From: Hamilton, Matthew C. <mhamilton@aspensnowmass.com>
Sent: Tuesday, March 27, 2012 1:10 AM
To: !FHFA REG-COMMENTS
Subject: RIN 2590-AA53

March 26, 2012

Mr. Alfred Pollard
General Counsel
Federal Housing Finance Agency
400 7th St., N.W.
Washington, DC 20024

RE: RIN 2590-AA53 Mortgage Assets Affected by PACE Programs; Comments on Advanced Notice of Proposed Rulemaking and EIS Scoping Comments

Dear Mr. Pollard:

Aspen Skiing Company (ASC) operates four ski areas, 15 restaurants, 18 retail stores, 3 hotels, 500+ beds of employee housing and a golf course. At our seasonal peak we employ 3,500 people. In addition, we have built a worldwide reputation over the preceding 15 years as being a leading socially responsible business. We write to you today urging FHFA to adopt reasonable underwriting standards that ensure local PACE programs are designed to maximize benefit and minimize risk.

As a business driven largely by winter recreation we are deeply concerned about the impacts of a changing climate. PACE programs are instrumental in jump starting residential energy efficiency investments. For the residential property homeowner, many of these investments simply will not happen unless the homeowner is able to spread payments out over a number of years and attach these place-based investments to the property rather to the homeowner. In doing this, the homeowner only pays for the benefits received, and is able to pay for these benefits through savings realized.

At ASC we have witnessed the benefits of energy efficiency improvements first hand. Our Snowmass Club has invested significant sums in the installation of new boilers, lighting and HVAC controls. The resulting savings have blunted the impacts of electric rate increases that would have otherwise impacted our bottom line.

ASC takes a particular interest in this rulemaking due to our support of past efforts to successfully pass local PACE authorizing legislation. Unfortunately, subsequent decisions by Fannie Mae and Freddie Mac to opt not to underwrite mortgages with PACE liens have placed our local PACE program in hibernation mode. According to a May 2011 Department of Energy study, the Boulder County PACE program created over 120 jobs, generated more than $20 million in overall economic activity and reduced consumers' energy use by more than $125,000 in the first year alone.

We strongly urge FHFA to reconsider its blanket opposition to PACE programs and to revise the Statement and the Directive. We recommend that FHFA's proposed rule provide that Fannie Mae, Freddie Mac, and any other mortgage lenders regulated by FHFA (Enterprises) be allowed to buy residential mortgages with PACE assessments that are originated by programs that conform to standards and guidelines such as those established in HR 2599 (The PACE Assessment Protection Act) to protect the interests of local governments, homeowners, mortgage lenders and Government Sponsored Enterprises (GSEs).

We believe that FHFA's action to unilaterally halt local government PACE programs on July 6, 2010 was unwarranted. This rulemaking provides an opportunity to establish a fact-based record and correct misinformation and misunderstandings, to the benefit of all stakeholders: local governments, mortgage lenders, homeowners, and our nation. We appreciate the opportunity, and urge FHFA to look for ways to accommodate these broadly beneficial programs.

Sincerely,

Matthew Hamilton
Director of Sustainability