

History of

# Federal FOR 2017 Involvement

*in Community Associations*



**2017**  
**Community Association**  
**Fact Book *Part Three***

**Chronological History of**  
**Federal Involvement in**  
**Community Associations**



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## Sources

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CAI: Common Ground magazine

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CAI Press

California Bureau of Real Estate

California Law Revision Commission

Colorado Department of Regulatory Agencies

Connecticut Judicial Branch Law Libraries

Department of Agriculture – Rural Development

Department of Veterans Affairs (VA)

Federal Emergency Management Agency (FEMA)

Federal Home Loan Mortgage Corporation (Freddie

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Federal Housing Administration (FHA)

Federal National Mortgage Association (Fannie Mae)

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National Association of Realtors (NAR)

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Urban Land Institute

Virginia Common Interest Community Board

**Notes on Community Association Data:** The *Fact Book* is based on information from seven data sources grouped in two categories:

- Public Data: (1) Census data, (2) American Housing Survey (AHS), (3) State data, (4) Related housing industries data such as that from the National Association of Realtors (NAR) and National Association of Homebuilders (NAHB), and
- FCAR and CAI Data: (5) FCAR data accumulated over time, (6) CAI data, also accumulated over time, and (7) Data provided by CAI members.

The public data is largely from the Census and the American Community Survey (ACS). Some public association data is available from individual states. This state data, also, may have a lag time from collection to publication. Usually, both the few states with association data and the ACS data lack specificity in critically identifying the three basic types of associations: condominiums, cooperatives and planned communities. Similarly, the public data may count certain association units, but not the entities (the associations) themselves. From a timing viewpoint, FCAR, CAI data and CAI member data are more readily available. Because of the timing issue, the *Fact Book* data generally may be one year ahead of public data.

## Part Three: Chronological History - Federal Involvement in Community Associations

### Introduction

Community associations are a significant part of U.S. Housing, see the [Community Association Fact Book 2017](#). Despite their apparent newness, community associations – condominiums, cooperatives and planned communities – have a long history in the U.S. Some of that history is covered in the aforementioned *Fact Book 2017*. The actual development of associations whether by enabling statute or conventional real estate transaction – this occurs at the state level.

This Part Three, however, presents additional association history by including dates and information about significant publications and events as well as important organizations involved in the development of U.S. real estate including associations. The cites and dates below therefore are meant to provide a general context in which associations have been developed with the primary focus on federal involvement.

This involvement has ranged from hearings, to studies and to advisories and to certain legislation. Further, federal activities have been largely indirect rather than direct. There are only five federal statutes that deal directly with associations and/or their members and that have a discernible impact:

- Federal taxation which effects all associations,
- Federal flood Insurance which impacts both associations and their members if the association is in a Special Flood Hazard Areas,
- FHA/VA mortgage insurance/loan guarantee programs that are still responsible for around 20% - 25% of all home mortgage closings,
- Federal legislation that establishes a rebuttable presumption of unconscionability in certain long-term association contracts and the
- U.S. Census which counts and measures certain attributes of individuals in condominium associations, but does not count or measure the three basic types associations themselves.

This Chronological History is in four Parts.

**Part One: Housing Data – Selected Resources from an Historical Perspective**

**Part Two: Company Towns**

**Part Three: Selected Chronology**

**Part Four: Community Associations & Housing - Selected Online Papers**

The online Papers stop at the end of 1970s. From the 1980s on the number of papers and law review articles on community associations steadily increased.

## **Part Three: Chronological History - Federal Involvement in Community Associations**

### **Part One: Housing Data – Selected Resources from an Historical Perspective**

[Historical Statistics of the United State Colonial Times to 1970, Part 1 & Part 2](#)

[Congressional Research Service, A Chronology of Housing Legislation and Selected Executive Actions, 1892 - 2003](#)

[200 Years of Census Taking: Population and Housing Questions, 1790 - 1990](#)

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[HUD Interactive Timeline From 1930](#) and [A History of HUD](#)

## **Part Three: Chronological History - Federal Involvement in Community Associations**

[32 Years of Housing Data – American Housing Survey, 1973 - 2005](#)

[The Impact of the Federal Government on Real Estate Finance in the United States, 1950, NBER, Miles Colean. See Chapter 1, Background of Governmental Intervention](#)

[Condominium Homeownership in the United States: A Selected Annotated Bibliography of Legal Sources](#)

[160 housing related programs](#) in various federal departments and follow-up [Report on Housing Assistance by Agency](#), not all involving associations. See also [HUD PD&R Research](#)

## Part Three: Chronological History - Federal Involvement in Community Associations

### Part Two: Company Towns

This Chronological History tracks the evolving interest of professional organizations, builders and the federal government in housing including community association housing. Prior to the first date that is cited in the Chronology, however, the 19<sup>th</sup> century saw the creation of what are now termed “historic suburbs.” Today, these types of Suburbs take the form of master planned communities, see [Part Seven of the Community Association Fact Book](#). A few of these Historic Suburbs are mentioned in this Chronology.

