



Real Estate

Real estate has emerged as an attractive long-term investment for investors seeking diversification and stable yields in an uncertain economy. As a sector, real estate must both compete with other investment classes and offer a desirable product to end-users whether they are buying or leasing. In addition, many traditional real estate investors are looking to acquire portfolios that transcend borders resulting in the emergence of a global real estate industry.

DLA Piper's global team of 500 lawyers devoted to the real estate sector assists clients throughout the entire life cycle of their investments, wherever in the world the business takes them. We understand the business of real estate, and that understanding is fundamental to our reputation as multidisciplinary deal facilitators.

We offer a full range of real estate services in areas including financing, fund formation, acquisitions and disposals, tax efficiency, land use, environmental law, planning and development, construction and leasing. Our clients benefit from our significant experience in orchestrating high value, long-term projects that involve complex structuring, facilitating negotiations, ensuring tax efficiency, navigating legal and regulatory issues and, when necessary, litigating on their behalf.

- **The Walt Disney Company** in the real estate portion of its US\$71.3 billion acquisition of 21st Century Fox, involving over 350 properties worldwide
- **A Canadian pension fund** in its US\$4.0 billion acquisition of a 180-property logistics portfolio and related management platform
- **North American Properties** in its US\$2.5 billion residential, retail, entertainment, marina, office and hotel development project in New Jersey, one of the largest mixed-use projects in that state's history
- **ASB Capital Management** in the acquisition and subsequent sale of its US\$1.8 billion US data center business
- **Cottonwood Management** in all aspects of its US\$900 million development of Echelon Seaport, one of the largest development projects in Boston. The project includes 733 luxury condominiums and apartments in three towers built over a 125,000 square foot retail podium
- **AEW Capital Management** with respect to joint ventures (including platform/strategic joint ventures), acquisitions, financings and sales of office, multifamily, logistics and retail properties throughout the US, including the US\$385 million acquisition of a private REIT that owns a prominent office tower in New York City

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- Tax

- **Blackstone Real Estate Income Trust, Inc.** in the issuance by Blackstone's first non-traded REIT of up to US\$5 billion of common stock
- **Harrison Street Real Estate Capital** in its US\$1.9 billion acquisition of Campus Crest Communities, Inc.
- **Bank of Nova Scotia** in the US\$3.75 billion financing of the Las Vegas Sands in Macau, PRC and the US\$1.25 billion financing of the Las Vegas Sands in Las Vegas, Nevada
- **A state-owned enterprise** in a joint venture for a US\$5 billion mixed use development project in New York
- **Mirae Asset Global Investments** in the US\$780 million acquisition of the Hyatt Regency Waikiki Hotel in Honolulu, Hawaii
- **Oxford Properties Group** in the joint venture and development of a US\$2.1 billion office project in New York
- **Union Investment Real Estate GmbH** in its US\$330.2 million acquisition of the Midtown21 office building in Seattle
- **Blackstone Real Estate Group** in the acquisition of 12 hotels with an aggregate purchase price of more than US\$400 million
- **The Atlanta Braves** in the development of a new 57-acre stadium site and surrounding mixed-use development known as The Battery Atlanta™, including office, retail, residential, hotel and entertainment components that feature entertainment districts containing an additional concert/theatre venue
- **A Canadian pension fund** in a complex joint venture for the acquisition of a trophy office building in New York, in part through the acquisition of a Panamanian company
- **Blackstone** in the acquisition of a €536 million logistics portfolio in 40 locations across Cyprus, Germany, Hungary, Poland, Romania, Russia, Slovakia, Switzerland and the UK
- **CBRE Global Investors** in the refinancing of its logistics pan-European fund covering seven countries (France, Luxembourg, Germany, Spain, Portugal, the Netherlands and Belgium)
- **Aareal Bank AG** in an up to €1 billion pan-European real estate loan to Invesco Real Estate, used to refinance a portfolio of properties in France, Germany, Italy, the Netherlands, Poland, Spain and the UK, including an accordion facility to enable expansion
- **Aviva Investors** in the sale of its Central European Industrial Fund comprising a 90-asset logistics portfolio in Czech Republic, Hungary, Poland and Romania to Partners Group and Valad
- **China Orient Asset Management** in the acquisition and development of a resort in the Maldives through a leasehold structure, including entering into a BVI joint venture arrangement with a local Maldives entity
- **Gaw Capital Partners** in its acquisition of Ocean Towers, a 25-story Grade A office building located at People's Square in Shanghai
- **Allianz Real Estate** in its 50 percent stake in a portfolio of modern logistics assets in China which are owned by a Gaw Capital managed fund. The portfolio includes five projects in the areas of Shanghai, Jiaying, Foshan, Wuhan and Shenyang with a total leasable area of 375,000 square meters
- **Destination Brisbane Consortium** in the development of its AU\$3 billion integrated resort at Queens Wharf, Brisbane. The project will encompass a new integrated resort (including a casino), a residential development and five new hotel brands ,including a 6-star Ritz-Carlton and 5-star Rosewood and Dorsett Hotels
- **SP Setia Berhad**, Malaysia's largest listed developer, in its first entry into Australia for the development of two residential towers of more than 800 apartments with commercial and retail spaces

