# HOUSING WITH SERVICES: FINANCING AND STRUCTURING

California Housing Consortium

December 4, 2013 M David Kroot

# TOPICS

- Inconsistent Requirements
- Physical Space
- Lender Security
- □ Investor Issues



#### INCONSISTENT REQUIREMENTS

- Age, Disability, Health
- Income Eligibility
- Double Diagnosis



- Payment Amount and Sources
- □ Tie of Housing and Services
- Availability to General Public



# SPACE FOR SERVICES

Leased Space

Subdivided Space

Shared Multi-Use Space

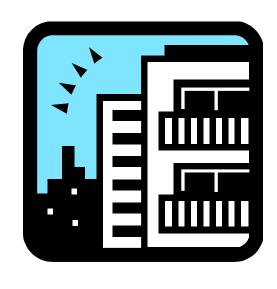


#### LEASED SPACE

- How to describe boundaries and common areas
  - Text or Drawing
- Access and Security
  - Physical Barriers or Guidance
- Lease Payments
  - Prepaid, Deferred, Nominal



# SUBDIVIDED SPACE



Vertical Subdivision

Adjoining Horizontal Parcels

CC&Rs or Reciprocal Easements

Owner's Association

goldfarb lipman attorneys

## LENDER SECURITY

- Underwriting separate risks and income streams
  - Below market rents for housing and/or rent assistance payments
  - Services funded by public subsidy or reimbursements
- Separate funders each want own Security
  - Deeds of Trust
  - Security interest in income stream



#### PRIORITY AMONG LENDERS

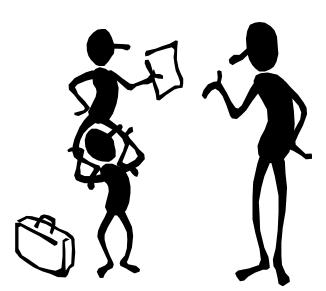
Difficulty of agreeing to subordination

Conflicting program standards and requirements



# INVESTOR ISSUES

- LIHTC investors want only housing units and exclusive common area
- Historic credits based on whole building
- Solar credits based on solar installation
- New Markets credits based on financing structure of whole facility



#### INVESTOR UNDERWRITING

- □ Similar to lender concerns for LIHTC
- Historic and Solar Credits rely more on spending than operations
- New Market Credits have high transaction costs, housing not very useful, recent case

## COORDINATION AND TIMING

- Identify uses and funding sources
- Get agreement on structure
  - Physical set-up
  - Separate or combined financing
  - Program requirements
  - Funding deadlines



#### CONTACT INFORMATION

M David Kroot
Goldfarb & Lipman LLP
523 West 6<sup>th</sup> Street, Suite 610
Los Angeles, CA 90014
213-627-6336

mkroot@goldfarblipman.com