggers 60,000 x $0.50 = **$30,000/month** retroactive to May 1 — one month unfiled exceeds the entire annual carbon fine.

1. The 2030 Cliff Across NYC ESPM Property Types (1 RCNY 103-14(c)(3)(iii))

ESPM Property Type	2024–2029 Limit (tCO2e / sq ft)	2030–2034 Limit (tCO2e / sq ft)	Cap Reduction	Planning Impact
Office (Business Group B)	0.00758	0.002690852	-65%	400-ton office ($0 today) faces ~$63,931/yr in 2030.
Multifamily Housing	0.00675	0.003346640	-50%	Watch Article 321 (>35% rent-regulated) eligibility.
Retail Store	0.00758	0.002104490	-72%	Steepest commercial drop; heat-pump timing critical.
Hotel	0.00987	0.003850668	-61%	Central DHW and kitchen gas dominate excess.
Hospital	0.02381	0.007335204	-69%	24/7 clinical loads require chilled-water optimization.
Medical Office	0.01074	0.002912778	-73%	High imaging/HVAC schedules shrink headroom fast.
Non-Refrigerated Warehouse	0.00426	0.000883187	-79%	Low 2030 cap hits older unit-heater bays hard.

2. Statutory Penalty Tracks & May 1 Filing Pipeline (Admin. Code §§ 28-320 & 28-321)

Compliance / Penalty Mechanism	Governing Rule	Rate / Threshold	Operational Action
Annual Excess Emissions Fine	Admin. Code § 28-320; 1 RCNY 103-14	(Actual tCO2e - Building Limit) x $268/tCO2e/yr.	Confirm grid electricity & steam coefficients match 2024–2029 rules.
Late / Failure-to-File Fine	Admin. Code § 28-320.6	$0.50/sq ft/month retroactive to May 1 until RDP files.	Never miss filing even when requesting good-faith mitigation.
Article 321 Affordable Track	Admin. Code § 28-321	>35% rent-regulated or HUD/NYCHA: 13 PECMs or 2030 cap; $10,000 flat fine.	Verify income-restricted unit count before filing under Art. 320.
False Statement Exposure	Admin. Code § 28-320.6	Up to $500,000 civil penalty & criminal misdemeanor risk.	Ensure PE/RA Registered Design Professional validates all meters.
May 1 Submission Pipeline	DOB NOW / ESPM / BEAM	LL84 ESPM sync -> BEAM Portal RDP report -> DOB NOW: Safety fee.	Hold LL84 benchmarking & LL88 attestations current on DOB record.

3. Five Legitimate Penalty-Reduction & Good-Faith Pathways

1. Confirm ESPM gross floor area vs. NYC DOF tax-lot gross square footage and occupancy splits.
2. Verify beneficial electrification credit applicability and clean Con Ed/steam coefficient selection.
3. Apply NYISO Zone J Renewable Energy Credits (RECs) strictly up to the 10% Scope 2 electric cap.
4. Under 1 RCNY 103-14(i)(2), submit an Article 320 Good-Faith Decarbonization Plan (May 1, 2028 permit milestone).
5. File Article 321 PECM attestation or 2030 limit demonstration for qualifying >35% rent-regulated properties.

Regulatory Disclaimer: Figures cite NYC Admin. Code §§ 28-320/28-321 and 1 RCNY § 103-14 as of November 2026 (2030 electricity factor 0.000145 tCO2e/kWh). Verify official building BBL caps and filing records with NYC DOB and a PE/RA.