



April 4, 2011

The Honorable Alfred M. Pollard  
General Counsel  
Federal Housing Finance Administration  
Fourth Floor  
1700 G Street, NW  
Washington, DC 20552

**RE: *Proposed Rule on Private Transfer Fee Covenants, (RIN) 2590-AA41***

Dear Mr. Pollard:

I am writing to express my support for the Federal Housing Finance Agency's actions to stop investors from charging fees every time houses are sold in planned communities. These fees do not help my profession and do not help my community owners. FHFA is right to prohibit this type of fee.

I am also pleased that FHFA understands that community associations like those managed by my company (58 associations with over 7,500 homes) use transfer fees and that these fees help lower monthly association assessments and make sure the communities my company manages are properly managed and maintained. Associations have used transfer fees for decades. Community transfer fees are an important way that residents have decided to fund the services homeowners receive from their association.

It is important for FHFA to understand that residents make up the associations that govern our communities. They hold elections for the association board and vote on budgets and major decisions that affect homes and community. This self-government is important to residents.

While I am pleased with many of the changes made by FHFA to its proposed guidance, there are provisions in the revised draft that are cause for concern. First, I am concerned that FHFA, by limiting the use of community transfer fee funds solely for maintenance and improvements, is taking away the elected board's authority to make operational decisions on how best to spend this money in support of their community. Community associations use these fees for maintenance, support, operations and the provisions of amenities. All these functions directly benefit and support the property upon which the fee is charged. FHFA attempts to do too much

in its rule banning investor transfer fees by telling associations that those revenues can only be used for some direct-benefit purposes and not for others.

Another concern is that the draft requires that our associations allow non-residents use of the common areas and that they must charge a fee for this access. The association may want to charge a fee for the use of their facilities, but that should be their decision. Just because the community may vote for a new a transfer fee doesn't mean they give up their right to decide how the common property is used or if and when they allow non-residents access to it.

Finally, FHFA's decision that a community can't vote to have a community transfer fee support property that is more than 1,000 yards from their main property line does not make sense. This limitation would be especially troublesome for larger communities that may consist of a master association and many smaller sub-associations. If the association owns property, they should be able to maintain, manage, and improve it with association funds. The physical location should not be relevant.

I understand that FHFA wants to protect homeowners and purchasers from unethical and undisclosed fees. That is a goal I firmly support. FHFA is doing a good thing banning fees that are paid to people with no connection to a property every time that property is sold and this makes sense. By going farther than this, FHFA is not helping.

Most States require all fees paid to an association be disclosed to a purchaser prior to closing. This is a best practice that is adopted across most of the country. If FHFA is concerned that people don't know about the fees that are paid to associations, then perhaps FHFA could consider adopting this State disclosure system.

Many States have passed laws to prohibit investor transfer fees while leaving in place fees that are reinvested in communities through their associations. FHFA should follow the States' lead and go after the problem—investor transfer fees. There is no justification to change how associations use transfer fees and FHFA will only cause problems by trying to tell residents how to manage their communities.

Sincerely,

  
Dana Shotts-Neff, PCAM®, LSM®  
President