



**TOWN OF FAIRFAX
STAFF REPORT
October 1, 2014**

TO: Mayor and Town Council
FROM: Michele Gardner, Town Clerk
SUBJECT: Accept Report and Approve Letter to Congressional Delegation Urging FHFA Approval of PACE Financing of Energy and Water Efficiency Improvements

RECOMMENDATION

Accept report and approve letter to congressional delegation.

DISCUSSION

Vice Mayor Bragman requested this item be added to the agenda. Supplemental materials will be distributed prior to the Town Council meeting.

As background, the attached letter from the Federal Housing Finance Agency ("FHFA"), expresses that agency's policy on PACE encumbrances.

ATTACHMENT

FHFA Letter dated August 20, 2014



Federal Housing Finance Agency

Constitution Center

400 7th Street, S.W.

Washington, D.C. 20024

Telephone: (202) 649-3800

Facsimile: (202) 649-1071

www.fhfa.gov

August 20, 2014

Orry P. Korb
County Counsel
Office of County Counsel for County of Santa Clara
70 West Hedding Street,
East Wing, 9th Floor
San Jose, CA 95110-1770

RE: PACE Lending

Dear Mr. Korb:

The Federal Housing Finance Agency has been advised that a number of communities in California, including yours, recently announced plans to move forward with programs to approve Property Assessed Clean Energy (PACE) loans with a first lien on residential properties. Consequently, I am writing to remind you that Fannie Mae and Freddie Mac do not purchase mortgages for either home sales or re-financings that are encumbered with first lien PACE (or similar program) loans. This policy has been in place since 2010 and was reaffirmed by FHFA in 2014. The Federal Home Loan Banks, which also are regulated by FHFA, have been directed to protect their interests in the collateral they accept for advances, which could become subject to PACE encumbrances.

FHFA urges your community to inform potential borrowers of the policies of Fannie Mae and Freddie Mac and to provide them the web addresses that homeowners can utilize to determine whether their loan is currently held or guaranteed by one of the Enterprises. These websites are <https://knowyouroptions.com/loanlookup> for Fannie Mae and for Freddie Mac <https://ww3.freddiemac.com/loanlookup/?intcmp=LLT-HPstep1>.

Thank you for your attention in this matter. If you have any questions, you may contact me directly at 202 649 3050.

With all best wishes, I am

Sincerely,

Alfred M. Pollard
General Counsel