

# The Commercial Tenant's Guide to Construction, Relocation & Facility Maintenance

The Owners Rep ~ Richard Neuman

## NYC Building Permits – What does NB, Alteration Type I, II, III and Directive 14 Mean?

Posted on October 12, 2011 by [Richard M. Neuman](#) in [Architectural and Design](#), [Construction](#), [Tenant Improvement](#) // 22 Comments



(<http://ownersrepny.files.wordpress.com/2011/10/nyc-dob-permit.jpg>) Department of Buildings work permits are required for most construction projects. If the project's scope requires plans and permits, you must hire a New York State licensed professional engineer (PE) or registered architect (RA).

### Construction Permit Applications for Renovations

There are four types of construction permit applications: New Building (NB) and Alterations (ALT) Type 1, 2 and 3.

For commercial tenants, ALT2s are for renovations with multiple types of work that do not change the building's use, egress (exits) or type of occupancy. Most fit-outs use an ALT2 permit application, which must be filed by a PE or RA. For example, you'll need an ALT2 when adding a new bathroom, rerouting gas pipes and adding electrical outlets; or moving a load-bearing wall.

### Minor Alterations

Some minor alterations may be done without a work permit. The following are some examples of work that doesn't need a permit like painting, plastering, installing millwork and installing flooring.

### Work Without Permits

It's illegal to do construction without the Department's approval or permits. Illegal construction is unsafe and may result in fines.

## What is the difference between an Alteration Type-I (Alt-1), Alteration Type-II (Alt-2) and an Alteration Type-III (Alt-3) Application?

DOB divides construction alteration into three types.

An **Alteration Type-I** Application is required when there is a major change to the Certificate of Occupancy of a building, such as converting it from commercial to residential, an interior conversion of the building or a space within a building, or due to a building addition. Most commonly, an Alteration Type-I Application will be used to change the Maximum Number of Persons for a space, to change the Occupancy or Use Group of a space, and/or to change the Description of a space.

**Alteration Type-II** Application is an alteration that doesn't change the use or occupancy of the building but requires several types of work, such as plumbing and construction. An Alteration Type-II Application may be used when there is no change to the Certificate of Occupancy due to the proposed alterations, such as with an interior fitout or alteration. When an Alteration Type-II is filed under Directive-14 (such is the case 99% of the time), the Applicant or other NYS Registered Professional Engineer or Registered Architect may signoff the application with a Directive-14 Final Inspection.

**Alteration Type-III** is a minor alteration that involves only one type of work, such as a curb cut or a construction fence. ALT-1s and ALT 2s must be filed by a registered architect or licensed engineer; some ALT3s don't require detailed plans and can be filed by a non-professional.

### What is a Directive 14?

Directive 14 – 1975 authorizes an Architect or Engineer to 'sign off' the construction in place of the Department of Building's Inspector. This legislation was necessitated by the fact that the volume of construction grew far in excess of the number of available Inspectors. The Buildings Department offers a Professional Certification Program which enables Registered Architects (RA) and Professional Engineers (PE) to certify that the plans they are filing with the Department are in compliance with applicable laws. Plans that are professionally certified do not go through plan review.

**10/16/14 Update:** Thank you to my readers for making this the most popular article on the blog. I am regularly asked by readers to provide input on specific code issues for their projects. As I am not an Expeditor or Code Compliance Officer, I cannot provide advice or direction. This article was written with input from code professionals. If you do have specific code questions, I urge you to direct them to your local building department or Expeditor who can answer your question with authority.

- architect
- Building code
- Certificate of Occupancy
- Commercial property
- Construction permit
- New York City Department of Buildings
- relocation management solutions
- richard neuman

22 Comments on NYC Building Permits – What does NB, Alteration Type I, II,

## III and Directive 14 Mean?

1. [Robert // December 15, 2014 at 10:23 pm // Reply](#)

My business partner and I are planning to build out an Industrial space into a community workshop space. After securing the proper permit (Alt2 or Directive14?) is it at all possible for us to build walls/run plumbing/electrical ourselves, to an extent that can be inspected? For example, frame out walls with electrical but do not drywall or connect electricity. I've heard of similar things being done in other states, but I am unsure as to the legality of this practice. Please let me know. Thank you.

