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Alfred M. Pollard  
General Counsel, Federal Housing Finance Agency  
Fourth Floor  
1700 G Street, NW  
Washington, DC 20552

Re: Guidance on Private Transfer Fee Covenants (No. 2010-N-11)

Dear Mr. Pollard:


We appreciate the opportunity to comment on the Federal Housing Finance Agency's (FHFA) proposed guidance on Private Transfer Fee covenants (PTFs), dated August 16, 2010. While we share FHFA's concerns with certain abusive practices, community-benefits fees that provide critical transportation infrastructure, affordable housing, and community services should not be restricted. We urge you to narrow the scope of the proposed guidance to allow for transfer fees that build strong, livable communities and to extend the comment period until January 31, 2011, to allow for a full and deliberative process.

Communities, government agencies, non-profit organizations, and developers across the country have worked together to create livable communities funded by community benefits fees. **These fees can help better connect Americans to work, shopping and other locations through transportation choices that will help reduce our dependence on oil.** They can also ensure that these communities are options for all income groups. Transportation is the second highest cost for American families and transfer fees are a tool that should be available to enable Americans to keep more dollars in their pockets while meeting critical housing needs. For example:

- In Dublin, California, the Bay Area Rapid Transit District partnered with a private developer to establish a transfer fee that funds increased light rail service for a new, mixed income community and other local residents.
- In Teton County, Wyoming, the Snake River Sporting Club Development agreed with the County to establish a transfer fee devoted to affordable and workforce housing that helps ensure that public school teachers can afford to live in the communities where they teach.
- In Boston, Massachusetts, the Boston Redevelopment Agency working with private developers has established community benefits fees on a number of their projects, helping to fund affordable housing and other redevelopment efforts.

The proposed guidance would disrupt these and other communities with community-benefits fee arrangements and take away a critical funding tool that helps build strong, diverse, livable communities.

We, therefore, reiterate our request that FHFA extend the public comment period through January 31, 2011, and revise the proposed guidance to distinguish between the abuses practices that we all seek to end, on the one hand, and community-benefits fees that support much-needed affordable housing and livable communities on the other.

Sincerely,  
  
Ann Mesnikoff  
Director, Green Transportation Campaign