

REAL ESTATE DEVELOPMENT

Real estate development is a highly competitive market. While many recent industry reports shed a positive light on this segment of the economy, developers, property owners, investors, lenders and other market participants still face substantial risks and challenges. Conditions in the market can rapidly change, requiring the parties to have strategies in place that allow them to adapt and take advantage of new developments.

The real estate industry is comprised of diverse and multi-faceted businesses conducting a broad range of commercial activities, from the purchase of land and the financing of new building projects to the renovation and sale of existing properties. Real estate transactions are complicated and the participants to the transaction must be prepared to address a complex mix of legal, financial and business issues. While the parties may be focused on closing the deal, they need to make certain that they are complying with the extensive body of laws governing real estate development at the federal, state and local levels. In particular, environmental laws and regulations are becoming increasingly stringent, requiring parties in this sector to seek the support and advice of experienced environmental counsel.

Laws and Regulations Governing Real Estate Development

Commercial and residential developers, property owners, builders and other participants in the real estate industry operate in a complex and challenging regulatory environment. Whether a party is seeking to purchase a parcel of land, construct a new building, or renovate an existing structure, a host of land use and environmental concerns must be addressed at every stage of the process. In particular, the participants are required to investigate and monitor soil, groundwater, mold and other environmental conditions. When problems and issues surface, these parties must institute remediation actions and other environmental compliance efforts.

Ensuring that Projects Comply with Environmental

Laws

The attorneys at Bick Law provide strategic advice and solutions to developers, owners, builders, contractors, lenders and other participants involved in real estate development activities. Our lawyers have a full understanding of the myriad of laws impacting real estate projects. We take a proactive approach in our legal practice, working with clients to identify and address environmental concerns before they evolve into costly legal problems.

Our California environmental compliance lawyers regularly assist clients with permitting and development strategies that are comprehensive, timely and responsive to project needs and regulatory requirements. We have particular experience with Section 404 of the Clean Water Act and have helped clients navigate development projects through all applicable regulatory programs and court challenges.

Section 404 of the Clean Water Act (CWA) establishes a permitting program regulating the “discharge of dredged or fill material into waters of the United States, including wetlands.” The Section 404 wetlands permitting process is administered by the U.S. Army Corps of Engineers. Wetlands permitting requirements are complicated and can significantly impact a development project’s design and costs. Noncompliance can lead to substantial penalties and complex restoration obligations. Projects that require federal Section 404 permits also can run into additional requirements under NEPA, CEQA, and the Endangered Species Act along with historic preservation issues.

Our legal team also assists clients in structuring and negotiating a diverse range of real estate development projects. We represent institutional real estate investors and real estate investment trusts (REITs) in private equity transactions. Our lawyers also work with clients to draft and negotiate contractual provisions addressing environmental indemnity and other critical environmental issues in connection with land sales and financing agreements.