

Congress of the United States
Washington, DC 20515

June 7, 2012

Honorable Shaun Donovan
Secretary
Department of Housing and Urban Development
Washington, DC 20410

Dear Secretary Donovan:

We are writing to express concerns with the Department's policies regarding FHA approval standards for condominiums. We believe that by modifying its existing condominium policies FHA can better serve this important sector of the housing market.

In order to purchase a condominium unit with FHA-insured mortgage financing, a buyer must meet FHA's borrower underwriting requirements and ensure the condominium association has been approved by FHA. Under current program rules, this two part underwriting process places significant burdens on prospective homebuyers, existing homeowners, and condominium associations alike. We strongly support the goals of ensuring the financial viability of these properties, and averting costs to American taxpayers; but we believe that some of these rules may not be justified by risk, and may eliminate options for qualified homebuyers, and further extend our nation's housing crisis.

Some of the specific rules to consider:

- **Delinquent assessments** – Condominium boards must certify that no more than 15% of units are 30 days or more delinquent in their payment of assessments. This requirement does not take into consideration the overall health of the association, which may have compensated for delinquencies by building reserves or taking other steps to ensure that delinquencies are not impacting their financial stability. Some state laws prohibit collection of delinquent assessments until a later threshold (60 or 90 days) and most association governing documents do not consider unit owners to be delinquent until 60 or 90 days. This combination of state law and traditional industry practice largely eliminates the ability for these condominiums to achieve FHA approval. Finally, FHA includes delinquencies associated with "Real Estate Owned" (REO) in the 15% of units calculation. Assessments for REO are rarely received by associations in a timely manner, which is a large obstacle to association compliance with FHA requirements.
- **Onerous certification requirements** - Applicants submitting for FHA approval must certify that the condominium association complies with all local and state laws. Even after due diligence, very few legal professionals, let alone volunteer board members, are willing to provide such certification. Furthermore, the certification contains a future reporting requirement. The penalty for false certification and failure to report (of up to 30 years in prison and a maximum of \$1 million) can be paralyzing to often volunteer-led boards.

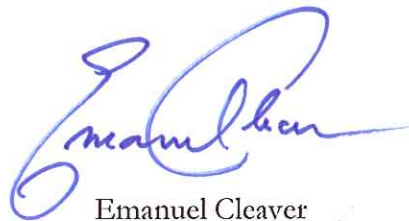
- **Owner-occupancy requirement** – FHA requires that a condominium be at least 50% owner occupied for any unit to be sold to a buyer using FHA-insured mortgage financing. The owner-occupancy limitation includes all REO used as rental property. This creates significant problems for owners wishing to sell their unit, particularly in today’s real estate climate. This has not been a requirement for the private sector when an owner is purchasing the unit as their primary residence. As all FHA purchasers are owner-occupants this requirement is likely duplicative and should be eliminated.
- **Commercial space** – FHA prohibits loans in any property that has more than 25% commercial space. This requirement is outdated and contrary to the popular “town center” model of planning that provides benefits to consumers and businesses by creating a synergy of services. It is also contrary to HUD’s policy agenda of promoting neighborhoods with a mix of residential housing, necessary services, and access to public transit.

Amending the rules for condominium approval, as suggested above, will benefit all parties in the transaction. Condominium associations will become more stable, homeowners will be able to sell their units, homebuyers will have more opportunities to purchase affordable properties, and lenders will be able to move more REO properties off their books. We urge you to revise these rules. We thank you for your consideration and look forward to your timely response.