There is one variant of “Historic Suburbs” and large-scale developments (in a contemporary sense) and that is the “Company Town” which only will be mentioned with just one example, Pullman Illinois, see below after the references.

For more references on Company Towns see:

[Company Towns: 1880s - 1935](#)

[Building the Workingman's Paradise: The Design of American Company Towns](#)

[The Company Town](#)

[In Good Company: Company Towns Across the U.S.](#)

[Company Towns – Oregon](#)

[Company Towns in the Americas](#)

### Part Three: Chronological History - Federal Involvement in Community Associations

Returning to the one example: [Pullman](#), Illinois. See [Ely, Richard T. "Pullman: A Social Study." \*Harper's Magazine\* 70 \(February 1885\): 452-466](#)

“In looking over all the facts of the case the conclusion is unavoidable that the idea of Pullman is un-American. It is a nearer approach than anything the writer has seen to what appears to be the ideal of the great German Chancellor. It is not the American ideal. It is benevolent, well wishing feudalism, which desires the happiness of the people, but in such way as shall please the authorities. One can not avoid thinking of the late Czar of Russia, Alexander II., to whom the welfare of his subjects was truly a matter of concern. He wanted them to be happy, but desired their happiness to proceed from him, in whom everything should centre. Serfs were freed, the knout abolished, and no insuperable objection raised to reforms, until his people showed a decided determination to take matters in their own hands, to govern themselves, and to seek their own happiness in their own way. Then he stopped the work of reform, and considered himself deeply aggrieved. The loss of authority and distrust of the people is the fatal weakness of many systems of reform and well-intentioned projects of benevolence. Pullman ought to be appreciated, and high honor is due Mr. George M. Pullman. He has at least attempted to do something lasting and far-reaching, and the benefits he has actually conferred upon a laboring population of eight thousand souls testify that his heart must be warm toward his poorer brother. Mr. Pullman has partially solved one of the great problems of the immediate present, which is a diffusion of the benefits of concentrated wealth among wealth-creators.”

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## Part Three: Chronological History - Federal Involvement in Community Associations

### Part Three: Selected Chronology

**1890 – [Real Estate Mortgages](#)** “The Superintendent of Census was reluctant to enter upon such an extensive and cost investigation [of mortgages] as that of recorded debt upon the strength of suggestions offered by such investigations as had already been made. It was feared that the people regarded their debt, although evidenced by public records, as a part of their private affairs, and they would resent any inquiries in regard to it.”

**1908 – [National Association of Realtors \(NAR\)](#)** The National Association of REALTORS® was founded as the National Association of Real Estate Exchanges on May 12, 1908 in Chicago. With 120 founding members, 19 Boards, and one state association, the National Association of Real Estate Exchanges' objective was "to unite the real estate men of America for the purpose of effectively exerting a combined influence upon matters affecting real estate interests."

**1919 – [Report of the U.S. Housing Corporation, Vol. II, Houses, Site Planning Utilities](#),** “The shortage of housing which the United States Housing Corporation was created to meet as a war-time emergency was not a new thing arising wholly by reason of the war. The war simply localized and aggravated a widespread, chronic, and steadily growing trouble of peace times, which still persists, and which the country must now face and deal with in general ways better adapted to the nature of American institutions than were some of the arbitrary methods of local relief adopted under the pressure of war.”

**1920 – Richard T. Ely** founds the [Institute for Research in Land Economics and Public Utilities](#), an organization that emphasized “land economics” and planning that would eventually produce Helen Monchow’s influential 1928 book on deed restrictions and also serve to provide some of the intellectual underpinning for Hoover’s *The President’s Conference on Home Building and Home Ownership (1931/1932)*.

**1920 – [Housing by Employers in the United States](#)** ““Employers housing” is the term used to describe housing work done by employers in the interest of their employees. It is synonymous with the term “company housing.” The housing work must be incidental to the main business of the employer. The employer’s interest in the housing work must be that of an employer, and not primarily that of a real estate operator or builder.... Altogether 213 companies were scheduled [for the Survey], which operated 423 different establishments, employing 462,991 men, of whom 160,645, or 34.4 percent, were accommodated in company houses.”

### Part Three: Chronological History - Federal Involvement in Community Associations

1920/23 – [Mortgages on Homes](#) “What does a mortgage on a home signify?....We have no recent statistics to indicate the cases which the mortgage indebtedness represents prosperity and in those in which it represents a decline in prosperity or even failure....It is frequently said that people are mortgaging their homes to buy automobiles....We have no data on this subject.” [Foreword by Richard T. Ely]

CENSUS YEAR.	HOMES NOT ON FARMS.						
	Total.	Rented.	Owned.				Tenure unknown.
			Total.	Free.	Mortgaged.	Unknown.	
1920....	17,600,472	10,188,111	7,041,283	4,131,878	2,735,668	173,737	371,078
1910....	14,131,945	8,426,664	5,245,380	3,408,854	1,701,062	135,464	459,901
1900....	10,488,814	6,351,836	3,615,678	2,338,533	1,101,802	175,343	21,300
1890 <sup>1</sup> ...	7,922,973	4,999,302	2,923,671	2,113,738	809,933	.....	.....