-Robert

2. [Glenn Boucher // October 22, 2014 at 8:09 am // Reply](#)

I'd like to know what I should do if I'm given construction projects that are classified as alteration type 2 work, without any of the following: NYC Department of Buildings approval or permits, a hired NYS licensed professional engineer (PE) or registered architect (RA), etc.? As a Carpenter supervisor working for a Public University in NYC would I be liable for the demolition and building that I do without NYC Department of Buildings approval?

o [Richard M. Neuman // October 22, 2014 at 11:36 am // Reply](#)

Glenn-

I was in a similar situation this past summer with a client who also performed ALT 2 work requiring DOB permits, but ultimately didn't want to pay for an architect or MEP, nor wait for drawings, file or pull permits. I couldn't clarify if I, as the Owner's rep, who knowingly oversaw a project that required permits, would be personally liable, or if DOB would hold the end user responsible and/or revoke a contractor's license. The PE told me to run as far away from the project as possible, which I did.

Maybe another reader can answer the personal liability question? I'll pose the question to my colleagues as well.

3. [cindy saccoliti // September 8, 2014 at 8:42 am // Reply](#)

I have a commercial building in Brooklyn that I have owned for over 20 years. It is being used as a deli. I want to replace the old flooring in the space, do I need a permit for this, and if so where do I go?

o [Richard M. Neuman // September 8, 2014 at 11:47 am // Reply](#)

Hi Cindy

In most instances, simply replacing a floor does require permitting unless you are changing the egress; cutting away any portion of the floor; modifying any beam or structural support, cutting; and removing or rearranging piping.

One caveat is if the building is a landmark or in a designated historic district, you may need approval from the NYC Landmarks Preservation Commission (LPC) before undertaking most repair work.

It is always recommended to consult with an Expeditor before undertaking any work in case there's something you may have overlooked in your project that might trigger a compliance issue.

4. [giyad // September 5, 2014 at 11:38 am // Reply](#)

Hi, I've got a commercial space in manhattan that I'm going to build out, my architect is going to do it Directive 14 and self-certify. When I sent the plans to my landlord, they came back saying they will permit me to use Directive 14 and self-certification only if I sign a letter stating that if audited it will be my responsibility to rectify if there are issues. Now my question is, does the landlord have the right to deny me self-certification to begin with?

Thanks in advance!

○ [Richard M. Neuman // September 5, 2014 at 4:31 pm // Reply](#)

Thank you for your question. According to an expeditor I work with, the DOB requires ownership to sign filing documentation stating that they are aware the project is being filed under self certification and if the DOB has any objections, the ownership is held liable to rectify.

The ownership has the right to not allow self certification. In this case, it appears they are allowing self certification, but wants a letter from you stating you will be responsible to rectify.

Hope this helps.

Richard Neuman

○ [Richard M. Neuman // September 15, 2014 at 12:49 pm // Reply](#)

A little more information for you.

The Professional Certification forms include the POC-1, which is the Professional's and Owner's Certification form which must be signed by both the architect/engineer and the property owner. Via this form, both parties certify that, to the best of their knowledge everything on the forms and drawings are accurate and in compliance with all applicable Code and Laws; and that, in the event that a subsequent audit by the Dept of Buildings results in an objection that requires revisions to the plans and to the physical work, the cost of such changes will be borne by the professional and the building owner.

Please note the DOB almost always targets the owner rather than the tenant in such matters. Some owners agree to sign this form only if the tenant signs a related form that takes the financial burden away from the owner and on to the tenant, on the basis that the tenant and its design/construction team are responsible for the costs of renovation and should therefore be responsible for any changes imposed by the DOB upon audit review.

5. [John // January 28, 2014 at 8:46 am // Reply](#)

Hi I live in an R3-1 zone. I would like to put up a privacy fence along my front porch about 6-8' high. Do I need any permits in order to do this?