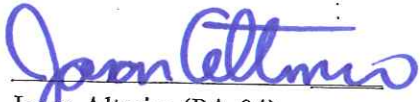
Sincerely,



Mike Fitzpatrick
Member of Congress



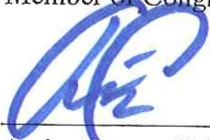
Emanuel Cleaver
Member of Congress




Jason Altmire (PA-04)
Member of Congress



Leonard Boswell (IA-03)
Member of Congress



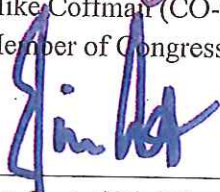
Andre Carson (IN-07)
Member of Congress



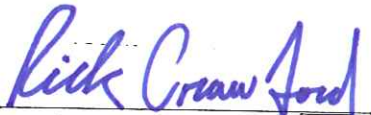
William Clay (MO-01)
Member of Congress



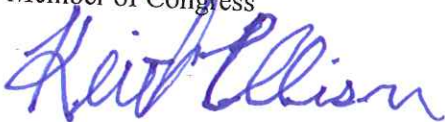
Mike Coffman (CO-06)
Member of Congress



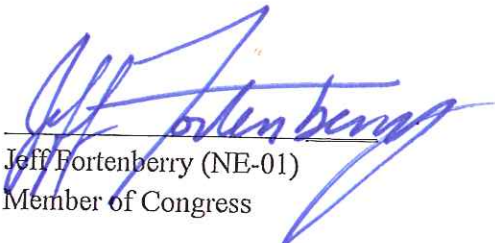
Jim Costa (CA-20)
Member of Congress



Rick Crawford (AR-01)
Member of Congress



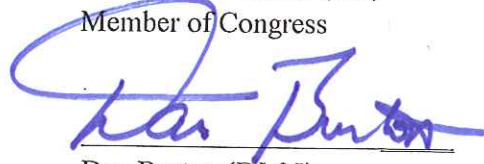
Keith Ellison (MN-05)
Member of Congress



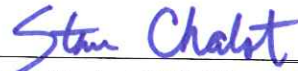
Jeff Fortenberry (NE-01)
Member of Congress



Madeleine Bordallo (GU)
Member of Congress



Dan Burton (IN-05)
Member of Congress



Steve Chabot (OH-01)
Member of Congress



Howard Coble (NC-06)
Member of Congress



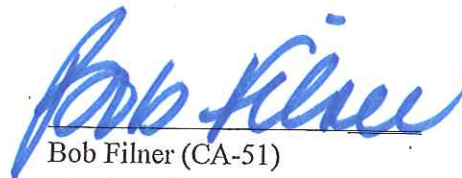
Gerald Connolly (VA-11)
Member of Congress




Chip Cravaack (MN-08)
Member of Congress



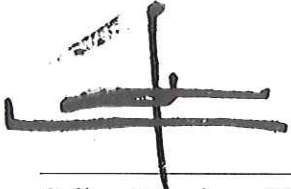
Charles Dent (PA-15)
Member of Congress



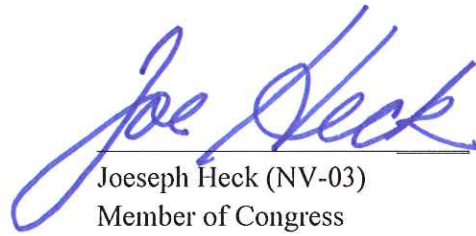
Bob Filner (CA-51)
Member of Congress



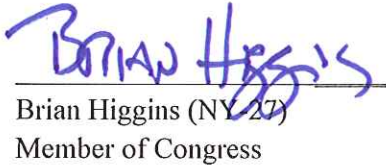
Michael Grimm (NY-13)
Member of Congress



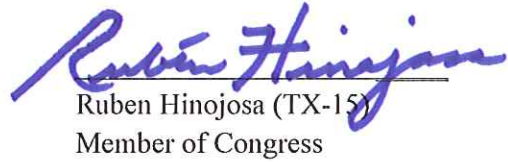
Colleen Hanabusa (HI-01)
Member of Congress



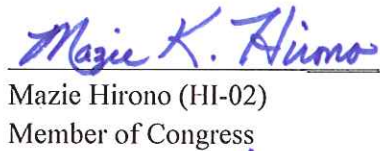
Joseph Heck (NV-03)
Member of Congress



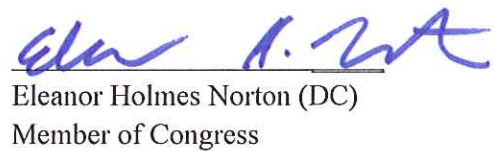
Brian Higgins (NY-27)
Member of Congress



