



REALTOR®

Lawrence Board of Realtors

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September 8, 2010

Edward J. DeMarco
Acting Director
Federal Housing Finance Agency
1700 G Street, NW
4th Floor
Washington, DC 20552



Dear Mr. DeMarco:

On behalf of the Lawrence Board of REALTORS®, I am writing to express support for the Federal Housing Finance Agency's (FHFA) proposed guidance on the use of private transfer fees for the Federal Home Loan Banks (FHLBs) and the government sponsored enterprises (GSEs). We fully support the proposed guidance that FHLBs and GSEs should not purchase mortgages encumbered by private transfer fees and that such purchases are not prudent, safe or sound investments.

A private transfer fee occurs when a developer or existing homeowner adds a covenant to the deed of a new or existing home that requires all future owners of the property to pay a percentage-based fee of the selling price (normally one to two percent) to a designated third-party beneficiary. Even though the amount of the fee paid is based on the selling price of the home, the payment of the fee does not provide any material or tangible benefit to either the homeowner or the burdened property.

Once the offending provision is added to the deed, it is extremely difficult to reverse and remove this burdensome requirement from future owners of the property. In many cases, the fee is attached to the deed for up to 99 years, which means that several subsequent owners of the property would be required to pay a fee when no tangible benefit or service was rendered by the third-party beneficiary.

In our opinion, private transfer fees increase the cost of homeownership by generating revenue for developers and investors while providing absolutely no benefit to the actual owners of the property. Furthermore, they place an inappropriate and indefensible drag on the transferability of property since many potential buyers may object to being subjected to this provision.

In 2009, the Kansas Legislature passed legislation (House Bill No. 2092) to prohibit the use of private transfer fees in Kansas. For all the foregoing reasons, we believe there is a strong public policy argument in favor of extending this protection to homeowners in other states and would strongly urge you to adopt the proposed guidance.

Thank you for the opportunity to submit comments on this important matter.

Sincerely,

Steve LaRue
President
Lawrence Board of Realtors®