



# HOW TO – Request Time Extension

## EXISTING BUILDINGS ENERGY AND WATER EFFICIENCY PROGRAM



Last Updated 08/15/2023

### INTRODUCTION

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

The following is a partial excerpt of Section 91.9708.3 Time Extensions which was amended by Ordinance No. 186789, effective 11/12/2020. For complete details, including the full text of conditions 1 through 8 cited on the next page, refer to the original EBEWE Ordinance and subsequent amendments at <https://www.ladbs.org/docs/default-source/forms/green-building/ebewe-ordinances.pdf>.

**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:*

### INSTRUCTIONS

To request an extension of time, complete a Request for Modification form (found at [https://www.ladbs.org/docs/default-source/forms/plan-check-2014/reqst-for-modification-arcx-time-extn-blank.pdf?sfvrsn=6eebce53\\_8](https://www.ladbs.org/docs/default-source/forms/plan-check-2014/reqst-for-modification-arcx-time-extn-blank.pdf?sfvrsn=6eebce53_8)). In the **REQUEST** section, state (1) your Building ID, (2) the Benchmark Year or A/RCx Compliance Year that you are requesting an extension for, (3) the code-specific condition you are claiming as the reason why you are requesting a time extension, and (4) your email address. In the **JUSTIFICATION** section, explain how you meet the criteria of the condition you are claiming and provide legal documentation to support your claim.

A matrix, titled “Reasons and Acceptable Proof for Granting Time Extensions” and a sample completed Request for Modification form have been provided on the next few pages for your reference. Please then follow the instructions under a or b below, as applicable:

- a. If the reason for requesting an extension of time is for LAMC Section 91.9708.3 condition 1, 2 or 3, pay the filing fee (\$141.70, includes surcharges) by mailing the completed form and a check made payable to Building and Safety with the following note on the check memo line: “Req Extn BID \_\_\_\_” (provide the 12-digit LADBS Building ID next to BID) to the following address:

Department of Building and Safety  
Attn: EBEWE Team  
201 N. Figueroa St., Room 500  
Los Angeles, CA 90012

- b. If the reason for requesting an extension of time is for a condition found in LAMC Section 91.9708.3 conditions 4 through 8, complete the Request for Modification form and submit it via U. S. mail to the EBEWE Team address provided above.

The Department will review the request to determine if it requires a filing fee and communicate that decision to the requestor via email. If it does require a filing fee, the requestor will be required to mail a check made payable to Building and Safety with the following note on the check memo line: “Req Extn BID \_\_\_\_” (provide the 12-digit LADBS Building ID next to BID) to the EBEWE Team address listed above.

Decisions (granted or denied) for all requests for extensions 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 plainly seen on the Request for Modification form.



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

**Section 91.9708.3. Time Extensions of Division 97 of the LAMC states the following:** *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.*

*To make completing the Request for Modification form easier, copy and paste (as plain text) the Reason from the matrix to the form. Please manually enter the Code-Specific Condition number and letter (if a letter exists) preceding the text. It is not recommended that the Code-Specific Condition number/letter be copied from the matrix along with the reason as it may cause a formatting problem when it has been pasted into the form.*

Code-Specific Condition	Reason	Acceptable Proof
<b>1</b>	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 flow. (Proof of a BOE-issued Organizational Clearance Certificate and, where the building owner is a limited partnership, a Supplemental Clearance Certificate must be shown).	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.
<b>2</b>	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).
<b>3</b>	The owner is unable to timely comply due to a substantial hardship, as determined by the Department.	Details and explanation of specific hardship and proof that this hardship is preventing customer from complying by the deadline.



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Code-Specific Condition	Reason	Acceptable Proof
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.
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.
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.



