



HOW TO – Request an Extension of Time

EXISTING BUILDINGS ENERGY AND WATER EFFICIENCY PROGRAM



Last Updated 03/12/2024

INTRODUCTION

The following instructions apply to **both** Benchmarking and Audits and Retro-Commissioning (A/RCx). Please be aware that requests for Extension of Time will not be accepted any sooner than 6 months prior to the compliance due date for your building.

Please note that an Extension of Time does not change the time requirements of exemption conditions (e.g., Energy Star Certificate must still be issued on or before the compliance due date).

See below matrix for Extension of Time conditions defined in Section 91.9708.3, which was amended by Ordinance No. 186789, effective 11/12/2020. For complete details, refer to the original EBEWE Ordinance and subsequent amendments at ladbs.org/docs/default-source/forms/green-building/ebewe-ordinances.pdf.

Reasons and Acceptable Proof for Granting Extension of Time to Comply with EBEWE Requirements Specified in Division 97 of the Los Angeles Municipal Code (LAMC)

Section 91.9708.3. Time Extensions. *A building owner may be granted an extension of time to file any submittal required by this Division provided satisfactory proof that one of the following conditions applies. Further, the Department may, at its discretion, grant an extension of time without a filing fee for reviewing and approving the request for an extension of time for conditions 4 through 8.*

Code-Specific Condition	Reason	Acceptable Proof
1	The building is under temporary financial or legal distress, as verified by recent financial statements, legal filings and other relevant documents showing one or more of the following:	
	(a) The building is under the control of a court-appointed receiver as a result of financial distress;	Recent financial statements, legal filings, and other relevant court issued documents.
	(b) The building is owned by a financial institution as a result of borrower default;	Recent financial statements, legal filings, and other relevant court issued documents.
	(c) The building has been acquired by a financial institution via deed in lieu of foreclosure;	Deed, recent financial statements, legal filings, and other relevant court issued documents.
	(d) The building is encumbered by a senior mortgage subject to a notice of default;	Notice of Default, recent financial statements, legal filings, and other relevant court issued documents.
	(e) The building is an asset subject to probate proceedings;	Recent financial statements, legal filings, and other relevant court issued documents.
	(f) The building was subject to property tax arrearages that resulted in the building's inclusion, within the prior two years, on the Los Angeles County annual tax lien sale list; or	Recent financial statements, legal filings, and other relevant court issued documents.
	(g) The building is subject to a State of California Board of Equalization (BOE) Welfare Property Tax Exemption and the cost of complying with reporting requirements will exceed or significantly deplete existing cash.	BOE-issued Organizational Clearance Certificate and, where the building owner is a limited partnership, a Supplemental Clearance Certificate, recent financial statements, legal filings, and other relevant court issued documents.



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Code-Specific Condition	Reason	Acceptable Proof
2	The building is a residential building currently in the Rent Escrow Account Program (REAP) and compliance with this division will materially interfere with compliance with REAP.	Official notice of acceptance into Rent Escrow Account Program (REAP).
3	The owner is unable to timely comply due to a substantial hardship.	<p>Letter from the Building Owner that contains all of the following information/attachment:</p> <ol style="list-style-type: none"> 1. Details of the building (e.g., address, Building ID, Square Footage, use). 2. Details of the hardship. 3. Copy of an actual estimate for performing the A/RCx (exclude the cost of implementing recommended improvements since those are voluntary). The estimate must be on the estimator’s letterhead (that shows their contact information), signed and dated by the estimator. 4. Estimated date by which the A/RCx will be completed. 5. Dated and signed in wet ink. 6. One of the following: <ul style="list-style-type: none"> • A certified or notarized copy of a Loan Hardship letter and supporting documents sent by the building owner to the bank they use to fund their business ventures. • A letter from the building owner’s business CPA that includes (1) estimated cost of the A/RCx, (2) why the owner cannot pay this amount at this time and (3) the date by which the owner should be able to pay for the A/RCx. The letter must be on the CPA’s letterhead, signed and dated by the CPA. The following identifying information must also be included in the letter: the property address, owner information, and accountant information (professional credentials, CPA license #, name, phone and business address).
4	There was a delay receiving energy and or water usage data from the utilities even though it was requested by the owner as directed by the respective utility. Additionally, the owner must have properly submitted the initial request for usage data at least eight weeks prior to the compliance deadline and provided any subsequent information requested by the utilities within the timeframe the utilities specified or within 10 business days if a timeframe was not specified by the utilities.	Confirmation email from utility provider for utility data request dated at least eight weeks prior to the compliance deadline.



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Code-Specific Condition	Reason	Acceptable Proof
5	There was an error on the part of the City in providing the building owner with notification pursuant to Subsection 91.9708.4 Notification.	Proof that notification was not sent to the building owner's mailing address on record with the Los Angeles County Assessor at the time the Notice was mailed.
6	Information provided by the City was in conflict with the requirements or intent of the EBEWE Program.	Correspondence with City employee in which information provided was in conflict with the requirements or intent of the EBEWE Program.
7	The Energy Star Portfolio Manager system malfunctioned or was inaccessible through no fault of the building owner or owner's designee responsible for filing the report.	Official correspondence from Energy Star Portfolio Manager stating that their system malfunctioned or was inaccessible.
8	The building owner became the owner less than 90 calendar days prior to the benchmark compliance date.	Property Deed showing transfer of ownership dated less than 90 days prior to the benchmark compliance date.

