Foster Garvey

Senior & Affordable Housing

Your partner in building a more sustainable *tomorrow*

Our team is here to help you bring your vision of creating vibrant, sustainable communities to life. We have the experience and knowledge to capably guide both for-profit and nonprofit clients, including a significant number of housing authorities and other governmental entities, through the myriad legal issues across this sector.

Public and private owners, developers and operators count on us for a wide range of legal services, including:

- Acquisitions and dispositions
- Bond financing
- Condominiums
- Construction
- Corporate formation
- Development agreements
- Eminent domain
- Employment and labor
- Entity structuring and restructuring
- Financing
- Insurance coverage
- Investment management
- Leasing
- Low-income housing tax credits
- Mixed-use projects
- Operational agreements
- Portfolio management
- Public finance
- Real estate and land use
- Regulatory analysis
- Taxation

Financing & Government Funding

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Our team understands the challenges of assembling and coordinating an array of financing sources. We've assisted developers in securing and leveraging a wide range of resources, including tax-exempt bonds, low-income housing tax credits (LIHTCs), conventional bank loans, loans and grants from public funders, HUD funding, loans of HOME funds, Community Development Block Grant funding, Washington State Housing Trust Fund loans and RAD project-based voucher funds, among other sources.

We have notable experience representing developers/sponsors and bond issuers in matters involving the LIHTC program. Our attorneys also frequently advise clients on tax credit compliance and assist with partnership restructurings and re-syndications, particularly in the context of "Year 15" dispositions of tax credit properties.

In addition, we regularly serve as bond counsel for housing authorities and other governmental entities issuing bonds used to finance loans to other entities, including tax credit partnerships. These financings have included privately placed and publicly issued, fixed rate and variable rate, rated and un-rated, credit enhanced and non-credit-enhanced, and taxable and tax-exempt bond issues.

Real Estate Development

We provide full-service assistance on housing projects of all complexity levels, from single-asset transactions to multi-state portfolio acquisitions. We have worked with numerous affordable housing developers and housing authorities in the Pacific Northwest throughout the entire life cycle of a real estate project, from due diligence and acquisition through project financing, tax planning, development, construction, insurance, property management and leasing agreements, to ultimate property disposition.

We regularly draft and negotiate real estate documents, including purchase and sale agreements, easements, joint use agreements, management and leasing agreements, lot line adjustments, condominium formation documents and subordination agreements.

Land Use & Environmental

Our knowledge and involvement in virtually every area of land use and environmental law provides an added layer of support to our housing authority clients. We advise clients in matters that include the Growth Management Act (“GMA”) and its subsequent amendments; local comprehensive planning; master planning and zoning; subdivision regulation; shorelines, wetlands and other sensitive areas; the environmental impact statement processes and related requirements of NEPA and SEPA; air and water quality regulation; hazardous waste, clean air and solid waste law; historic preservation; and condemnation.

Construction

We represent housing developers in all phases of a construction project, from the drafting and negotiation of contracts to mitigating issues that may arise during construction. Our attorneys are well versed in litigation and dispute resolution should the need arise, including labor and material liens, insurance

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coverage, constructability issues and construction defects. We are also highly experienced in insurance law and are regularly engaged to obtain maximum recovery or protection for our clients.

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