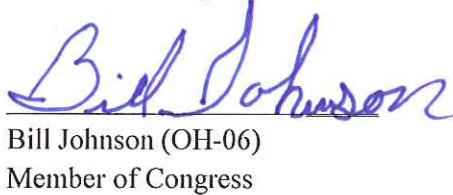
Ruben Hinojosa (TX-15)
Member of Congress



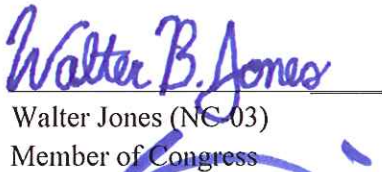
Mazie Hirono (HI-02)
Member of Congress



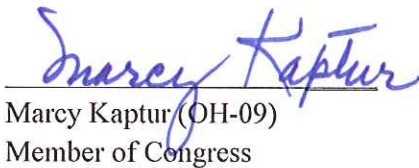
Eleanor Holmes Norton (DC)
Member of Congress



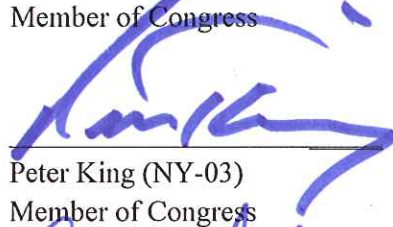
Bill Johnson (OH-06)
Member of Congress



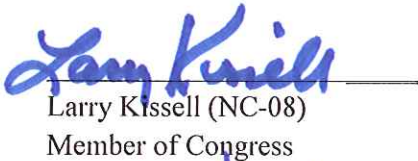
Walter Jones (NC-03)
Member of Congress



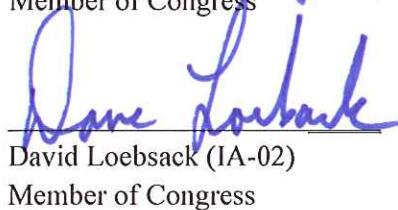
Marcy Kaptur (OH-09)
Member of Congress



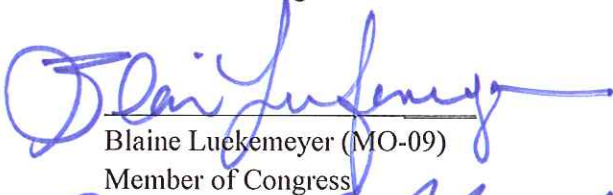
Peter King (NY-03)
Member of Congress



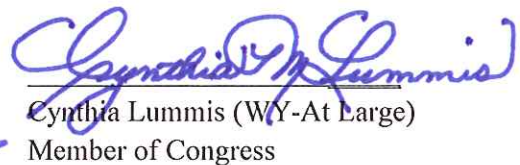
Larry Kissell (NC-08)
Member of Congress



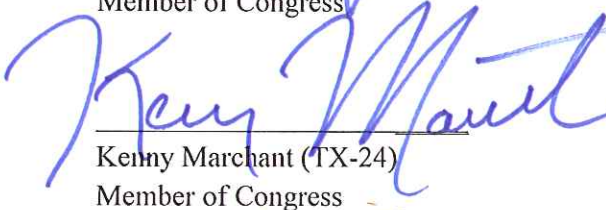
David Loebsack (IA-02)
Member of Congress



Blaine Luekemeyer (MO-09)
Member of Congress



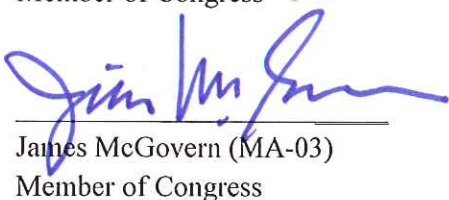
Cynthia Lummis (WY-At Large)
Member of Congress



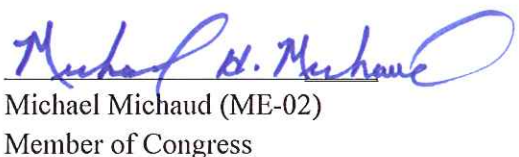
Kenny Marchant (TX-24)
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Betty McCollum (MN-04)
Member of Congress



