



From the Law Office of Ronald H. Gitter, Esq.

Addressing the Realities of Residential Real Estate

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The Zen of Renovation



Is It Possible to Enjoy Your Apartment Renovation?

Sooner or later, almost every happy homeowner undertakes an apartment renovation or upgrade to his or her co-op or condo. Integral to that process is hiring an architect, a contractor or both. Each professional has vastly different responsibilities and each relationship has its own set of challenges. Here are ten suggestions to improve your project experience:

- **Early Planning.** Bring your professionals into the project as soon as possible. If you are planning a major renovation make sure that your proposed plan will be acceptable to the co-op or condo where you reside.
- **Review the Alteration Agreement.** Most co-ops and condos have specific guidelines for renovations set forth in a document called an "alteration agreement". This document and all other renovation guidelines and procedures are obtainable from the managing agent and should be reviewed carefully to insure that you understand your obligations to your co-op or condo. In most cases, there will be limitations on the time frame in which the project must be completed and other restrictions, such as specific hours when work can be conducted. The alteration agreement will also spell out the insurance requirements for your contractor as well as the documentation, fees and deposits that must be submitted before the project can get started.
- **The Architect's Contractor.** If you are working with an architect, he or she may recommend a particular contractor with whom the architect has worked previously. Make sure that the bid from the contractor has been vetted against bids from other contractors, so you're comfortable that the proposal from the contractor recommended by the architect is economically reasonable based upon the complexity of the project. Once you commit to an architect, it often makes sense to go with his or her

contractor. That being said, double checking all estimates makes good business sense.

- **Due Diligence.** Know who you're dealing with. Look at other completed jobs. Talk with other clients of both the architect and contractor. Find out how busy your professionals are and the size of the other projects they are working on or have recently completed. If someone tells you he or she is too busy to take on the job, be forewarned...they probably are.
- **Going it Alone.** If you are not using an architect and will be finding the contractor on your own, your contractor will be wearing two hats, assisting you with the design issues and carrying out the actual nuts and bolts of the renovations. Without an architect, the apartment owner is responsible for signing off on the contractor's work as each portion of the job is completed. If you are experienced with renovations, or if the size of the job is small, undertaking the project without an architect may work out just fine. Proceed with caution if the superintendent of your co-op or condo wants to do the work. Even though the cost of the job might be reduced if the renovation is done "in house", if anything goes wrong, firing your super will be uncomfortable to say the least. Remember, supers have many daily responsibilities to carry out and your renovation will often not be at the top of the list.
- **When an Architect is Required.** If you are clueless about the technical aspects of the renovation, having an architect involved in the process can be invaluable, and in many cases, is a necessity. Further, the size of your project may require you to work with an architect, particularly if a filing is required with the New York City Department of Buildings. Architects have two main functions: designing the project, that is, drafting plans that bring your design goals to life, and administrating the work of the contractor. Architects can be good at both phases, and sometimes, better at one or the other. Each phase is equally important to the success of the project, so make sure you have carefully checked your architect's background and qualifications for your particular renovation.
- **Everything Must be in Writing.** In all cases, written agreements are required with both the architect and the contractor, setting forth each party's obligations, including the scope of the project (what's included and what's additional), all fees and costs and the schedule for completing the job. If the architect or contractor prefers not to use the "AIA" form of owner-architect agreement or the owner-contractor agreement (in which the architect will approve payments to the contractor), take that as a

“red flag”. The standard AIA documents, with some amendments, are the best documents to use when an apartment owner is undertaking a major project.

- **Use the Web.** Google your intended hires and check with the Department of Consumer Affairs to determine if your contractor is licensed and to see if any complaints have been registered.
- **Completion Protection.** Try your best to get late completion penalties and a sufficient “holdback” on the final payment due the contractor until all punch-list items are completed at the end of the job. This is your best chance at getting the contractor to complete the job as promised. Contractors will resist late completion penalties and a significant holdback as contractors always complain that their customers try to walk away from the final payment when the job is completed. In all fairness, sometimes the contractor is right to be concerned. Most contractors, however, know the drill and expect the apartment owner to ask for completion protections. In most cases, something is worked out to protect against the contractor going off the reservation before the job is completed.
- **Hiring an Attorney.** Once you get beyond refinishing the floors and painting, it usually makes sense for an attorney to review the documents before you go ahead with your construction professionals. These documents can be quite technical and often contain the feared “gotcha”. To minimize cost overruns, it is essential that the scope of the project be clearly defined, so that the construction professional's best friend, the “change order”, is an infrequent visitor.

Residential Reality: Control the Process or it will Control You

Renovation projects, particularly in Manhattan, can be costly and almost always take longer than expected. Once your relationship with your architect or contractor starts heading south, it never gets any better. Replacing either one of those folks in the middle of the project can be a daunting task. No one wants to take over someone else's half-finished bathroom renovation. Anyone who has undertaken a major renovation project knows the unmitigated joy when the drop clothes are finally removed and the gypsum dust vanishes. The above suggestions will help make the renovation ride a lot less bumpy.

For more information about working with an architect or contractor, see "[Have Your Hugged Your Contractor Today?](#)"

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