

# DECOTIIS, FITZPATRICK & COLE, LLP

## GREEN

IN THE LAST SEVERAL YEARS, OUR SOCIETY HAS AWAKENED TO THE FACT THAT WE CAN NO LONGER TAKE THE STATE OF OUR ENVIRONMENT – OUR AIR, OUR WATER, OUR NATURAL RESOURCES AND OUR CLIMATE – FOR GRANTED. This change has enormous implications for the daily life of every person on our planet. It has led to equally profound changes in the way business is done. DeCotiis's Green Practice Group is designed specifically to help our clients address the legal, regulatory and business challenges this new perspective has created.

For governing bodies, real estate developers, investment funds, existing businesses and entrepreneurs, the need for a green strategy is now a fact of life. DeCotiis has long been one of New Jersey's most respected real estate and environmental law firms, as well as a leader in tax law, finance and governmental and regulatory affairs. Our Green practice draws on this expertise to help our clients plan for and implement programs associated with these changes – and ultimately profit from them. Among the areas in which we counsel clients are:

- Renewable Energy – siting, tax credits, project finance, bonds, mergers and acquisitions, regulation and pilot agreements
- Sustainable Development – public finance, tax incentives, project acquisition, development and finance and affordable housing
- Environmental and Land Use – permitting, transactional due diligence, brownfields, environmental impact reviews and code compliance
- Development of climate change policies and practices
- Green Investing – fund structuring, formation and implementation
- Clean Technology – intellectual property, trade secrets, contracts and transactions

As an example, the Green group has considerable expertise in legal matters pertaining to renewable energy facilities (wind, solar and biofuels). These programs typically invoke legal issues in a number of different areas – siting, permitting, finance, regulatory, contracts, environmental and tax, to name a few. DeCotiis has served as counsel on numerous projects requiring resolution of such issues. The Green practice applies this

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background to the unique needs of clients proposing and developing renewable and other types of green energy projects.

DeCotiis has also developed, structured and created the first local government renewable energy program for local governments in New Jersey. It draws on our experience with municipal law, public and private finance, federal tax law, state regulatory law, and our knowledge of the various renewable energy systems available for use. The program is being implemented in New Jersey counties, and will allow local governments to finance renewable energy projects at a lower operating cost, resulting in direct, certain budgetary savings, while achieving the environmental benefits of employing green technology. It is currently being expanded to the private sector.

Similarly, the Green practice's expertise is applicable to environmentally advanced construction and development projects in which, for example, Leadership in Energy and Environmental Design (LEED), the Federal Energy Star Program and carbon footprint reduction are issues that require resolution. These topics have become increasingly important as government, at all levels, has moved toward adopting building codes that call for greater energy efficiency and strategies to achieve high performance net zero carbon emitting buildings.

Our practice also addresses the special financial and transactional challenges of doing green business. This can include structuring and implementing innovative methods of financing. We also counsel clients on the development and implementation of environmental policies and internal procedures.

The impact of the burgeoning awareness of environmental issues on the law is profound and permanent. It is also constantly evolving and changing. It affects virtually every aspect of our clients' undertakings. The DeCotiis Green Practice Group has the breadth and depth of expertise to insure that our clients not only meet these challenges, but benefit by them.

*In addition to delivering services in this area, DeCotiis is proud to be an **American Bar Association Climate Challenge Partner**. We are also a member of the Environmental Protection Agency's Waste Wise Program and the New Jersey Waste Wise Business Network.*

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