



## **KIMBERLY E. SMITH**

### **New York Office**

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*Kim is an experienced transactional lawyer with a focus on New Markets Tax Credits and Public Finance. She has extensive experience with structuring complex financing transactions for 501(c)(3) organizations, real estate developers, operating businesses and government entities utilizing conventional financing, tax-exempt bonds and USDA financing.*

### **PRACTICE AREAS AND INDUSTRY TEAMS**

- Tax Credits
- Public Finance
- Catastrophic Events and Major Claims
- Governmental Finance

### **EXPERIENCE**

- Served as Project Counsel, Lender Counsel and Community Development Entity Counsel in over \$800 Million in New Markets Tax Credit transactions, including healthcare, education, mixed use, social services and industrial/manufacturing projects.
- Serves as bank counsel in direct loans and tax-exempt financing for 501(c)(3) organizations.
- Representative Transactions
  - Project Counsel for a new charter school facility located adjacent to a new low-income housing development in Nashville, Tennessee, which utilized New Markets Tax Credits.
  - Senior Lender Counsel for the construction of a health center facility located in Boston, Massachusetts, which utilized New Markets Tax Credits and Tax-Exempt Bonds.
  - Project Counsel for the construction and development of a 29-bed acute care hospital facility in rural Alabama, which utilized New Markets Tax Credits and USDA Financing.
  - Bank Counsel in connection with a Tax-Exempt Refinancing for a Hospital System located in Concord, New Hampshire.
  - Project Counsel in connection with a photovoltaic solar facility in Greenfield, Massachusetts, which utilized New Markets Tax Credits, USDA Financing and Energy Grants.
  - Lender Counsel in connection with the permanent financing for the development of a biomass power generation facility in Athens, Maine, which utilized New Markets Tax Credits.

- Project Counsel in connection with the financing and construction of a state of the art higher education center facility in Indio, California, which utilized New Markets Tax Credits.
- Project Counsel in connection with the construction, development and leasing of a Social Innovation Center in Austin, Texas, which utilized New Markets Tax Credits.
- Project Counsel for the construction and development of a YMCA located in Vicksburg, Mississippi, which utilized New Markets Tax Credits.
- Senior Lender Counsel for the construction of a new emergency department and medical office building to support outpatient services at a hospital located in Athol, Massachusetts, which utilized New Markets Tax Credits and Tax-Exempt Bonds.
- Project Counsel for the construction and development of a primary care clinic, wellness center, certain retail space and related on-site and off-site improvements in Jackson, Tennessee, which utilized New Markets Tax Credits.
- Project Counsel for the acquisition, construction and development of the American Cancer Society, which offers housing to cancer patients and their caregivers, located in Jackson, Mississippi, which utilized New Markets Tax Credits.
- Project Counsel for the development and construction of for-sale homes to serve low-income individuals and families located in South Mississippi and Southwest Alabama, which utilized New Markets Tax Credits.
- Project Counsel for the development and construction of a state-of-the-art children's museum located in Meridian, Mississippi, which utilized New Markets Tax Credits.
- Project Counsel for the construction, equipping and leasing of a new, two-story, 44,470 square foot academic and career-technical building for a Community College in Jackson, Mississippi, which utilized New Markets Tax Credits, Tax-Exempt Bonds and Taxable Bonds.
- CDE Counsel for the construction of a new 90,000 sq. ft. high performance computing center located in Hoyoke, Massachusetts, which utilized New Markets Tax Credits.
- Project Counsel for the development of new retail and office space and other mixed-use components for the benefit of a historically minority college located in Jackson, Mississippi, which utilized New Markets Tax Credits.
- CDE Counsel for the rehabilitation of two former tobacco warehouses and accompanying parking into a single mixed-use facility consisting of office, retail, and research and laboratory space located in Durham, North Carolina, which utilized New Markets Tax Credits.
- Project Counsel in connection with the construction and development of a grocery store and shopping center complex located in Pigeon Forge, Tennessee, which utilized New Markets Tax Credits.
- Project Counsel in connection with the acquisition and expansion of a manufacturing facility in Springdale, Arkansas, which utilized New Markets Tax Credits.
- Project Counsel for the construction, development and renovation of an existing mill building into a mixed-use development located in Johnson City, Tennessee, which utilized New Markets Tax Credits.

