

SHEEHAN PHINNEY

Kenneth A. Viscarello

Shareholder | Manchester, NH

Ken is Chair of the firm's Affordable Housing Group. He has a diverse practice specializing in real estate development, concentrating in affordable housing development. Over the past twenty (20) years Ken has become recognized as one of the leading attorneys in the area of affordable housing development in the State of New Hampshire. He represents a number of both for-profit and not-for-profit developers. Ken has represented developers in securing project financing through numerous funding sources, including the syndication of Low Income Housing Tax Credits, New Hampshire Housing Finance Authority Multi-Family Housing Bonds, State HOME Funds, Municipal HOME Funds, HUD 223(f) Financings, HUD 221(d)(4) Financings, FANNIE MAE Financings and various grants. In addition to assisting developers in securing financing, Ken has vast experience preparing and negotiating acquisition agreements for affordable housing developments, and representing developers before state and municipal regulatory authorities and agencies in connection with the financing, permitting and approval process for affordable housing developments.

In addition to his affordable housing practice, Ken also represents developers and contractors in the preparation and negotiations of construction and architect's contracts. Ken has as an AIA license and the ability to prepare and produce AIA contracts for clients.

Key Cases

- Represented a not-for profit affordable housing developer in the re-syndication of over 100 units of existing Low Income Housing Tax Credit ("LIHTC") units in Manchester, New Hampshire. In one of the first re-syndications of an existing LIHTC project in the State of New Hampshire, Ken represented the developer in securing financing for the project through numerous funding sources, including the syndication of Low Income Housing Tax Credits, State HOME Funds, City of Manchester HOME Funds and various grants. In order to put in place the re-syndication, Ken consolidated six different existing LIHTC projects, containing thirteen different properties into one scattered-site project.
- Represented a not-for-profit developer in the preservation of over one hundred units of affordable housing in New Hampshire's upper valley. The property was subject to a soon to expire affordability restriction and rental assistance contract. Ken assisted his client in acquiring the property from the former owner and obtaining funding from USDA-Rural Development to consummate the purchase, which included extending the rental assistance contract.
- Represented a not-for-profit affordable housing developer, whose mission is to find and purchase aging affordable housing projects with expiring affordability restrictions and to maintain the affordable nature of the project, in the purchase and rehabilitation of a 102 unit affordable housing project in Dover, New



Contact Information

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Hampshire.

- Represented a not-for profit affordable housing developer in the acquisition and development of a \$5,500,000 affordable housing project in the historic district of Amherst, New Hampshire. Ken represented the developer in securing financing for the project through numerous funding sources, including the syndication of Low Income Housing Tax Credits, CDBG Funds, State HOME Funds, Municipal HOME Funds and various grants.
- Represented a for profit affordable housing developer in the development of a \$12,000,000 two (2) phase, ninety nine (99) unit affordable housing project in Lunenburg, Massachusetts. Ken represented the developer in acquiring the site and securing financing for the project through numerous funding sources, including the syndication of Low Income Housing Tax Credits, 1602 Funds, and State HOME Funds.
- Represented a for profit affordable housing developer in the refinancing of two affordable housing projects, totaling \$24,000,000 in loan funds obtained through the Housing and Urban Development HUD 223(f) loan program.
- Represented a not-for profit affordable housing developer in the development of a \$10,000,000 affordable housing project in downtown Manchester. Ken represented the developer in securing financing for the project through numerous funding sources, including the syndication of Low Income Housing Tax Credits, New Hampshire Housing Finance Authority Multi-Family Housing Bonds, State HOME Funds, Municipal HOME Funds and various grants.
- Represented a for profit affordable housing developer in the development of a \$5,000,000, ninety (90) unit affordable housing development. Ken represented the developer in securing financing for the project through numerous funding sources, including the syndication of Low Income Housing Tax Credits, New Hampshire Housing Finance Authority Multi-Family Housing Bonds, and Municipal HOME Funds. He also spearheaded negotiations with HUD and lenders on adjacent premises to secure access easements critical to project development.
- Ongoing representation of national manufacturer of yogurt and yogurt related products. Services include negotiation of supply and other contracts with national producers and vendors of food and other products.
- Represented a not-for-profit housing developer in the development of a \$7,100,000, thirty-three (33) unit affordable housing project in Londonderry, New Hampshire.

Practice Areas

- Real Estate & Development
- Corporate
- Affordable Housing

Admissions

- State of New Hampshire
- Commonwealth of Massachusetts

SHEEHAN PHINNEY

Education

- J.D., Boston College Law School, *cum laude*
- A.B., Boston College

Civic Involvement

- Chairman and Member of the Board of Directors, CATCH Neighborhood Housing
- Current Board Member and past two time Chairman of the Board of Directors, Special Olympics New Hampshire
- Former Board Member and Treasurer, New Hampshire Farm Museum
- Member of the Resource Development Committee, Neighborworks Southern New Hampshire
- Former Advisory Board Member, The Way Home
- Past Board Member and Chairman of the Board, New Hampshire Preservation Alliance
- Past Board Member and Chairman of the Board, Intown Manchester Management
- Past Member, Special Olympics United States Leadership Council
- Past Member of HEART Systems
- Member of Queen City Rotary
- Member of Council 5260 Knights of Columbus

Awards

- “25 Leaders for the Future” by Business NH Magazine in 2009
- Chambers USA, Real Estate
- Best Lawyers in America® 2022 Manchester Lawyer of the Year, Real Estate
- Best Lawyers in America® 2017 Manchester Lawyer of the Year, Real Estate
- Best Lawyers in America® 2014 Manchester Lawyer of the Year, Corporate Law
- Best Lawyers in America®, Corporate Law, Real Estate Law
- New England Super Lawyer®, Real Estate

Publications

- Portsmouth Housing Authority pitches 68 workforce units on Court Street