<sup>1</sup> Figures include distribution of unknown, not shown separately for 1890.

TABLE 5.—PROPORTION OF OWNED AND RENTED HOMES, BY SECTIONS AND GEOGRAPHIC DIVISIONS: 1890-1920.

SECTION AND DIVISION.	PER CENT OF ALL HOMES NOT ON FARMS. <sup>1</sup>							
	1920		1910		1900		1890	
	Rent-ed.	Own-ed.	Rent-ed.	Own-ed.	Rent-ed.	Own-ed.	Rent-ed.	Own-ed.
UNITED STATES.....	59.1	40.9	61.6	38.4	63.8	36.2	63.1	36.9
THE NORTH.....	58.6	41.4	61.2	38.8	62.4	37.6	60.9	39.1
New England.....	64.6	35.4	67.4	32.6	66.2	33.8	64.9	35.1
Middle Atlantic.....	66.3	33.7	69.4	30.6	70.1	29.9	67.8	32.2
East North Central.....	52.3	47.7	54.2	45.8	55.5	44.5	53.3	46.7
West North Central.....	47.8	52.2	49.6	50.4	53.4	46.6	54.5	45.5
THE SOUTH.....	62.3	37.7	66.2	33.8	70.4	29.6	72.0	28.0
South Atlantic.....	63.3	36.7	68.5	31.5	72.7	27.3	73.1	26.9
East South Central.....	64.4	35.6	67.1	32.9	71.4	28.6	72.5	27.5
West South Central.....	59.1	40.9	61.6	38.4	64.8	35.2	68.4	31.6
THE WEST.....	56.1	43.9	53.3	46.7	57.1	42.9	55.9	44.1
Mountain.....	55.1	44.9	53.2	46.8	52.9	47.1	50.9	49.1
Pacific.....	56.6	43.4	53.3	46.7	60.0	40.0	59.2	40.8

<sup>1</sup> Includes distribution of unknown as to tenure.

## Part Three: Chronological History - Federal Involvement in Community Associations

TABLE 6.—PROPORTION OF FREE AND MORTGAGED HOMES, BY SECTIONS AND GEOGRAPHIC DIVISIONS: 1890-1920.

SECTION AND DIVISION.	PER CENT OF OWNED HOMES NOT ON FARMS. <sup>1</sup>							
	1920		1910		1900		1890	
	Free.	Mortgaged.	Free.	Mortgaged.	Free.	Mortgaged.	Free.	Mortgaged.
UNITED STATES.....	60.3	39.7	66.9	33.1	68.3	31.7	72.3	27.7
THE NORTH.....	56.0	44.0	62.7	37.3	63.7	36.3	67.1	32.9
New England.....	48.3	51.7	55.8	44.2	57.4	42.6	63.5	36.5
Middle Atlantic.....	48.7	51.3	55.1	44.9	57.7	42.3	63.8	36.2
East North Central.....	58.4	41.6	66.0	34.0	66.5	33.5	70.7	29.3
West North Central.....	67.6	32.4	72.3	27.7	72.9	27.1	68.1	31.9
THE SOUTH.....	73.2	26.8	78.9	21.1	81.6	18.4	91.6	8.4
South Atlantic.....	70.7	29.3	77.1	22.9	76.8	23.2	87.8	12.2
East South Central.....	77.3	22.7	80.0	20.0	82.9	17.1	94.7	5.3
West South Central.....	74.0	26.0	80.7	19.3	86.3	13.7	95.7	4.3
THE WEST.....	64.0	36.0	71.4	28.6	81.1	18.9	82.0	18.0
Mountain.....	70.5	29.5	80.1	19.9	86.6	13.4	88.4	11.6
Pacific.....	61.1	38.9	66.7	33.3	76.8	23.2	77.0	23.0

<sup>1</sup>Includes distribution of unknown as to tenure and as to encumbrance.

### 1928 – [The Use of Deed Restrictions in Subdivision Development](#) by Helen C.

**Monchow**, “The field of public control of land uses is a comparatively new activity in this country....But not until about 55 years ago did a development appear which may be said to be the forerunner of the modern highly restricted subdivision. At Riverside, Illinois, was developed a community which used the device of control by deed restrictions in the modern sense.” See [Riverside Illinois](#). See [National Register – Historic Suburbs](#), many began like Riverside. Monchow’s book was the first systematic look at deed restrictions as being an important element subdivision development. In many respects, community associations through the subdivision process are another extension of land development that began very early in this country’s history. See the *Fact Book 2016*.