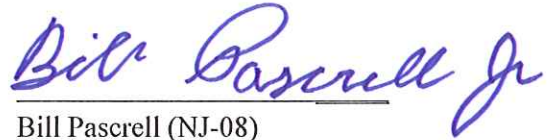
James McGovern (MA-03)
Member of Congress



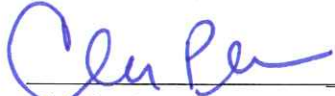
Michael Michaud (ME-02)
Member of Congress



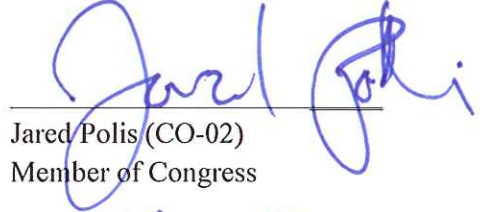
William Owens (NY-23)
Member of Congress



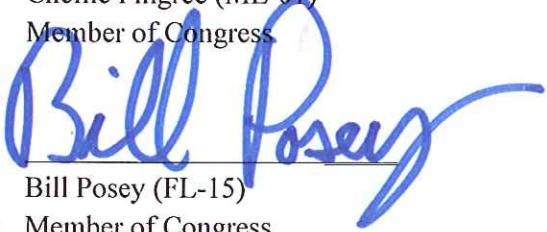
Bill Pascrell (NJ-08)
Member of Congress



Chellie Pingree (ME-01)
Member of Congress



Jared Polis (CO-02)
Member of Congress



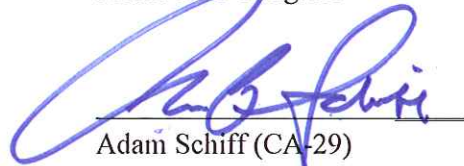
Bill Posey (FL-15)
Member of Congress



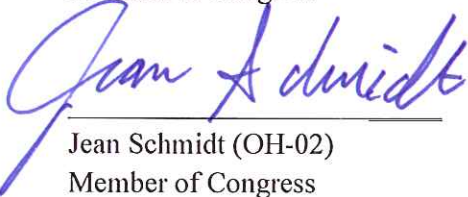
Mike Ross (AR-04)
Member of Congress



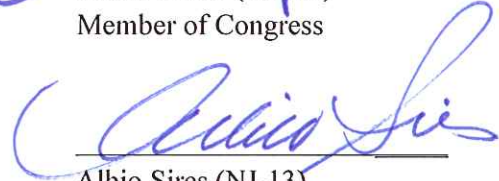
Steven Rothman (NJ-09)
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Adam Schiff (CA-29)
Member of Congress



Jean Schmidt (OH-02)
Member of Congress



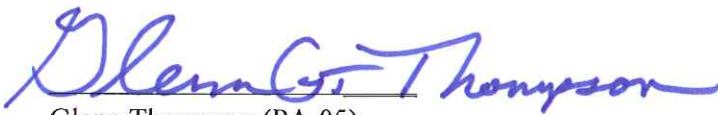
Albio Sires (NJ-13)
Member of Congress



Steve Stivers (OH-15)
Member in Congress




Mike Thompson (CA-01)
Member in Congress



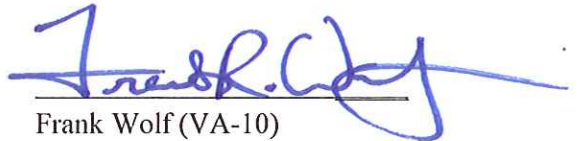
Glenn Thompson (PA-05)
Member in Congress