Awards and Accolades

2019

- Firm (Specialism) of the year - Real Estate: Commercial property: investment (*Legal 500 UK Awards 2019*)
- Band 1 in Real Estate in Greater China (*Chambers Asia Pacific 2017 - 2019*)
- Global Real Estate Firm of the Year (*The International Who's Who of Business Lawyers 2005-2019*)
- Leading real estate and land use/zoning practice (*Legal 500 United States 2019*)

2018

- Band 1 in Real Estate in China (*Legal 500 Asia Pacific 2014 - 2018*)
- Band 1 in Real Estate in Thailand (*Legal 500 Asia Pacific 2013 - 2018*)
- Band 3 in Real Estate for Japan (*Legal 500 Asia Pacific 2011-2018*)
- UK Real Estate Team of the Year (*The Legal Business Awards 2018*)
- Law Firm of the Year - Fund Formation (*Property Investor Europe 2018*)
- Law Firm of the Year - Overall (*Property Investor Europe 2018*)
- Hospitality Practice Group of the Year (*Law360 2018*)

- 2018 Leading Real Estate Law Firms (*Commercial Property Executive and Multi-Housing News* 2018)

Sustainability and ESG

In recent decades, the Real Estate sector has faced growing demands from consumers, investors and regulators for 'sustainable living'. It is not only the environmentally conscious but also the cost-conscious consumers who are creating demand for sustainable and green homes. The market has rewarded Real Estate companies which have adopted sustainable innovations, while investors and regulators penalise companies that have fallen behind the curve.

Environmental sustainability remains a dominant concern in the sector. In some jurisdictions, Real Estate companies must also contend with social issues, particularly affordable housing, which affects property regulations, community engagement, employee relations and brand/reputation. In terms of the governance pillar of ESG, the Real Estate sector has focused on improving transparency and accountability. Building long-term value in Real Estate starts with setting and reporting on ESG-related performance indicators, for example, on energy usage, waste management, greenhouse emissions and labour rights.

Key sustainability and ESG themes in the Real Estate sector include:

- **Green buildings and leases:** With the built environment reportedly responsible for over 40% of global greenhouse gas emissions, builders and developers have been working closely with governments striving to achieve their emissions targets under the Paris Agreement on climate change. Energy efficient buildings are the tip of the iceberg; the Real Estate market is also responding to demand for green homes with water-saving and greywater recycling technology, upgraded insulation and a renewable energy supply. Real Estate companies have developed Green Leases which build in sustainability features as legally binding contractual conditions, such as biodiversity protection targets for contractors, retrofitting requirements for landlords and energy usage limits for occupiers.
- **Green financing and impact investment:** Innovative green financing mechanisms have unlocked investment in sustainable Real Estate. Real Estate impact investors seek a social return on investment, for example, from affordable housing projects. The challenge for companies is attracting this capital by demonstrating sustainability, when there are competing ESG standards and ratings systems which fail to capture real performance. Developing ESG due diligence tools can help to identify risks and clear the path for sustainable investment.
- **Increased information, reporting and disclosure requirements:** By harnessing new data tools and technologies, the Real Estate sector has been improving on both internal and external reporting against sustainability and ESG standards. Most jurisdictions impose mandatory sustainability disclosure requirements, such as under the EU's Non-Financial Reporting Directive. Leading businesses also participate in voluntary reporting programs, such as the Leadership in Energy and Environmental Design (LEED) rating system, the Energy Star rating system and Global Reporting Initiative standards. The challenge is in navigating these competing reporting systems and keeping up with evolving standards and expectations.
- **Towards a circular economy in the built environment:** Leaders in Real Estate have applied circular economy principles to save costs while embedding sustainability into their business strategy. Successful businesses have developed smart circular designs which reuse materials or existing structures, for example, to create resource efficiencies. Developing a sustainable built environment requires rethinking materials sourcing, energy use, energy supply and waste management at all stages of the lifecycle and across the supply chain.
- **Climate change and environmental planning:** The sector is already well aware that property values are vulnerable to the physical impacts of climate change. Sea-level rise and heat stress, for example, increase risks to entire metropolitan areas – not only to individual real property assets and locations. In some cases, environmental planning laws lag behind the modelling on likely climate scenarios, and developers and investors must take the initiative to prepare for impacts and climate-proof their investments.
- **Regenerative solutions and community benefits:** Real Estate projects that fail to engage with local communities risk losing their 'social licence to operate'. On the other hand, some companies have built success by ensuring Real Estate developments benefit the community, for example through community revitalisation and regenerative solutions.

To discuss these issues in more detail please get in touch with our sustainability leaders.