

Real Estate

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Allen J. Popowitz, Chair

Brach Eichler's real estate clients include some of the largest, most well-respected owners of investment properties in the region.

Our real estate practice has a long history and reputation for combining a business-minded approach with creative solutions to give our clients a competitive edge. Our personal experience and deep understanding of the issues that drive real estate transactions allow us to render advice that is legally sound and practical and, importantly, consistently achieves our clients' business objectives.

We serve professional real estate investors, operators, and developers as well as real estate lenders in the purchase, sale, leasing, and financing of land, land for development, office buildings, malls, multifamily complexes, retail centers, and industrial properties. While we handle all types of properties and transactions, we are particularly well known for our expertise in apartment building development, acquisition, sales, and financing, closing a substantial number of transactions all over the country. Our team is also comprised of several attorneys dedicated to handling tax appeals of commercial and residential properties.

We have been told by our clients that they appreciate our experience and ability to get the deal *done* – done right and done quickly. Brach Eichler has one of the deepest benches in the state, with 12 lawyers and 7 paralegals solely dedicated to real estate, covering virtually all kinds of matters. Our tax department is particularly skilled in all aspects of real estate taxation, including tax appeals, 1031 exchanges, and finding

creative solutions to minimize the impact of federal, state, and local taxes on the transaction. Rounding out our team are our environmental and land use attorneys who advise clients on environmental law, assisting with challenging land use, natural resource, and site remediation concerns, including dispute resolution.

Our real estate team has distinguished itself from other real estate practices by spotting and resolving the key issues and moving deals forward quickly to completion. Brach Eichler's attorneys have extensive experience in sophisticated and complex transactions, including:

- Apartment building development, acquisition, sales, and financing
- Retail and commercial leasing, development, sales, acquisition, and financing
- Commercial real estate finance and lending, including mortgage finance, structured finance, mezzanine and preferred equity finance
- Real estate joint ventures and equity syndications
- Zoning, land use, development, and planning
- Regulatory and code compliance
- Condominium, cooperative, and other planned unit development communities

Multifamily Properties

Alan Hammer, the senior attorney in our real estate practice, is a well-recognized and respected investor and operator of multifamily properties throughout New Jersey and Pennsylvania. Our attorneys are well qualified to assist clients in all transactions involving multi-tenant buildings and to provide guidance on the business issues related to the acquisition, sale, and day-to-day operation of such properties.

Commercial Real Estate Lending and Financing

Commercial lending has been a perfect complement to our real estate practice. We routinely represent numerous lenders and borrowers in financing and lending transactions, from large, complex loans to smaller, simpler transactions, as well as mezzanine loans and other alternative financing sources. We approach financing transactions with an in-depth, well-balanced understanding of the needs and concerns of all the parties to the loan transaction. Our extensive experience enables us to guide our clients through the issues that arise during the course of such transactions and to offer solutions that promote the mutual interests of both parties in getting the transaction completed as quickly and cost-effectively as possible. Clients value the role we play as facilitators in such lending and financing transactions. We identify critical issues and offer workable solutions consistent with their legal and business objectives

1031 Tax-Deferred Exchanges

Our real estate practice also works closely with clients to facilitate tax-deferred exchanges under Section 1031 of the Internal Revenue Code, including forward and reverse exchanges, drop and swaps, and other similar transactions. Our real estate attorneys have the experience necessary to successfully navigate through Section 1031 of the Internal Revenue Code to ensure that our clients can effectively defer any potential capital gains from the sale of investment real estate.

Retail Commercial and Industrial

We represent owners of office buildings, regional shopping malls, suburban office parks, lifestyle and other smaller retail centers, and general office and industrial properties from the initial stages of development, acquisition, and financing through negotiation of leases and lease renewals and sales.

Land Development, Planning, and Zoning

Our land use attorneys represent owners and developers of real estate in all phases of the approval and entitlement process, including securing zoning changes; obtaining site plan, subdivision and variance approvals; and resolving land use, code and regulatory compliance issues. We also provide counsel on affordable housing and land preservation matters. For more information, see [Environmental and Land Use](#).

Condominiums and Planned Real Unit Developments

We represent owners and developers in connection with the creation of condominiums and planned unit developments, including drafting master deeds, organizational documents, offering prospectuses, and other registration materials. Our extensive representation of multifamily property owners has given our attorneys the opportunity to convert countless multifamily properties into residential condominium communities. Our attorneys have developed and executed strategies to enable a successful conversion, while affording residential tenants all of their rights and entitlements under the law. We have extensive experience in residential homebuilding and development, including creation of planned unit developments, construction finance, residential construction contracting and representation of associations. In addition, our attorneys create and represent commercial condominiums, mixed-use projects, resort communities and condominium hotels, and recreation facilities.

Real Estate Tax Appeals

For more than 35 years, Brach Eichler real estate attorneys have rendered careful counsel to clients involved in the appeal of property taxes. Our real estate tax appeals practice is comprised of full-time attorneys and carefully trained support staff who handle hundreds of appeals annually and who possess a thorough understanding of the most intricate legal issues affecting investment real estate. Our tax appeal team provides clients with unique insights and thorough analysis to enhance the prospects of success for their tax appeals. Our attorneys have participated in more than 50 reported decisions. For more information see [Tax Appeal Practice](#).

Environmental and Land Use

Environmental regulations have an impact on all aspects of property ownership and development, and New Jersey is considered one of the most demanding jurisdictions in environmental regulatory controls. We advise our clients on all aspects of environmental law, assisting companies across a wide range of industries with challenging environmental, land use, and natural resource concerns. Our attorneys have experience in virtually all aspects of environmental practice, including all transactional and litigation services, so we can help our clients navigate federal, state and local regulations and resolve disputes, in order to allow them to pursue their business objectives. We help assess – and then minimize – environmental risks in the acquisition of properties. For more information, see [Environmental and Land Use](#).

Our Promise

At Brach Eichler, we are committed to a dynamic and meaningful partnership with our clients. We move forward with a shared vision, one that is carefully crafted and thoughtfully and practically implemented. Together, we achieve success.

Insights

[B|E in the News - October 7, 2024](#)

Centennial, Atlas Hill RE Close Major Retail Deal

[B|E in the News - September 10, 2024](#)

Centennial, Atlas Hill RE Close Major Retail Deal

[B|E in the News - August 29, 2024](#)

Announcing the finalists for the New Jersey Legal Awards 2024

[B|E in the News - August 27, 2024](#)

New commercial real estate projects have slowed in NJ thanks to high borrowing rates

[Awards - August 15, 2024](#)

45 Total Brach Eichler Attorneys Recognized in the “2025 Best Lawyers in America®” List by Best Lawyers

[B|E in the News - July 25, 2024](#)

Commercial Real Estate Brokerages Not Sweating Non-Compete Ban—Yet

[Awards - June 28, 2024](#)

Brach Eichler Celebrates Being Named to NJBIZ Best Places to Work 2024

[Firm Announcements & Wins - June 26, 2024](#)

Congratulations to Jeffrey Itzkowitz on the successful sale of 46 co-op apartments in Elizabeth, NJ for \$5.2 million!

[B|E in the News - June 25, 2024](#)

Owner of 46 units at Elizabeth co-op sells portfolio for \$5.2 million, Kislak says

[B|E in the News - June 11, 2024](#)

Office Absorption to Stay Negative Through 2025
