

Real Estate

The delivery of health care requires specialized buildings and facilities, developed and operated within a unique regulatory framework. Combining vast industry knowledge with decades of real estate experience, Hooper, Lundy & Bookman assists providers and other health care clients with their real estate needs, laying the foundation on which they can build, grow, and serve their patients.

HLB's health care real estate attorneys have facilitated countless transactions of all types, sizes, and complexities. From site selection to acquisition or leasing, from financing to construction, from contract to closing, from regulatory concerns to litigation, we deliver comprehensive real estate counsel for clients throughout the country.

Clients across the health care spectrum turn to HLB for real estate representation, including large health systems and urban hospitals, skilled nursing facilities, long-term care providers, health care districts, medical office building owners and developers, and physician groups. Our attorneys have complementary talents and backgrounds that allow us to address all matters that intersect with our clients' real estate objectives, handling the acquisition, disposition, development, structuring, financing, and leasing of health care-focused properties.

HLB's real estate practice includes:

Acquisitions, Sales, and Other Dispositions

- Preparing, negotiating, and reviewing purchase and sale agreements and ancillary documents
- Site selection and due diligence for target properties, including title, survey, environmental, and zoning review
- Coordination of escrow and closing

Finance

- Drafting and reviewing loan documentation, including deeds of trust, security agreements, guarantees, and other loan documents
- HUD financings
- Development and construction loans
- Permanent loans
- Tax-exempt finance and economic development matters
- Refinancings secured by health care facilities
- Legal opinions
- Subordination, non-disturbance, and attornment agreements
- Workouts

Development and Construction

- Joint venture and other development arrangements
- Construction and architect agreements
- Reciprocal easement and maintenance agreements
- CC&Rs
- Zoning and land use issues

Leasing

- Preparing and negotiating commercial leases on behalf of landlords and tenants, including medical office and facility leases, both on-campus and off-campus, as well as single and multi-tenant properties.
- Ground leases
- Timeshare and other part-time leasing arrangements
- Subleases

Compliance

- Development of forms and other tools for effective real estate compliance and management
- Deal structure and advice to ensure regulatory compliance with fraud and abuse laws, including the federal Stark and Anti-kickback laws and their state counterparts
- Advising on co-location and other provider-based issues

Commercial Lease and Real Estate Workouts and Bankruptcy Matters

- Rent deferral contracts and negotiations for landlords and tenants
- Pursuing secured and unsecured claims of landlords and tenants
- Creditor representation regarding a debtor's assumption, rejection, or modification of lease terms
- "Stalking Horse" bidder and other bidders in bankruptcy asset sales
- Relief from the automatic stay
- Health care restructuring and bankruptcy

Real Estate Litigation and Disputes

- Lease restructurings, workouts, and early termination agreements
- Unlawful detainers
- Property insurance claims
- Adjoining property owner issues

Representative Transactions

- \$84M joint venture acquisition and financing of two hospital facility systems out of bankruptcy
- \$62.7M acquisition of six skilled nursing facilities in coordination with larger \$700M multi-state portfolio sale
- \$28M acquisition and financing of medical office building
- \$17.9M acquisition and financing of two skilled nursing facilities
- Rural hospital's acquisition of several parcels of land to develop additional clinics and health care programs
- Skilled nursing operator's \$6.1M acquisition of northern California leased facility
- Negotiation and drafting of \$36M long-term lease for development of new Southern California hospital campus medical office building
- Representation of national health system in negotiation and drafting of \$24M long term California rural hospital lease
- Handling all medical office building leasing and construction contracts for six-hospital medical system
- Representation of Emanate Health in its successful acquisition of a building in Glendora, California planned for use as an urgent care and multi-disciplinary outpatient clinic.
- Development of medical office building form leases to aid hospital property management
- \$200M HUD financing for construction of new hospital patient tower
- \$17.1M HUD Financing and \$15M Revolver
- Representation of nursing home chain in \$60M secured financing
- Representation of a health system in acquiring land from the City of West Covina, California, for a major hospital expansion project, through a two-year option, ballot measure approval, and CEQA evaluations as conditions to the sale of the property, culminating in a successful closing in October 2020