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The Sustainable Building, Communities & Resorts team serves a broad scope of client needs in the areas of sustainable development and green building. Our multidisciplinary team consists of attorneys with experience in real estate, environmental, construction, regulatory, government relations, tax and litigation.

With the first LEED® (Leadership in Energy and Environmental Design) accredited attorney in South Carolina, Parker Poe has the knowledge to help clients implement cost-effective and innovative solutions for increasing resource efficiency. We navigate through new standard compliance issues and counsel on reducing building impacts on human health and the environment through better siting, design, construction, operation, maintenance and removal.

Driven by high fuel and other energy costs, as well as an ever-growing public awareness and concern for environmental issues, a rapidly increasing number of developers are considering "green" projects. In addition to possible incentives offered by applicable authorities, green building also offers the following benefits, as listed by the U.S. Green Building Council (USGBC):

Environmental Benefits:

- Enhance and protect ecosystems and biodiversity
- Improve air and water quality
- Reduce solid waste
- Conserve natural resources

Economic Benefits:

- Reduce operating costs
- Enhance asset value and profits
- Improve employee productivity and satisfaction
- Optimize life-cycle economic performance

Health and Community Benefits:

- Improve air, thermal, and acoustic environments
- Enhance occupant comfort and health
- Minimize strain on local infrastructure
- Contribute to overall quality of life

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A number of rating systems and certifications assist developers and the public in evaluating green developments, including the following:

- LEED
- Green Globes
- BRE Environment Assessment Method
- Energy Star
- EarthCraft

While each of these systems aims at protecting the environment through environmentally friendly building practices and products, LEED has been the most widely embraced so far. Parker Poe is well-versed in these ratings systems and has one of the few LEED Accredited Professional attorneys in the Carolinas.

Due to the rise in soft costs pertaining to design, commissioning, documentation and energy modeling, as well as increased hard costs, the cost to construct green buildings will generally reflect an increase of approximately one to six percent. However, developers find that an initial investment yields greater returns based on lower operating and maintenance costs. These costs, such as energy conservation, also tend to increase the property's asset value based on premiums paid by tenants and customers. Furthermore, there are the potential benefits that workers will be more productive and content working in a healthier environment.

To further encourage green development, states and local municipalities offer a rapidly increasing array of benefits and requirements. The benefits include tax incentives, increases in the permitted density and zoning flexibility of green project sites and even shorter approval and permitting processes. Several states also encourage or require that state projects be LEED certified.

Our development and construction lawyers lead clients through the legal and commercial aspects of green development projects. We advise clients on projects throughout the Southeast and the Caribbean and work closely with our tax, environmental, regulatory and litigation departments to address all legal aspects of client projects.

REPRESENTATIVE EXPERIENCE

- A deep and experienced team of real estate development lawyers ensures that all real property issues, including title matters, planned community, condominium and owners association documents are structured to preserve developer flexibility and minimize potential liability, with a first-class commercial project

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- Negotiate and advise on architectural and construction contracts that are critical in reinforcing green building requirements
- Negotiate and advise on acquisition, construction and permanent financing for projects
- Provide a full range of legislative services from developing strategy and drafting legislation to appearing before legislative committees and advocating client goals
- Provide counsel in connection with all aspects of state and federal environmental permitting and appear before the EMC and other state environmental agencies
- Counsel green development clients regarding siting and zoning issues with local jurisdictions
- Negotiate incentives with state and local governments for siting on new facilities and counsel regarding tax aspects of project development
- Advising client on the restoration and development of an abandoned historical factory, which is seeking LEED certification and historical tax credits
- Advising client in the design and development of a Hampton Inn Hotel in Jacksonville, Fla.
- Development of luxury loft condos in the Historic Vista area of Columbia, South Carolina, seeking LEED certification
- Development of approximately 1,400-acre, mixed-use project seeking LEED certification in Wilmington, North Carolina
- Development of a 240-acre green resort in the Caribbean (details not yet public)