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### REQUEST FOR MODIFICATION OF BUILDING ORDINANCES

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

<b>PERMIT APP. #:</b>		<b>DATE:</b> 09/01/2022	<b>For City Dept. Use Only</b>		
<b>JOB ADDRESS:</b> 123 MAIN ST			<b>Building</b>	<b>Zoning</b>	<b>E.O.T.</b>
<b>Tract:</b>		<b>Block:</b>	<b>Grading</b>	<b>Shoring</b>	
		<b>Lot:</b>	<b>Mech.</b>	<b>Elec.</b>	<b>Plumb.</b>
<b>Owner:</b> JOHN DOE		<b>Petitioner:</b>			
<b>Address:</b> 123 SOMEWHERE ST		<b>Address:</b>			
<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Phone</b>	<b>City</b>	<b>State</b>
LOS ANGELES	CA	90012	2134567890		
<b>REQUEST (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)</b>		<b>CODE SECTIONS:</b> 91.9708.3.2			
<small>Requesting a time extension for BUILDING ID: 123456789012 for A/R/Cx Compliance Year 2022. 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 flow. Proof of BOE-Issued Organizational Clearance Certificate and, where the building owner is a limited partnership, a Supplemental Clearance Certificate must be shown.</small>					
JOHNDOE@ EMAIL.COM					
<b>JUSTIFICATION (SUBMIT PLANS OR ADDITIONAL SHEETS AS NECESSARY)</b>					
Please see included legal documents showing my company's financial distress that has caused my building to be placed under the control of a court appointed receiver					
<b>JOHN DOE</b>					
<small>Owner/Petitioner Name (Print)</small>		<small>(Signature)</small>		<small>Position</small>	
<b>FOR CITY DEPARTMENT'S USE ONLY BELOW THIS LINE</b>					
<small>Concurrences required from the following Department(s)</small>			<small>Approved</small>	<small>Denied</small>	
<input type="checkbox"/>	Los Angeles Fire Department	<small>Print Name</small> _____	<small>Sign</small> _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Public Works Bureau of Engineering	<small>Print Name</small> _____	<small>Sign</small> _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Department of City Planning	<small>Print Name</small> _____	<small>Sign</small> _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Department of County Health	<small>Print Name</small> _____	<small>Sign</small> _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Other	<small>Print Name</small> _____	<small>Sign</small> _____	<input type="checkbox"/>	<input type="checkbox"/>
<b>DEPARTMENT ACTION</b>					
<input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED		<small>Reviewed by: (Staff) (Print)</small> _____	<small>Sign</small> _____	<small>Date</small> _____	
		<small>Action taken by: (Supervisor) (Print)</small> _____	<small>Sign</small> _____	<small>Date</small> _____	
<b>NOTE: IN CASE OF DENIAL, SEE PAGE #2 OF THIS FORM FOR APPEAL PROCEDURES</b>					
<b>CONDITIONS OF APPROVAL (Continued on Page 2):</b>			<b>For Cashiers Use Only</b> <small>(PROCESS ONLY WHEN FEES ARE VERIFIED)</small>		
<b>FEES (DEPARTMENT USE ONLY)</b>					
Appeal Processing Fee ..(No. of Items) = 1X \$130 + \$39/addl = _____					
Inspection Fee .....(No of Insp.) = X \$ 84.00 = _____					
Research Fee ... (Total Hours Worked) = X \$104.00 = _____					
Subtotal..... = _____					
Development Services Center Surcharge X 3% = _____					
Systems Development Surcharge ..... X 6% = _____					
Total Fees = _____					
Fees verified by: _____					
Print and Sign _____					



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<b>Permit App #:</b>	<b>Job Address:</b>
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CONDITIONS OF APPROVAL (Continued from Page 1)

### CITY OF LOS ANGELES BOARD OF BUILDING AND SAFETY/DISABLED ACCESS COMMISSION APPEAL FORM

(Must be Attached to the Modification Request Form, Page 1)

