

From: Bob Tablak [bobtablak@gmail.com]
Sent: Thursday, October 14, 2010 9:45 AM
To: !FHFA REG-COMMENTS
Subject: Comment - Guidance on Private Transfer Fee Covenants

Mr. Alfred M. Pollard

General Counsel

Federal Housing Finance Agency

4th Floor

1700 G. Street North West

Washington DC 20552

RE: "Guidance on Private Transfer Fee Covenants"

Dear Mr. Pollard:

I oppose the "Guidance on Private Transfer Fee Covenants"

I believe the home owner associations, the environmental groups, the non-profit community organizations that are all beneficiaries of private transfer fees have successfully and responsibly used the fees to better the communities in which we live.

Private transfer fees represent a very secure, long term cash flow stream. This is exactly the kind of instrument that should be securitized. This is a product like bonds. Would you propose that local governments no longer create bonds to finance infrastructure in their communities? There is no reason to believe that developers will create a long term personal income stream and still be competitive in the market place. They would have to borrow and/or invest in the upfront infrastructure expense and then price the home to recoup that investment plus add a transfer fee. I think home buyers would balk at that combination.

I am a firm believer that markets need regulation. And I am a firm believer that markets are self correcting except when there is not transparency. If the FHFA is going to regulate private transfer fees, it should regulate their transparency.

I suggest the FHFA propose that Fannie Mae and Freddie Mac not purchase mortgages on properties that have private

transfer fees that are not recorded in the Office of Public Records. In other words, create a regulation that creates transparency but doesn't limit the market or economics of home building and home sales.

Finally, all of the "reasons" for the proposed guidelines look like the arguments of the National Association of Realtors (NAR). The half truths and the myopia are indicative of their position, "It's all about me." Individual realtors are good people. I've met and dealt with many in my lifetime. But the lack of well thought out positions and arguments among the realtor's monotone and frankly copied comments in the comment section of your website, demonstrates that their membership is either not interested in the topic or just following for the sake of following.

In opposition to the proposed guidance,

Robert Tablak

San Jose, CA