

From: David Mlynarski [david.mlynarski@mapco.org]
Sent: Wednesday, October 06, 2010 2:02 PM
To: !FHFA REG-COMMENTS
Subject: Attention: "Public Comments Guidance on Private Transfer Fee Covenants (No. 2010-M-11)"

General Counsel Pollard

I am a small business owner who employs individuals who are directly tied to our building industry as well as a homeowner and taxpayer.

I am writing to urge you to REJECT the proposed guidance No. 2010-N-11 relating to private transfer fees as it is currently written.

The abusive practice of using transfer fees for purely private gain can be curtailed without disturbing the legitimate use of transfer fees for homeowner or community benefits. We can all agreeHi all,

Per last meeting at Bart Stryker office, the following items are to be provided and we have not received them:

1. Water System Calculation Report
2. Hydrology and Hydraulic Reports
3. Sewer Area Study
4. Approved Landscape Plan and Irrigation Plan
5. Approved Typical Front yard Landscape
6. Approved Fuel Modification Plans
7. Erosion Control Plan and SWPPP
8. Wall and Fence Plan
9. Striping and Signing Plans
10. Will Serve Letter
11. Sewer and Water Impact and Connection fees receipt
12. Copy of Development Agreement
13. Latest grading and design file CAD

Also I have questions on these conditions:

1. Street improvement Item 3: 5' utility easement along lot frontage I cannot find any recording info of this easement.
2. Street Improvement Item 5: 88' wide right of way Reche Canyon. We do not have a portion at the Crystal Ridge intersection.
3. Street Improvement Item 7: traffic impact mitigation per traffic report. Are we paying fair share fee? How much?
4. Water Item 4: water system shall be looped. Do we get variance not to loop the system? What is the water line through Lot 20 for?
5. Drainage Item 1: offsite drainage facilities shall be publicly dedicated easement. We have some offsite facilities that have no easement. Is city Okay?
6. Drainage Item 6: Drainage acceptance Letter from adjacent owner. Do we get the letters or city waiving it?
7. Drainage Item 7: Notify offsite owner on impact. This is done and approved by city?
8. Drainage Item 8: Reche Canyon flow need to outlet to Trap channel south of Tract 12566 thru pipe. I have not seen this plan, what we have is outlet to existing ditch next to street.
9. Bonding Item 4: Monument Deposit. Is this still in place, other bond had lapsed.
10. Fees Item 5: Traffic Signal Mitigation fees. Has this been paid?
11. Improvement Plans Item 1: We need Electrical Improvement Plans, Striping, Landscape Plans

12. Improvement Item 15: Contact all agencies, Fish and Games, etc. Do we have documentations?
13. Improvement Item 16: Environmental documents and check list. Do we have one?
14. Improvement Item 17: Electrical Load. Please provide us a copy.

that these fees should not be used to benefit a builder or developer directly but should be a benefit to the individual homeowner or community at large. It is also essential that these fees be fully disclosed and in fact California law already ensures that transfer fees here are fully disclosed to homeowner and home buyers.

It should also be noted that these private transfer fees are a benefit to homeowner and the community and are a small fraction of the fees charged by real estate agents as sales commissions. Sales commission on these transactions can be as high as six percent of the price of the property and provide no benefit to the homeowner or community.

As proposed, this guidance would have a severe negative impact on the operations of homeowners associations, environmental groups and affordable housing programs that rely on these disclosed fees for their operations. A transfer fee has a real value to a individual homeowner or community when used in specific circumstances that benefit the homeowner or community, such as use by homeowners associations (HOAs), non-profit organizations, or governmental agencies to build and maintain community enhancements or promote important community benefits such as open space, habitat and other environmental values, affordable housing, and transit improvements.

With a high percentage of mortgages (by some estimates 90%) insured or backed by Freddie Mac or Fannie Mae, this proposal would effectively preclude the use of transfer fees for homeowner and community benefits, removing a critical tool for building strong communities and dealing another blow to homeowners at a time when the markets are struggling to recover.

Approval of this guidance as written is ill-advised and should be REJECTED. The FHFA should instead adopt transfer fee standards that protect individual homeowners and community benefits while prohibiting abusive fees that are used solely for private gain. At a minimum, the comment period should be delayed and extended for a significant time to allow for the thoughtful and transparent consideration of the impacts of such a change.

The people of the State of California and our our country have been burdeoned siginificantly with the current housing and financila meltdown. No is not the time to create additional hardships for those hard working people who are dependent on the real estate indusrty for their livlihoods and thsoe of future generations.

Please act responsibly and accordingly with regards to this serious matter.

Sincerely,

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