INSTRUCTIONS

- Complete a Request for Modification (RFM) form (found at: ladbs.org/docs/default-source/forms/ebewe/ebewe-rfm-eot-blank.pdf).

REQUEST FOR MODIFICATION OF BUILDING ORDINANCES

UNDER AUTHORITY OF L.A.M.C. SECTION 98.0403

PERMIT APP. #: N/A	DATE: a	For City Dept. Use Only
JOB ADDRESS: b		EBEWE-Benchmark
Tract:	Block:	EBEWE-ARCx
	Lot:	
Owner:	Petitioner:	
Address:		
City State Zip Phone	City State Zip Phone	
REQUEST (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)		CODE SECTIONS: [SELECTION REQUIRED] d
To allow an extension of time until _____ to complete compliance with the EBEWE Requirement for:		
[SELECT PHASE]	Building ID: e	Year: _____
Email Address: _____		
JUSTIFICATION (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)		
f g		
Owner/Petitioner Name (Print)	(Signature)	Position

NOTE: The circled letters above correspond to the instructions on the next page which are all part of Step 1.



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Incomplete RFM forms will not be processed. To reduce any back and forth time delays, make sure to provide the following information:

- a. Date when the RFM was completed.
- b. Building Address as indicated in your Notice to Comply.
- c. Building owner information. If you are not the building owner, complete the Petitioner section instead.
- d. Select the applicable Code Section, see matrix on pages 1-3.
- e. Complete Request section by providing the:
 - Estimated Date of Completion.
 - Applicable EBEWE Phase.
 - Building ID.
 - Benchmark Year or A/RCx Compliance Year as applicable.
 - Email address to reach the building owner/petitioner.
- f. Complete Justification section:
 - Explain how the building owner meets the criteria of the condition you are claiming and
 - Describe the document(s) submitted to support your claim.
- g. Complete signature line.

NOTE: The signature can be digitally applied (e.g., using mouse or sign pad or pasting a scanned image of a wet-ink signature) if the requested extension of time is **less than 12 months**. However, it must be a signature you usually use on documents. **Digital ID, Docu Sign, typed name (in cursive or block lettering) will not be accepted.**

See sample of a completed RFM form in the next page.



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UNDER AUTHORITY OF L.A.M.C. SECTION 98.0403

PERMIT APP. #: N/A		DATE: 03/12/2024		For City Dept. Use Only	
JOB ADDRESS: 201 N FIGUEROA				EBEWE-Benchmark	
Tract:		Block:		EBEWE-ARCx	
		Lot:			
Owner:		Petitioner: JOHN DOE			
Address:		Address: 123 MAIN ST			
City	State	Zip	Phone	City	State
				LOS ANGELES	
REQUEST (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)				CODE SECTIONS: 91.9708.3.1(g)	
To allow an extension of time until 4/30/24 to complete compliance with the EBEWE Requirement for:					
A/RCx		Building ID: 123456789015		Year: 2023	
Email Address: john.doe@email.com					
JUSTIFICATION (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)					
The building is subject to a State of California Board of Equalization (BOE) Welfare Property Tax Exemption and the cost of complying with reporting requirements will exceed or significantly deplete existing cash.					
Please see included: BOE-issued Organizational Clearance Certificate					
Owner/Petitioner Name (Print)				Position	



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2. Submit documents to EBEWE Team according to the Code Specific Condition you are filing under:

Code Specific Condition	Action
1 – 3	<p>Mail the items listed below to:</p> <p style="text-align: center;">Department of Building and Safety Attn: EBEWE Team 201 N. Figueroa St., Room 500 Los Angeles, CA 90012</p> <ul style="list-style-type: none"> • Completed RFM form • Supporting Document(s) • Check for the filing fee (\$141.70, includes surcharges) made payable to Building and Safety with the following note on the check memo line: “Req EOT BID ____” (provide the 12-digit LADBS Building ID next to BID). • Letter of Authorization, if the building owner did not sign the RFM form in wet ink and the amount of time requested exceeds 12 months. <p>NOTE: If the Department determines a Letter of Authorization must be submitted with the request, the requestor will be informed via email.</p>
4 – 8	<p>Email the items listed below to ladbs.ebewe@lacity.org:</p> <ul style="list-style-type: none"> • Completed RFM form • Supporting Document(s) • Letter of Authorization, if the building owner did not sign the RFM form in wet ink and the amount of time requested exceeds 12 months. <p>NOTES:</p> <ul style="list-style-type: none"> • Use Subject Line: Rqst EOT for Phase, LADBS Building ID, Building Address For example: <i>Rqst EOT for A/RCX, 123456789012, 123 MAIN ST</i> • Do not send a check for a filing fee yet. The Department will review the request to determine if it requires a filing fee and communicate that decision to the requestor via email. • If the Department determines a Letter of Authorization must be submitted with the request, the requestor will also be informed via email.

NOTE REGARDING DECISIONS

Decisions (granted or denied) for all requests for Extension of Time to comply with EBEWE requirements and “next steps” will be communicated via email to the customer by the EBEWE Team, so please ensure that your email is included RFM form.