

From: mary traub [mtraub@nyc.rr.com]
Sent: Thursday, September 30, 2010 5:59 PM
To: !FHFA REG-COMMENTS
Subject: Guidance on Private Transfer Fee Covenants,(No. 2010-N-11)

General Counsel Pollard

The proposed Federal Housing Finance Agency (FHFA) guidance that would prohibit Fannie Mae or Freddie Mac from buying mortgages on property that have a private transfer tax fee agreement, or a "Flip Tax" as it is known in New York, would seriously disrupt the stability and efficiency of the city's housing market.

The New York City condo and co-op housing market has operated with a flip tax for some time. In one study, it was reported that more than 50 percent of the co-ops in New York City have a flip tax.

This tax has bolstered the capital reserve fund of numerous buildings thereby funding critical and necessary capital improvements. These improvements have benefited the residents of these buildings and the surrounding neighborhood.

In New York these fees are going back to the property for the benefit of the building and its occupants, not to the building developer. These fees typically fund building maintenance, the repair and replacement of building systems, and additional building wide improvements that benefit the residents. FHFA is principally concerned with the private transfer fee covenant when the project developer, or their designated third party receives the proceeds, not when the fee goes to improve the operation of the building.

We urge you to drop this current proposal which would harm New York City's housing market. I live in a small - 10 unit building - that has had a flip tax for at least 20 years, It has enabled us to keep our building in prime shape, replace the roof, a boiler, do major repairs that we would otherwise have had to borrow to complete and which would have raised the maintenance to levels that we would be unable to pay. The flip tax has saved many buildings and has helped to bring NYC buildings up to par. The city looks better because the buildings can pay for the repairs that are needed. We live a better life because the systems in our bldg work properly.

Sincerely,

Mary Traub