<b>AFFIDAVIT – LADBS BOARD OF BUILDING AND SAFETY COMMISSIONERS – RESOLUTION NO. 832-93</b>																																									
I, _____ do state and swear as follows: <small>(Print or Type Name of the Person Signing this Form)</small>																																									
1. The name and mailing address of the owner of the property (as defined in the resolution 832-93) at _____ as shown on the appeal application (LADBS Com 31) are correct, and																																									
2. The owner of the property as shown on the appeal application will be made aware of the appeal and will receive a copy of the appeal.																																									
I declare under PENALTY OF PERJURY that the foregoing is true and correct.																																									
Owner's Name(s) _____ <small>(Please Type or Print)</small>	_____ <small>(Please Type or Print)</small>																																								
Owner's Signature(s) _____ <small>(Please Sign)</small> (Two Officers' Signatures Required for Corporations)																																									
Name of Corporation _____ <small>(Please Print Name of Corporation)</small>	_____ <small>(Please Type or Print)</small>																																								
Dated this _____ day of _____ 20____																																									
<b>CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT – SIGNATURE(S) MUST BE NOTARIZED</b>																																									
State of <b>CALIFORNIA</b> County of _____ on _____																																									
before me, _____, personally appeared _____ <small>Name, Title of Officer (e.g. Jane Doe/Notary Public)</small> <span style="float: right;"><small>Name(s) of Signer(s)</small></span>																																									
<small>who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument in person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.</small>																																									
WITNESS my hand and official seal. _____ <small>Signature</small>																																									
<small>As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.</small>																																									
<b>APPEAL OF DEPARTMENT ACTION TO THE BOARD OF BUILDING AND SAFETY COMMISSIONERS/DISABLED ACCESS APPEALS COMMISSION</b>																																									
Applicant's Name _____	Applicant's Title _____																																								
Signature _____	Date _____																																								
<table style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: left; padding: 2px;">FEES (DEPARTMENT USE ONLY)</th> </tr> <tr> <td style="padding: 2px;">Board Fee .....</td> <td style="padding: 2px;">(No. of Items)</td> <td style="padding: 2px;">1 X</td> <td style="padding: 2px;">\$130.00</td> <td style="padding: 2px;">= 0.00</td> </tr> <tr> <td style="padding: 2px;">Inspection Fee.....</td> <td style="padding: 2px;">(No of Insp.) =</td> <td style="padding: 2px;">X</td> <td style="padding: 2px;">\$84.00</td> <td style="padding: 2px;">= 0.00</td> </tr> <tr> <td style="padding: 2px;">Research Fee.....</td> <td style="padding: 2px;">(Total Hours Worked) =</td> <td style="padding: 2px;">X</td> <td style="padding: 2px;">\$104.00</td> <td style="padding: 2px;">= 0.00</td> </tr> <tr> <td style="padding: 2px;">Subtotal .....</td> <td colspan="3"></td> <td style="padding: 2px;">= 0.00</td> </tr> <tr> <td style="padding: 2px;">Development Services Center Surcharge</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">X</td> <td style="padding: 2px;">3%</td> <td style="padding: 2px;">= 0.00</td> </tr> <tr> <td style="padding: 2px;">Systems Development Surcharge .....</td> <td style="padding: 2px;"></td> <td style="padding: 2px;">X</td> <td style="padding: 2px;">6%</td> <td style="padding: 2px;">= 0.00</td> </tr> <tr> <td style="padding: 2px;">Total Fees .....</td> <td colspan="3"></td> <td style="padding: 2px;">= 0.00</td> </tr> </table>	FEES (DEPARTMENT USE ONLY)					Board Fee .....	(No. of Items)	1 X	\$130.00	= 0.00	Inspection Fee.....	(No of Insp.) =	X	\$84.00	= 0.00	Research Fee.....	(Total Hours Worked) =	X	\$104.00	= 0.00	Subtotal .....				= 0.00	Development Services Center Surcharge		X	3%	= 0.00	Systems Development Surcharge .....		X	6%	= 0.00	Total Fees .....				= 0.00	<p style="text-align: center;"><b>For Cashiers Use Only</b> <small>(PROCESS ONLY WHEN FEES ARE VERIFIED)</small></p>
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Fees verified by: _____																																									
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