

LA11-1054

2438 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-6365

425-H SOUTH MAIN STREET  
EMPORIA, VA 23847  
(434) 634-5575

2903 BOULEVARD, SUITE B  
COLONIAL HEIGHTS, VA 23834  
(804) 526-4969

505 INDEPENDENCE PARKWAY  
LAKE CENTER II—SUITE 104  
CHESAPEAKE, VA 23320  
(757) 382-0080



**COMMITTEES:  
ARMED SERVICES**

SUBCOMMITTEE ON  
READINESS - RANKING MEMBER

SUBCOMMITTEE ON  
SEAPOWER AND EXPEDITIONARY FORCES

**JUDICIARY**

SUBCOMMITTEE ON CRIME, TERRORISM,  
AND HOMELAND SECURITY

SUBCOMMITTEE ON  
COMMERCIAL AND ADMINISTRATIVE LAW

**J. Randy Forbes**  
**United States Congress**  
**4th District, Virginia**

July 22, 2011

Honorable Timothy F. Geithner  
Secretary  
United States Department of the Treasury  
1500 Pennsylvania Ave. NW  
Washington, DC 20220

Honorable Shaun L. S. Donovan  
Secretary  
United States Department of  
Housing & Urban Development  
451 7th Street, SW  
Washington, DC 20410

Honorable Ben S. Bernanke  
Chairman  
Board of Governors of the  
Federal Reserve System  
20th & Constitution Ave., NW  
Washington, DC 20551

Honorable Sheila C. Bair  
Chairman  
Federal Deposit Insurance Corp.  
550 17th Street, NW  
Washington, DC 20429

Mr. John E. Bowman  
Acting Director  
Office of Thrift Supervision  
1700 G Street, NW  
Washington, DC 20552

Honorable Mary L. Schapiro  
Chairman  
Securities and Exchange  
Commission  
100 F Street, NE  
Washington, DC 20549

Mr. John G. Walsh  
Acting Comptroller  
Office of the Comptroller  
of the Currency  
250 E Street, SW  
Washington, DC 20219

Mr. Edward J. DeMarco  
Acting Director  
Federal Housing Finance Agency  
1700 G Street, NW  
Washington, DC 20552

Ladies and Gentlemen:

As our nation continues on its economic recovery I write with grave concern that the proposed rulemaking for the regulations to implement a risk retention exemption - the qualified residential mortgage (QRM) - for the Dodd-Frank Act will be overly burdensome to average American households. As proposed, the rule would have a severely negative impact on the ability of families in my home state of Virginia to be able to realize the dream of homeownership—an undeniable piece of the American Dream. Your proposal will ultimately reduce the availability of affordable mortgage capital for these otherwise creditworthy consumers and I urge reconsideration on this matter.

The legislation requires the QRM definition to be based on “underwriting and product features that historical loan performance data indicate result in a lower risk of default,” and provides clear guidance on the types of factors to be used, including documentation of income and assets; debt-to-income ratios and residual income standards; product features that mitigate payment shock; restrictions or prohibitions on non-traditional features like negative amortization, balloon payments, and prepayment penalties; and mortgage insurance on low down payments. This guidance is cognizant of the fact that weak underwriting and toxic mortgages are the main cause of mortgage defaults, not well-underwritten mortgages with affordable down payments.

The proposed regulation goes far beyond the intent and language of the statute by imposing onerous down payment restrictions that will place the ability to purchase a home out of reach for many Virginia families. These restrictions unduly narrow the QRM definition and would unnecessarily increase consumer costs and reduce access to affordable credit. The proposed regulation also establishes overly narrow debt to income guidelines that would further reduce access to credit for a broad range of Americans. Other overly proscriptive elements of the proposal regarding credit history are best left in the context of establishing broad underwriting standards and principles.

I believe that the extensive additional requirements for QRMs in the proposed rule swing the pendulum too far and will have substantial and detrimental consequences to the economic health of my home state of Virginia. As a result, many of my constituents will either be forced to pay much higher rates and fees for safe loans that are deemed “unacceptable” by the extremely narrow QRM criteria, or in many cases not be able to get a mortgage at all. Neither situation is sufficient for the sustained viability of Virginia households, and our nation’s economy.

Sincerely,

A handwritten signature in black ink that reads "J. Randy Forbes". The signature is written in a cursive, flowing style.

J. RANDY FORBES  
Member of Congress