SpencerFane®

Karen McCay

Partner

Contact

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Overview

Karen McCay's practice focuses on the legal needs of the multi-family housing industry, with a particular emphasis on operational issues, regulatory compliance, and fair housing.

With more than 25 years of experience, much of Karen's law practice is dedicated to preventative advice and compliance counseling for market-rate and affordable housing providers, although she remains strategically involved in her clients' litigation as well. Karen's clients include REITs, individual property owners, management companies, developers, large and small non-profits, and, previously, local housing authorities. She frequently conducts trainings in fair housing, preventing sexual harassment, disability accommodation and similar subjects for clients and industry organizations.

Karen has also worked with staff at the U.S. Department of Housing and Urban Development and the California Tax Credit Allocation Committee regarding issues relevant to the affordable housing industry and was instrumental in drafting the California Addendum to HUD Leases, which has been approved for use throughout California (and she is working on an update). She assists many of her affordable housing clients in navigating the uncertain waters of various federal, state, and local subsidy programs as well as her market-rate clients in administering their Below Market Rent Programs. As a result of her extensive industry experience, she is able to help advance the business goals of her clients within the increasingly regulated environment in which they operate.

Education

- American University, Washington College of Law, 1995 (J.D.), *magna cum laude*
- University of Florida, 1991 (B.S.B.A.), *with honors*

Bar Admissions

- California
- Florida

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Middle District of Florida

Community Involvement

- Saratoga Woods Community Association, President, 2025-present
- Housing Industry Foundation, Board of Directors, 2003-2017
- San Jose Silicon Valley Chamber of Commerce, Board of Directors, 2007-2012
- AHMA-NCH, Board of Directors, 2009-2011
- Girl Scouts of Northern California, 2012-2024
- Church of the Valley Retirement Homes, Inc., Board of Directors, 2010-2014
- Junior League of San Jose, Inc., 1997-2005 (active), 2005-present (sustaining)

Distinctions

- *The Recorder* and *Law.com*, Finalist California Real Estate Lawyer of the Year, 2024
- Junior League of San Jose, Sustainer of the Year, 2015
- *San Jose Silicon Valley Business Journal*, Woman of Influence, 2011
- AHMA-NCNH, Associate Member of the Year, 2009
- *American University Law Review*, Articles Editor, 1993-1995

Memberships

- California Bar Association
  - Law Practice Management Section
  - Real Property Law Section, Fair Housing and Public Accommodations Subsection
- Florida Bar Association, Out of State Practitioners Division
- National Apartment Association
  - Fair Housing Compliance Credentialed
- California Apartment Association
- National Affordable Housing Management Association
- Affordable Housing Management Association of Northern California and Hawaii
- Affordable Housing Management Association Pacific Southwest

Presentations and Publications

- "Hot Legal Topics 2026 and Domestic Violence and VAWA Update," AHMA-NCH 45th Annual Conference, August 2026
- "The Past 18: HUD Policy Shifts and Enforcement Changes," National Apartment Association Rental Housing Advocacy and Legal Summit, August 2026
- "2026 Legal Update," AHMA-PSW Member Meeting, January 2026

- "Violence Against Women Act (VAWA): Understanding Your Role & Responsibilities," Apartment Association of Nebraska, Trade Show, September 2025
- "Navigating Data Privacy & Cybersecurity Requirements in the Multifamily Housing Industry," Spencer Fane Webinar, September 2025
- "Legal Hot Topics," AHMA-NCH Annual Conference, 2011-2025
- "Common Issues with Retail Leasing in Mixed-Use Developments: Hot Topics," Spencer Fane Webinar, March 2025
- "Workload Overload and Setting Boundaries," California Conference for Women, February 2025
- "2025 Legal Update," AHMA-PSW, January 2025
- "Property Management Roundtable," GlobeSt. Multifamily Fall Conference, October 2024
- "Animals: Service vs. Support," AHMA-PSW 47th Annual California Conference & Expo, May 2024
- "Renter's Bill of Rights," National Apartment Association Rental Housing Advocacy and Legal Summit, August 2023
- "I'm Not an Attorney, but I Play One on Facebook," National Apartment Association Apartmentalize, June 2022
- "Legal and Practical Considerations for Lotteries, Waiting Lists," *Novogradac Journal of Tax Credits*, March 2019
- "California Fair Housing and Public Accommodations Practice Guide," The Rutter Group, Contributor
- "California Legislative & Business Update," AHMA-PSW, 41st Annual Seminar & Tradeshow, May 2018
- "Fair Housing Hot Topics," California Apartment Association Rental Housing Conference & Expo, April 2016
- "Legal and Practical Considerations for Providing Preferences to House the Homeless," City of San Jose Supportive Housing Roundtable, January 2016
- "Legal Issues Seminar," LeadingAge CA, 2015 Senior Housing Conference, October 2015
- "Legal Tips & Tricks for Property Managers," LeadingAge CA, 2015 Annual Conference & Exposition, May 2015
- "Fair Housing and You," California Apartment Association, Rental Housing Conference & Expo, April 2015
- "Avoiding Fair Housing Pitfalls," Malibu Association of Realtors, October 2014
- "Preventing Housing Discrimination: A Practical Course of Dos and Don'ts," CSH, May 2014