### 1930 – [Census](#)

**Note:** “The 1940 census was the first to include a separate questionnaire on the condition of the nation’s housing stock. Unlike on the general population questionnaire, enumerators were required to check one of a series of options for each question, rather than write in a response. Organized by column number (and response options), enumerators collected the following information.....”

**Part Three: Chronological History - Federal Involvement in Community Associations**

**TABLE 41.—FAMILIES HAVING RADIO SET, IN URBAN AND RURAL AREAS, BY DIVISIONS AND STATES: 1930**



[Per cent not shown where base is less than 100]

DIVISION AND STATE	FAMILIES HAVING RADIO SET						ALL FARM FAMILIES <sup>1</sup>		
	Urban		Rural-farm		Rural-nonfarm		Total number	Having radio set	
	Number	Per cent	Number	Per cent	Number	Per cent		Number	Per cent
United States.....	8, 682, 176	50. 0	1, 371, 073	20. 8	1, 995, 513	33. 7	6, 668, 681	1, 399, 495	21. 0

[Dwellings occupied by private families only, omitting the small number of institutions and other quasi-family groups for which data are presented in Table 39]

DIVISION AND STATE	TOTAL NUMBER		1-family dwellings	2-family dwellings	3-OR-MORE-FAMILY DWELLINGS		PER CENT OF TOTAL DWELLINGS			PER CENT OF TOTAL FAMILIES		
	Dwellings	Families			Dwellings	Families	1-family	2-family	3-or-more-family	1-family	2-family	3-or-more-family
United States.....	25,204,976	29,904,663	22,833,110	1,728,087	643, 779	3, 615, 379	90. 6	6. 9	2. 6	76. 4	11. 6	12. 1

**1930/1944 – [The Veterans Administration](#)** was created in 1930. From a housing perspective, the Department of Veterans Affairs is better known for the GI Bill of 1944, which is “said to have had more impact on the American way of life than any law since the Homestead Act of 1862.

**1931/1932 – President Hoover’s [Conference on Home Building and Home Ownership](#)** was designed to gather substantial information about housing. See Chapter 1 that includes a discussion of subdivision regulations. “The decisive step in the transition of land from purely rural or agricultural uses to urban uses is that of the subdivision of acreage land into urban building lots. The quality of life – that is, the general healthfulness and decencies of life of the people is as dependent upon the way the subdivision is laid out and upon the sanitary and other utilities installed in it as upon any other factor.”

## Part Three: Chronological History - Federal Involvement in Community Associations

**1931 – [Recent Trends in American Housing](#), Edith Elmer Wood**, “The crux of the housing problem is economic. Under the ordinary laws of supply and demand, it is unsoluble...The estimate that a third of our people are badly housed was arrived at by careful calculation...There has been a slow, but steady decrease in home ownership in the United States for some decades, and a slow, but steady increase in the proportion of mortgaged homes. The 1930 figures are not yet available.”

	Percent of Total Homes		Percent of Owned Homes	
	Rented	Owned	Free	Encumbered
1890	52.2	47.8	72.0	28.0
1900	53.9	46.1	68.7	31.3
1910	54.2	45.8	67.2	32.8
1920	54.4	45.6	61.7	38.3

### **1933 – [Home Owners Loan Corporation](#)**

[[Quoting](#) from a commentary]

Pursuant to his recommendation, an Act of Congress approved June 13, 1933, created the Home Owners' Loan Corporation to bring direct relief to home owners. Its principal purpose is to refinance mortgages of urban home owners faced with foreclosure.

### **1933 – [First Annual Report of the Federal Home Loan Bank Board Covering the Operations of the Federal Home Loan Banks, The Home Owners' Loan Corporation and Federal Savings and Loan Promotion Activities as of December 31, 1933](#)**

**1934 – [FHA](#)** was created and “provides mortgage insurance on loans made by FHA-approved lenders throughout the United States and its territories. FHA insures mortgages on single family and multifamily homes including manufactured homes and hospitals. It is the largest insurer of mortgages in the world, insuring over 34 million properties since its inception in 1934.”

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1934 – FIRST ANNUAL REPORT .- OF THE FEDERAL HOUSING ADMINISTRATION FOR THE PERIOD COMMENCING WITH THE APPROVAL OF THE ACT ON JUNE 27, 1934, AND ENDING DECEMBER 31, 1934

#### GENERAL STATEMENT

The Federal Housing Administration is charged with the duty of encouraging improvement in housing standards and conditions by making improved credit facilities available to the owners and prospective owners of homes and other property. In accordance with the National Housing Act, it extends Government support by means of credit insurance covering private credit transactions. Hence, in achieving the desired results, chief reliance is placed upon private capital and initiative.

