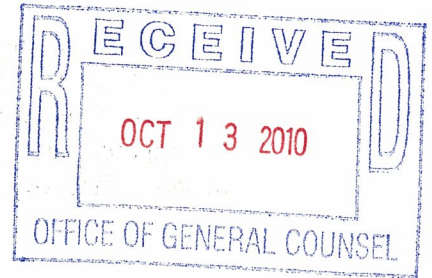




MOOSE COUNTRY, REALTORS®



October 8, 2010

Via Email [regcomments@ghga.gov](mailto:regcomments@ghga.gov) and US Mail

Alfred M. Pollard, General Counsel

Federal Housing Finance Agency

Fourth Floor

1700 G Street, NW

Washington, DC 20552

Attention: Public Comments "Guidance on Private Transfer Fee Covenants, No. 2010-N-11"

RE: Public Comments "Guidance on Private Transfer Fee Covenants, No. 2010-N-11"

Dear Mr. Pollard:

I am writing you to provide comments and feedback on the Federal Housing Finance Agency's (FHFA) draft guidance on private transfer fee covenants made available on August 10, 2010. As resident of rural Maine, a REALTOR® in the community where I live, and a member of the Maine Association of REALTORS®, I have reviewed and evaluated the recent draft Guidance issued by FHFA (the "Guidance") and am writing to you because I oppose adoption of the Guidance as written.

Like the Maine Association of REALTORS®, I acknowledge that transfer fee covenants have been mis-used by some parties as a mechanism for producing an ongoing income stream for private developers. However, transfer fee covenants are also used for a variety of beneficial, legitimate, community-minded purposes. Your Guidance does not distinguish between these two vastly different types of transfer fees.

Earlier this year, the Maine Land Use Regulation Commission, following a rigorous public process, approved a historic local project that will provide much needed economic stimulus to my community in rural Maine. As a condition of that project approval, the property owner was required to impose a transfer fee covenant on nearly 17,000 acres. The transfer fee will be used or distributed by government agencies and local non-profits to finance construction of affordable housing in the community; to enhance community recreation; and protect vulnerable local wildlife. The transfer fee directly supports community benefits in my struggling rural Maine community. Your proposed Guidance will eliminate this crucial funding source for critical local programs and amenities.

The FHFA Guidance should recognize that not all private transfer fees are alike. The Guidance should distinguish between those transfer fee covenants used to enhance community investment, or provide a public benefit from those that simply provide an annuity to private third parties. The Guidance should differentiate those transfer fee covenants which are ordered as a condition of receiving governmental approvals for a project from those which are imposed without public benefit or scrutiny.

More than a dozen states have chosen to adopt legislation regulating transfer fees. I hereby request that FHFA withdraw the proposed Guidance in its entirety and allow the state legislatures to address the issue of private transfer fee covenants as they deem appropriate. In the alternative, I hereby request that FHFA revise the proposed Guidance to exempt all existing and future transfer fees covenants which support cultural, educational, charitable, recreational, environmental, conservation or other similar activities benefitting the real property affected by the covenant or the community of which the property is a part, regardless of whether those are paid to nonprofits, or to government agencies, or other organizations which have funded such community benefits.

Respectfully,

*Joe DiAngelo*

Joe DiAngelo  
Broker/Owner  
Community Member

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