

From: Tom Sullivan [tomsullivan@abbitt.com]
Sent: Wednesday, September 08, 2010 12:17 PM
To: !FHFA REG-COMMENTS
Cc: 'Rebecca Grossman'; 'Susan Gaston'
Subject: Supprt of Proposed Guidance

Edward J. DeMarco

Acting Director

Federal Housing Finance Agency

1700 G Street, NW

4th Floor

Washington, DC 20552

Dear Mr. DeMarco:

We are writing on behalf of the Virginia Peninsula Association of Realtors to support the Federal Housing Finance Agency's (FHFA's) proposed guidance on the use of private transfer fees for the Federal Home Loan Banks (FHLBs) and the government sponsored enterprises (GSEs) Fannie Mae, Freddie Mac. We fully support the FHFA guidance that states the FHLBs and the GSEs should not purchase mortgage encumbered by private transfer fees and that such purchases are not prudent or safe or sound investments.

As you know, a private transfer fee commonly occurs when a developer agrees to add a covenant to the deed of each new home, or a homeowner agrees to add a covenant to an existing home's deed, that requires future owners of the property to pay a percentage of the selling price to a designated beneficiary. While the percentage fee paid is tied to the home price, it does not correlate with any tangible benefit received by the home buyer.

The transfer fee rule is a covenanted mandate so it is extremely difficult to reverse the requirement once it is in place. In many cases the fee is attached to the deed for up to 99 years meaning several subsequent buyers may pay a fee where no service was rendered or benefit received.

Private transfer fees increase the cost of homeownership, do little more than generate revenue for developers or investors and provide no benefit to homebuyers. They place an inappropriate drag on the transfer of property.

Moreover, there is virtually no oversight on where or how proceeds can be spent, on how long a private transfer fee may be imposed, or on how the fees should be disclosed to home buyers. Already, one company is negotiating with institutional investors to "securitize" pools of transfer fees, which will essentially create bonds that can be sold on a secondary market, based on the future cash flows.

The Federal Housing Administration (FHA) recognizes the impact of private transfer fees. The US Department of Housing and Urban Development (HUD) General Counsel has confirmed that private transfer fees clearly violate HUD's regulations which prohibit legal restrictions on conveyance and require lenders to convey clear marketable title.

Thank you for your time and consideration of this matter.

Sincerely,

Thomas G. Sullivan
Associate Broker, Abbitt Realty Co. LLC
2010 President, Virginia Peninsula Association of Realtors
11835 Fishing Point Drive Suite 101
Newport News, Va 23606

Office Phone 757.223.7478
Cell Phone 757.438.2897

Equal Housing Opportunity

Licensed Real Estate Broker in the State of Virginia

If you wish to no longer receive emails from me, please click reply and type
unsubscribe in the subject field