### 1935 – SECOND ANNUAL REPORT OF THE FEDERAL HOUSING ADMINISTRATION FOR THE YEAR ENDING DECEMBER 31, 1935

The modernization credit-insurance plan of the Federal Housing Administration, during the early months of 1935, was already an effective means of expediting recovery in the building and allied industries, one of the purposes of the National Housing Act. It became an increasingly powerful stimulus to industry during the year. During the last 6 months modernization and repair notes insured under the plan averaged over \$27,000,000 per month, four times the average amount during the latter months of 1934 when the plan was in effect.

### 1935 – Executive Order 7027 Establishing the Resettlement Administration

"I hereby prescribe the following functions and duties of the said Resettlement Administration to be exercised and performed by the Administrator thereof:

(a) To administer approved projects involving resettlement of destitute or low-income families from rural and urban areas, including the establishment, maintenance, and operation, in such connection, of communities in rural and suburban areas.

(b) To initiate and administer a program of approved projects with respect to soil erosion, stream pollution, seacoast erosion, reforestation, forestation, and flood control.

(c) To make loans as authorized under the said Emergency Relief Appropriation Act of 1935, to finance, in whole or in part, the purchase of farm lands and necessary equipment by farmers, farm tenants, croppers or farm laborers."

## Part Three: Chronological History - Federal Involvement in Community Associations

**1936 – [Urban Land Institute \(ULI\)](#)** The National Real Estate Foundation for Practical Research and Education—the predecessor to the Urban Land Institute—is chartered in Illinois, with Walter S. Schmidt as its first president. The name was changed in 1939 to ULI. The model is that of a real estate college—a school of urbiculture—that could stand as an objective and recognized source of research and education, governed by a board of real estate professionals. In 1947, ULI published [The Community Builders Handbook](#) to facilitate larger more integrated residential development.

### **1936 – THIRD ANNUAL REPORT I OF THE & 4 FEDERAL HOUSING ADMINISTRATION FOR THE YEAR ENDING DECEMBER 31, 1936**

The entire program of the Federal Housing Administration, it is estimated, has created the equivalent of at least 1 year's work for 2,000,000 men. In many localities, where formerly there was much unemployment among building workers, shortages of skilled labor are now being reported.

### **1937 – FOURTH ANNUAL REPORT OF THE FEDERAL HOUSING ADMINISTRATION FOR THE YEAR ENDING DECEMBER 31, 1937**

The 1938 amendments gave immediate impetus to the home-mortgage insurance program. During March and April, the first 2 full months of operations under the new legislation, home mortgages submitted by lending institutions to our field insuring offices increased approximately 40 percent over the corresponding months of 1937. These months represented the peak season of building for the year 1937. May in that year represented a drop of 23 percent under April. However in May 1938, mortgages selected for examination and appraisal show no decline from the March and April weekly averages, and are running more than 60 percent higher than last year at the same time.

### **1937 – Wagner-Stegall Act**

“AN ACT To provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the eradication of slums, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes.”

### **1937 – United States Housing Authority**

**Note:** The United States Housing Authority was created in the Wagner-Stegall Act also known as the [National Housing Act of 1937](#).

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1938 – [FIFTH ANNUAL REPORT OF THE Federal Housing Administration](#) [STEWART MCDONALD, Administrator FOR THE YEAR ENDING DECEMBER 31, 1938](#)

The sharp rise in these credit-insurance activities was largely instrumental in the vigorous revival in the residential construction industry which was one of the earliest and strongest forces acting for recovery in business and employment from the recession in late 1937 and early 1938.

Residential building was more active than in any other year since 1929, with an estimated total of 347,000 dwelling units commenced, of which 262,000 were in one-family structures. This volume of building was at a rate more than sufficient to house a year's increase in population and also to replace houses destroyed and torn down. It is estimated that the dwellings built or improved with loans insured by this Administration since it began operations provide quarters for at least 7,500,000 persons.

#### Note: [Homeownership Rates by State from 1900 - 2000](#)

	2000	1990	1980	1970	1960	1950	1940	1930	1920	1910	1900
United States	66.2%	64.2%	64.4%	62.9%	61.9%	55.0%	43.6%	47.8%	45.6%	45.9%	46.5%

1938 --- [Survey of Federal Legislation Affecting Private Home Financing Since 1932](#), E. S. Wallace, 1938 “These developments focused attention on certain basic defects which had long existed in this portion of the credit system. The most important of these defects may be listed as follows: (1) the instability of real estate values, resulting from population movements and enhanced by the flow of speculative funds into and out of the real estate market, which has caused lenders to restrict their first mortgage loans to rather low percentages of appraised property values; (2) the unsatisfactory, costly, and frequently illegal system of second and third mortgages, resulting from the fact that many families attempting home ownership have not been able to provide from their own funds the difference between the amount of the first mortgage, thus restricted, and the cost of the home; (3) inefficient methods of appraisal ....” [A total of seven defects are listed.]

