

Housing Finance

The attorneys in Ballard Spahr's Housing Group help clients navigate complex legal and related business issues – often on tight deadlines. We handle transactions across the nation, encompassing all types of construction, bridge, revolving, and permanent financing.

With vast experience in both taxable and tax-exempt lending structures, we represent real estate development, finance, and investment firms, as well as commercial banks, other mortgage banking institutions, publicly held companies, bond issuers, and underwriters. Ballard Spahr attorneys draw on their experience and skill in real estate and finance to advise on housing and community development projects, including acquisition, leasing, rehabilitation, and refunding loans, in addition to construction and mezzanine financing. We also assist clients with loan assumptions, transfers of ownership requests, other loan servicing/asset management transactions requiring lender review and/or consent, distressed asset advice, and default resolution.

OUR SERVICES INCLUDE:

- GSE and FHA-Related Financing
- Multifamily Housing Financing: Conventional and Affordable
- Manufactured, Student, and Senior Housing Financing
- Servicing/Servicers
- Tax Credits, including Housing Tax Credits and Historic Tax Credits
- Multifamily Housing Bonds (Taxable and Tax-Exempt)
- Leasehold Financing
- Tenant-in-Common Borrower Transactions
- Condominium Financing, including Fractured Condominium Regimes
- GSE and CMBS Loan Servicing Lender Consent Requests/Loan Servicer Asset Management Requests and Advice
- Preferred Equity Provider Transactions
- Complex Multistate, Portfolio Financing
- Green Loan Program Financing
- Small Balance Loan Financing
- Single-Family Rentals (SFR)

Conventional Multifamily Housing Loans

We represent commercial and mortgage banks in the origination of Fannie Mae, Freddie Mac, and HUD loans. Our attorneys have experience structuring, documenting, and closing loans. We advise community development entities (CDEs), borrowers, and leverage lenders (including municipalities and for-profit and nonprofit organizations) and represent investors, fund managers, and developers on the evolving tax, organizational, and business structuring requirements of the Qualified Opportunity Zone program.

Affordable Loans

Our attorneys have assisted lenders on navigating the legal issues that routinely are encountered on affordable housing transactions, including subordinate debt, ground leases, tax exemptions and abatements, regulatory agreements, condominium regimes, tax-exempt bonds and loans, housing tax credits, and HAP/Rental Assistance contracts. We also have represented more than 75 public housing authorities, numerous other government agencies, and scores of private entities in affordable housing and community development projects over the past two decades. Our work has included mixed-finance and RAD transactions, regulatory compliance, corporate governance and board issues, and the full complement of construction and development-related services—land use, property dispositions, entitlement process, contracting, environmental, and litigation in rare instances when it's needed.

Senior Housing Finance

We have advised clients with the unique legal health care and business issues confronted by providers of housing and servicing in the health care sector. Our work has included comprehensive representation regarding licensing and regulatory compliance, as well as resolving issues involving licensing deficiencies, change-of-ownership procedures, and Medicaid and Medicare provider agreements.

GSE and CMBS Loan Servicing Lender Consent Requests

GSE and CMBS loan servicers rely on us extensively in a full range of loan servicing and asset management transactions to help navigate the lender consent process for performing loans as well as for those in special servicing, and across all property types: market, seniors, affordable, student housing, and manufactured housing:

- We are called upon regularly by GSE and CMBS loan servicers to handle loan assumption transactions and transfer of ownership interest transactions.
- We handle lender consent requests for GSE and CMBS loan servicers with respect to property management changes, easements, partial releases, licenses, service agreements, and other encumbrances. We also handle stand-alone and portfolio servicing work.
- We assist GSE and CMBS special servicers with all manner of distressed asset transactions, including modifications, forbearances, discounted payoffs, deeds-in-lieu, loan sales, and enforcement of remedies against borrowers and guarantors.

Selected Experience

We have been involved in nearly every type of housing transaction. Representative matters include:

- Assisted in the restructuring and refinancing of eight Freddie Mac and Fannie Mae loans in excess of \$91 million for a senior housing and post-acute care provider
- Represented a community development financial institution in permanent financing for a charter school facility in Chicago
- Represented a Fannie Mae lender in a \$182 million loan for a multifamily property in San Jose, California
- Represented nine Freddie Mac and Fannie Servicers in a transfer of interest portfolio of 41 loans to a public REIT sponsor that comprised, in the aggregate, over \$500 million of indebtedness
- Represented 14 Freddie Mac Servicers in a transfer-of-interest portfolio of 33 loans to a significant Freddie Mac sponsor located in the Pacific Northwest that comprised, in the aggregate, nearly \$500 million of indebtedness

- Represented three Freddie Mac Servicers in a transfer-of-interest portfolio of six loans to a public REIT sponsor that comprised, in the aggregate, over \$200 million of indebtedness
- Represented a Fannie Mae Servicer in connection with a highly complex partial release transaction involving a multifamily property in Ohio subject to a condominium regime and partially encroaching upon a lift station that was to be released and conveyed to the locality, along with granting of several easements, during which an existing covenant default was uncovered that required the negotiation of an indemnity agreement with Fannie Mae and the sponsor
- Represented a Freddie Mac Special Servicer in connection with two concurrent loan assumption transactions involving two student housing properties located in South Carolina and Texas
- Represented a Freddie Mac Special Servicer for the senior loan in connection with a complex loan assumption involving two junior Freddie Mac supplemental financings, also in special servicing, for a student housing property located in Texas
- Represented a Freddie Mac lender in connection with a 50-property seniors housing portfolio with an aggregate loan amount of \$700 million
- Represented a lender in connection with a large multi-state USDA rural development loan portfolio

Related Practices

- Banking and Financial Services
- Bankruptcy and Restructuring
- Environmental, Social, and Governance (ESG)
- Government Relations and Public Policy
- Municipal Securities Regulation and Enforcement
- Private Equity
- Real Estate
- REITs

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For more information on Ballard Spahr's Housing Group, please click [here](#).