- Project Counsel for the construction, development and leasing of the historic Ross Hotel into a mixed-use facility known as the Tomorrow Building in Chattanooga, Tennessee, which utilized New Markets Tax Credits.
- Project Counsel for the rehabilitation of two historic buildings into a mixed-use residential & commercial/retail development for Volunteers of America located in New Orleans, Louisiana, which utilized New Markets Tax Credits.

## **BAR ADMISSIONS**

- New York, 2019
- Louisiana, 2011
- Mississippi, 2005
- U.S. District Courts
  - Mississippi: Northern, Southern

## **DISTINCTIONS**

- *Super Lawyers®*
  - Louisiana Rising Stars, 2015
- CityBusiness Leader in Law, 2013

## **ASSOCIATIONS**

- New Markets Tax Credits Working Group
- New Orleans Bar Association
- National Association of Bond Lawyers
- American Bar Association
  - Taxation Section
  - Young Lawyers Forum
- Mississippi Bar
- Louisiana State Bar Association

## **EDUCATION & HONORS**

- New York University, LL.M., Taxation, 2005
- University of Mississippi, J.D., *cum laude*, 2004
  - Associate Editorial Staff, *Mississippi Law Journal*
- Birmingham-Southern College, B.A., Accounting, *cum laude*, 2001

## **PAPERS, PRESENTATIONS AND PUBLICATIONS**

- Presenter, "Intro Bond Finance WebCourse," Council of Development Finance Agencies, February 24, 2021.

- Panelist, “Access to Capital and Community Facilities,” CDFIA-ARI Rural Finance Webinar Series, July 8, 2020.
- Co-Presenter, "Tennessee Fundamentals of Economic Development Finance Course," Murfreesboro, Tennessee, March 2020.
- Co-Presenter, "Tennessee Fundamentals of Economic Development Finance Course," Murfreesboro, Tennessee, February 2019.
- Co-Presenter, "Tennessee Fundamentals of Economic Development Finance Course," Knoxville, Tennessee, February 2018.
- Co-Presenter, "Tennessee Fundamentals of Economic Development Finance Course," Knoxville, Tennessee, February 2017.
- Co-Presenter, “Beyond Bonds: Local and State Financing Tools for Community Development,” Forum on Affordable Housing and Community Development Law Boot Camp, October 2016.
- Co-Presenter, "New Markets Tax Credits: Leverage Lending and Investing," Renasant Bank, Tupelo, MS, September 2015.
- Co-Author, "New Markets Tax Credits: Filling In The Gaps In Health Care Project Finance," Memphis Medical News, June 2015 Issue.
- Speaker, “State New Markets Tax Credits,” Forum on Affordable Housing and Community Development Law 24<sup>th</sup> Annual Meeting and Conference, May 2015.
- Speaker, “Advanced NMTC Concepts,” Novogradac New Markets Tax Credit Conference, San Diego, CA, January 2015.
- Speaker, “Advanced NMTC Concepts,” Novogradac New Markets Tax Credit Conference, New Orleans, LA, October 2014.
- Speaker, “NMTC 101: The Basics,” Novogradac New Markets Tax Credit Spring Conference, Washington D.C., June 2014.
- Speaker, “Developing Housing with NMTCs Case Study,” Novogradac New Markets Tax Credit Conference, New Orleans, LA, October 2013.
- Speaker, “Beyond Wind and Solar – Financing Energy Projects and Businesses,” Novogradac New Markets Tax Credit Conference, New Orleans, LA, October 2012.
- Speaker, “Government Funds and New Markets Tax Credits,” 9th Annual New Markets Tax Credit Conference, Washington, DC; July 2010.
- Speaker, “Economic Stimulus 101: The American Recovery and Reinvestment Act of 2009,” Annual Development Finance Summit, Council of Development Finance Agencies (CDFA), May 2009.

- Author, “The GO Zone Act: An Innovative Mechanism for Promoting Economic Recovery for the Gulf Coast,” *Mississippi Law Journal*, Book 77.3: Hurricane Katrina Special Edition, (2008).
- Speaker, “NMTC Legal Issues Panel,” New Market Tax Credits Workshop, Mississippi Development Authority (MDA), May 2008.