1938 --- [Fannie Mae](#) was created according to its Charter, as amended through 2008, to:

- (1) provide stability in the secondary market for residential mortgages;
- (2) respond appropriately to the private capital market;
- (3) provide ongoing assistance to the secondary market for residential mortgages (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities) by increasing the liquidity of mortgage

### **Part Three: Chronological History - Federal Involvement in Community Associations**

- (4) investments and improving the distribution of investment capital available for residential mortgage financing;
- (5) promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing; and 12 U.S.C. 1716
- (6) manage and liquidate federally owned mortgage portfolios in an orderly manner, with a minimum of adverse effect upon the residential mortgage market and minimum loss to the Federal Government.

Fannie Mae purchases mortgages, including for homes in community associations, from approved lenders according to underwriting standards in a [Selling Guide](#).

**Note on Fannie Mae, Freddie Mac and Ginnie Mae:** It will be helpful to briefly view all three entities right now. Over the course of several years, these entities were created underwent several changes.

- 1954, Fannie Mae went from being a government agency to becoming a public-private mixed ownership entity often referred to as a Government Sponsored Enterprise (GSE, or “Enterprise”).
- 1968, Fannie Mae was reorganized as a for-profit shareholder owned corporation that was removed from the federal budget and funded itself through the stock and bond markets.
- 1968, HUD was given regulatory authority over Fannie Mae.
- 1968, Ginnie Mae was created to purchase mortgage debt from FHA, VA and other federal entities. Ginnie Mae securities are the only MBS (mortgage backed securities) backed by the full faith and credit of the U.S. government.
- 1970, Freddie Mac is created to help thrifts (S&Ls) to manage interest rate risk.
- 1989, the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) placed Freddie Mac on the same footing as Fannie Mae, as a GSE.
- 1992, the Office of Federal Housing Oversight (OFEO) was given certain regulatory authority over both Fannie Mae and Freddie Mac.
- 2008, the Housing and Economic Recovery Act created the Federal Housing Finance Agency (FHFA).
- 2008, Fannie Mae and Freddie Mac are placed in conservatorship by the FHFA where both remain as of this Chronological History.
- See also [Federal Housing Finance Agency Timeline](#)

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1938 – [The 1938 Book of Small Houses, Chapter on The Builder by J.C. Nichols](#)

Recent years have produced much thought on the duration of restrictions. Farseeing operators are providing self-perpetuating restrictions assuring their renewal from period to period so long as the majority of home owners does not vote to change or abandon them at the end of a given time. There is a current realization among home builders that protection must go far beyond mere municipal zoning, is indeed a fundamental in insuring quality.

**Note:** [Jesse Clyde Nichols](#) (1880 – 1950) was the developer of the Country Club District in Kansas City Missouri. Nichols help create the notion of a large scale planned community. See Worley, [J.C. Nichols and the Shaping of Kansas City – Innovation in Planned Residential Communities](#) (1999) and Weiss, [The Rise of the American Real Estate Industry and Urban Land Planning](#) (1987)

### 1939 – [STATE HOUSING SUMMARIES AND DECISIONS](#)

In the course of his address before a section of the American Bar Association at its annual meeting held at Cleveland in July 1938, Mr. Leon H. Keyserling, Deputy Administrator and General Counsel of the United States Housing Authority, pointed out that "an increasing number of decisions in State courts are sustaining the validity and powers of local housing authorities. These local authorities, modeled in some respects after the New York Port Authority and other municipal authorities, are the real spear-heads of public housing. They constitute one of the most significant developments in recent law, and will play a major role in the coming history of municipal government."

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1939 – [SIXTH ANNUAL REPORT OF THE Federal Housing Administration STEWART MCDONALD, Administrator FOR THE YEAR ENDING DECEMBER 31, 1939](#)

The quality of home construction was improved because a larger volume of it than ever before was financed with mortgages insured by the FHA. The property, location, and construction requirements and standards of the FHA thus were observed on an exceptionally large number of homes, and the influence of the FHA was felt on many others.

In addition, many of the new homes sold under financing arrangements other than the FHA's insured mortgage system were nevertheless built under FHA commitments and standards and were inspected by the FHA during construction. This applies particularly to new large suburban developments.

The number of new one-family homes privately financed, approximately 325,000, was even larger than in 1929. The activity in construction of small homes undoubtedly resulted in large measure from the FHA's mortgage-insurance system.

### 1908 – 1940 – [Sears Kit Homes](#)

**Note:** Over 32 years, Sears sold 70,000 kit homes in 370 house designs.

### 1940 – [ACTUARIAL HANDBOOK OF THE FEDERAL HOUSING ADMINISTRATION](#)

### 1940 – [Seventh Annual Report of the FEDERAL HOUSING ADMINISTRATION For the year ending December 31 1940](#)

These accomplishments were an important factor in the further recovery in the total volume of home construction to the highest levels since 1928. Approximately 42 percent of all privately financed single-family homes built in 1940 were financed by FHA-insured loans and an additional substantial number were a direct outgrowth of the FHA program, although ultimately financed without FHA mortgage insurance.