Patrick Tiberi (OH-12)
Member of Congress



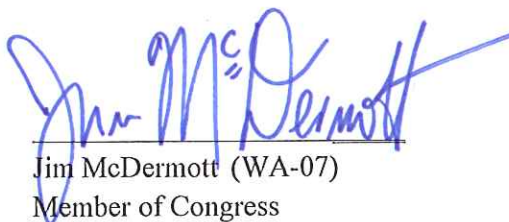
Melvin Watt (NC-12)
Member of Congress



Frank Wolf (VA-10)
Member of Congress



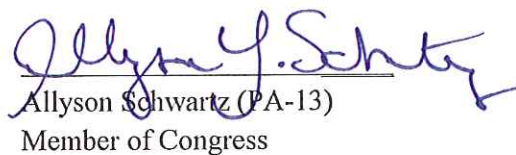
Karen Bass (CA-33)
Member of Congress



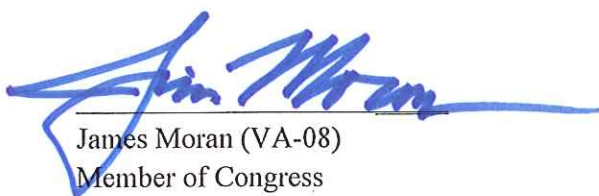
Jim McDermott (WA-07)
Member of Congress



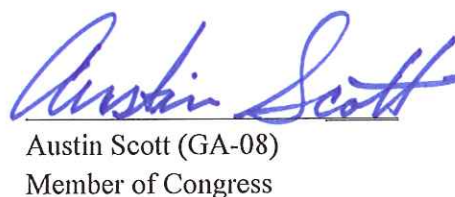
Sean P. Duffy (WI-07)
Member of Congress



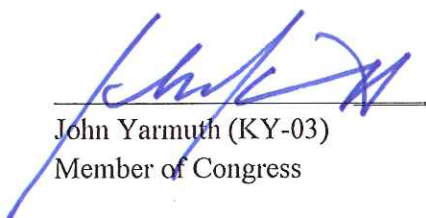
Allyson Schwartz (PA-13)
Member of Congress



James Moran (VA-08)
Member of Congress



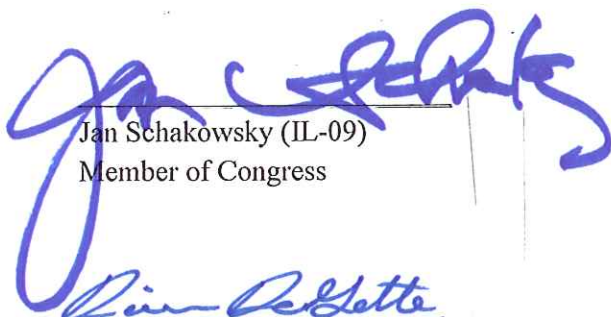
Austin Scott (GA-08)
Member of Congress



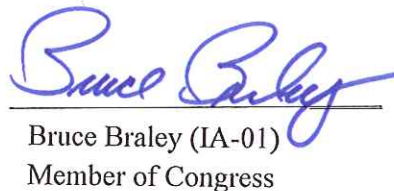
John Yarmuth (KY-03)
Member of Congress



Tim Griffin (AR-02)
Member of Congress



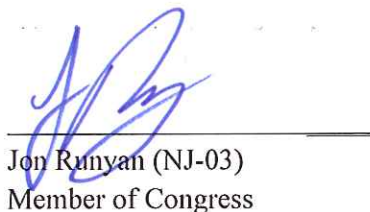
Jan Schakowsky (IL-09)
Member of Congress



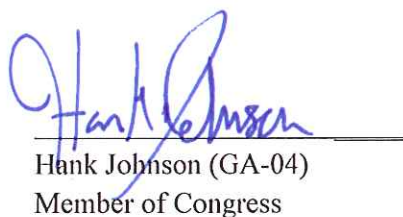
Bruce Braley (IA-01)
Member of Congress



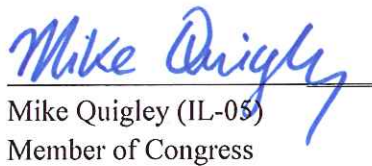
Diana DeGette (CO-01)
Member of Congress



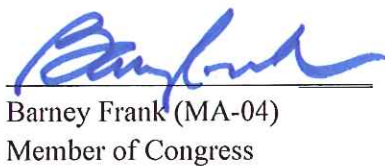
Jon Runyan (NJ-03)
Member of Congress



Hank Johnson (GA-04)
Member of Congress



Mike Quigley (IL-05)
Member of Congress



Barney Frank (MA-04)
Member of Congress