Thanks

6. [anna // January 18, 2014 at 7:27 pm // Reply](#)

Hi Richard, I have a question. I've had a terrible experience at the dob. Our examiner has cancelled appts 3 times and had found problems on subsequent appts that were not pointed out on the appointments before. Is there anyone I can complain to? To make matters worse, we took our application to the chief examiner who verbally told my expeditor that he has approved it but has not put anything into the dob system and told us he will get to it when he will get to it. I feel as though I am in the 3rd world country and there is no control over this situation

7. *Marc // [January 4, 2014 at 8:30 pm](#) // [Reply](#)*

We are going to gut renovate a 2 family in Queens and my architect sent us the quote for an expeditor and another additional one by a “special inspection” company (linked to the expeditors because they use the same address.

The expeditor is going to:

- a) sign and seal my architect’s drawings and file an alteration type2 to the DOB b) obtain a work permit
- c) in addition they are charging to provide inspections during work, obtain certificate of completion and sign off

These three items will cost t \$3,500+\$500+1,500 does that sound right or too expensive?

In addition the “special inspector” has a few items that come up to 8K circa but my architect said that some do not apply to our project.

Why are we paying to get this project inspected so many times when we will be getting a DOB inspection as well? What exactly are these special inspections and do we really need them? Is this the Directive 14 you are talking about in this blog?

- *[Richard M. Neuman // January 5, 2014 at 10:29 pm](#) // [Reply](#)*  
Hi Marc-

Directive 14 is specifically related to architects who are self certifying. The costs sound reasonable, but my familiarity is with commercial and not residential. Is it possible the “special inspections” are actually the “special enforcement unit” of the DOB? The DOB now includes random audits of Directive 14, or Alt 2 projects with active permits.

Milrose Consulting, a NYC expeditor has a blog at <http://www.milrose.com/newsletter> and you may want to post your question there.

You may also want to get a competitive rates and compare costs to your architect’s expeditor. Besides Milrose, other expeditor’s I’d recommend are William Vitacco Associates (212) 791-4578 and AC Building Consultants (718) 710-4304.

- *[Don // January 13, 2014 at 1:56 pm](#) // [Reply](#)*

Self-certification though typically paired with Directive 14 are not required to be filed together. Many architects will be comfortable performing the final inspection (dir 14), but not self-certifying all code details.

Special inspections are a specific subset of all possible inspections. These are typically associated with specific professionals (MEP Engineers, Structural Engineer, etc) It sounds like the costs go up depending on the number of professionals associated with the inspections. If you’re modifying structural details of the residence and a structural stability inspection has to be performed now you’re bringing in a separate professional to the project and likely seeing a 2-3k bump in costs.

- *[Richard M. Neuman // January 13, 2014 at 2:01 pm](#) // [Reply](#)*  
Thank you for the clarification Don.

8. *[Anthony Polanco // December 20, 2013 at 12:22 am](#) // [Reply](#)*  
what work cant be done by an owner builder in NYC

- [Richard M. Neuman // December 20, 2013 at 6:11 pm // Reply](#)

It's best to assume that any construction requires a building permit. Repairs and painting do not usually require permits, but renovations, additions and demolition always do.

9. [Eric // October 28, 2013 at 12:37 pm // Reply](#)

Richard,

Would changing a terrace on a large commercial building from a non usable space (maintenance crews only) to a usable space require a change to the Certificate of Occupancy?

Eric

- [Richard M. Neuman // October 28, 2013 at 12:48 pm // Reply](#)

Hi Eric. Let me post your question to one of my peer groups for a definitive answer. What jurisdiction is the building located in?

10. [James anstey // September 11, 2013 at 7:43 pm // Reply](#)

is directive 14 still in place. I'd heard that this was no longer in place?

- [Richard M. Neuman // September 11, 2013 at 8:55 pm // Reply](#)

Hi James, I'm not aware of Directive 14 of 1975 being revoked. If it were, I presume the backup of DOB inspectors and inspections that Directive 14 alleviates would be unmanageable at best. There was a two-day a week appointment blackout during the summer of 2010 of Directive 14 applications, but that was a brief disruption and was quickly reinstated. Perhaps that's what you may have heard? Thanks.

11. [mike // January 3, 2013 at 10:04 pm // Reply](#)

I want to put up walls in a commercial loft space. Is there a permit needed to do the buildout even though no plumbing or electrical changes are needed?

- [jones // January 4, 2013 at 5:49 am // Reply](#)

of course.

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