The quality of the new homes financed by private capital under the FHA program was maintained at high levels, reflecting the FHA's careful requirements as to soundness of construction and location. The foreclosure experience on small home properties covered by FHA mortgage insurance also continued extremely favorable. Less than four-tenths of 1 percent of those properties have been foreclosed and turned over to the Administration.

Part Three: Chronological History - Federal Involvement in Community Associations

1940 – Census of Housing

AREA, OCCUPANCY, AND TENURE	All dwelling units	Reporting state of repair and plumbing equipment	DWELLING UNITS NOT NEEDING MAJOR REPAIRS					DWELLING UNITS NEEDING MAJOR REPAIRS					Not reporting state of repair or plumbing equipment	
			Total	With private bath and private flush toilet	With private flush toilet, no private bath	With running water, no private flush toilet	No running water in dwelling unit	Total	With private bath and private flush toilet	With private flush toilet, no private bath	With running water, no private flush toilet	No running water in dwelling unit		
UNITED STATES														
Total.....	37,325,470	35,026,443	28,612,715	17,793,341	1,165,654	2,814,261	6,839,459	6,412,727	1,881,003	336,125	811,910	3,884,689	2,399,028	
Owner occupied.....	15,135,763	14,399,627	12,098,562	7,068,266	312,501	865,249	3,045,546	2,801,065	650,548	80,267	241,884	1,428,871	796,136	
Tenant occupied.....	19,658,759	18,334,224	14,714,569	8,971,426	755,250	1,768,078	3,219,344	3,619,631	746,615	234,029	517,434	2,121,558	1,324,545	
Vacant, for sale or rent.....	1,854,833	1,720,595	1,289,875	721,240	60,504	187,520	370,611	430,720	74,055	19,838	48,066	283,747	143,788	
Vacant, not for sale or rent..	606,555	571,996	509,685	232,409	31,399	42,419	203,458	62,811	9,790	1,997	5,006	45,518	34,559	

AREA, OCCUPANCY, AND TENURE	All dwelling units	Median age (years)	Reporting year built	1935 to 1940 (0-5.2 yrs. old)	1930 to 1934 (5.3-10.2 yrs. old)	1925 to 1929 (10.3-15.2 yrs. old)	1920 to 1924 (15.3-20.2 yrs. old)	1910 to 1919 (20.3-30.2 yrs. old)	1900 to 1909 (30.3-40.2 yrs. old)	1890 to 1899 (40.3-50.2 yrs. old)	1880 to 1879 (50.3-60.2 yrs. old)	1860 to 1879 (60.3-80.2 yrs. old)	1859 or earlier (80.3 yrs. or more)	Not reporting year built
UNITED STATES														
Total.....	37,325,470	25.4	34,564,339	3,190,284	2,337,832	4,554,531	3,960,733	6,445,480	6,116,557	3,563,847	1,952,257	1,535,237	1,007,541	2,561,131
Owner occupied.....	15,135,763	23.4	14,549,904	1,744,134	1,062,221	1,954,402	1,676,260	2,657,792	2,281,900	1,339,269	739,217	617,157	467,552	645,519
Tenant occupied.....	19,658,759	27.6	17,351,371	1,105,824	1,022,535	2,275,572	2,030,598	3,432,798	3,522,132	2,049,065	1,110,405	938,412	473,880	1,797,398
Vacant, for sale or rent.....	1,854,833	22.4	1,690,959	217,001	151,932	224,407	191,837	285,875	264,983	151,077	86,432	70,401	44,003	173,424
Vacant, not for sale or rent..	606,555	13.4	562,105	123,305	101,144	90,150	61,939	68,014	47,497	24,436	14,203	14,327	17,101	44,450

CENSUS YEAR	Occupied dwelling units or families	Reporting tenure	OWNED		Rented
			Number	Percent	
1940 <sup>1</sup> .....	27,747,973	27,747,973	11,413,036	41.1	16,334,937
1930 <sup>1</sup> .....	23,300,026	22,917,072	10,549,972	46.0	12,367,100
1920.....	17,600,472	17,229,394	7,041,283	40.9	10,188,111
1910.....	14,131,945	13,672,044	5,245,380	38.4	8,426,664
1900.....	10,274,127	9,779,979	3,566,809	36.5	6,213,170
1890.....	7,922,973	7,922,973	2,923,671	36.9	4,999,302

<sup>1</sup> Includes occupied urban-farm units totaling 82,289 in 1940, and 64,044 in 1930.

**Part Three: Chronological History - Federal Involvement in Community Associations**

[1930 figures by race have been revised to include as white the Mexicans who were classified with nonwhite in the 1930 reports. A minus sign (-) denotes decrease]

AREA AND RACE OF OCCUPANTS	OCCUPIED DWELLING UNITS, 1940					PRIVATE FAMILIES, 1930					INCREASE IN NO. OF FAMILIES, 1930 TO 1940		POPULATION, 1940		POPULATION, 1930		
	Total		Owner occupied		Tenant occupied	Total			Owner families		Tenant families	Number	Per cent	Number	Per occupied unit	Number	Per pct. family
	Number	Percent by race	Number	Per cent		Number	Percent by race	Reporting tenure	Number	Per cent							
					Number						Percent						
UNITED STATES																	
Total.....	34,654,532	100.0	15,195,765	43.8	19,558,769	29,904,663	100.0	29,321,891	14,002,074	47.8	15,319,817	4,949,969	16.6	131,659,275	3.75	122,775,045	4.11
White.....	31,561,126	90.6	14,418,092	45.7	17,143,034	26,952,994	90.2	26,492,256	13,222,429	50.2	13,229,827	4,578,132	17.0	118,214,870	3.75	110,226,740	4.09
Nonwhite.....	3,293,406	9.4	777,673	23.6	2,515,735	2,921,669	9.8	2,829,635	713,645	25.2	2,115,990	371,737	12.7	13,454,405	4.09	12,468,306	4.27
Negro.....	3,156,545	9.1	719,771	22.8	2,436,774	2,803,756	9.4	2,719,822	669,645	24.6	2,050,217	352,789	12.6	12,865,518	4.08	11,691,143	4.24
Other nonwhite...	136,861	0.4	57,900	42.3	78,961	117,913	0.4	109,773	44,000	40.1	65,773	18,948	16.1	588,987	4.80	597,163	5.06

**1941 – [Address by C.F. Palmer, Defense Housing Coordinator, delivered before the American Institute of Planners at the Hotel Washington, Washington, D.C. 7 P.M., January 25, 1941.](#)**

**1941 – [Eighth Annual Report of the & FEDERAL HOUSING ADMINISTRATION for the year ending December 31, 1941](#)**

**O**PERATIONS of the Federal Housing Administration during 1941 were concentrated on the task of housing the vast army of American workers and their families engaged in the defense and wartime production effort of the United States. In furtherance of that objective, the activities of the FHA were directed toward stimulating a maximum volume of war housing construction by private enterprise and also involved full collaboration on the part of its extensive staff of experts, specialists and technicians in the over-all defense housing program sponsored by the Federal Government.

**1941 – [Cooperatives and the Income Tax](#), Israel Packel, “The courts have had the occasion to consider the exemption status of housing cooperatives, a form of consumers' cooperative. In *Garden Homes Company v. Commissioner* 29 exemption was claimed by such an organization as a (1) building and loan association, (2) consumers' cooperative, (3) municipal agency or (4) civic organization. The cooperative was denied the exemption on the first three grounds, but it was held to be exempt on the fourth ground. It should be noted, however, that in that case the City of Milwaukee had a real interest in the enterprise. In the more recent case of *Amalgamated Housing Corporation v. Commissioner*, a limited dividend housing cooperative was held to be non-exempt and the contention that it was a civic organization was rejected.”**

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1942 – [Ninth Annual Report of the FEDERAL HOUSING ADMINISTRATION for the year ending December 31, 1942](#)

**D**URING the year 1942, the Federal Housing Administration concentrated its activities on aiding the construction of privately financed war housing accommodations. Insurance written on mortgages and loans, authorized under the National Housing Act, totaled more than \$1,136,000,-000; construction of approximately 160,000 privately financed new dwelling units were started under the FHA program; 67,500 applications for preference rating orders were processed for the War Production Board; and other important services were rendered in connection with war housing construction.

1942 – [Section 216](#) of the Internal Revenue Code (IRC) was adopted in 1942 that allowed income tax deductions and real estate tax deductions for housing cooperatives.

1942 – [Emergency Price Control Act of 1942](#) precipitated numerous rental to cooperative conversions to avoid rent control.

1942 – [National Association of Home Builders \(NAHB\)](#) founded, as a breakaway from the National Association of Real Estate Boards.

1940 -1942 – [Mutual Ownership Defense Housing Division](#) created war time housing in a cooperative form and, later, in 1949 --- [Lanham Act](#) facilitated the conversion of public housing to housing cooperatives.

Project	Location	Dwelling units	Development cost	Year purchased from government	Current status
<a href="#">Audubon Park</a>	Audubon Park, New Jersey	500	\$2,321,000	1947	Owned and maint. Audubon Mutual Housing Corp.
<a href="#">Avion Village</a>	<a href="#">Grand Prairie, Texas</a>	300	\$920,000	1948	Owned and maint. Avion Village Housing Corp.
<a href="#">Bellmawr Park</a>	<a href="#">Bellmawr, New Jersey</a>	500	\$2,321,000	1953	Owned and maint. Bellmawr Mutual Housing Corp.
<a href="#">Dallas Park</a>	<a href="#">Dallas, Texas</a>	300	\$972,000	1948	Mutual ownership corp. dissolved
<a href="#">Pennypack Woods</a>	<a href="#">Philadelphia, Pennsylvania</a>	1,000	\$4,367,000	1952	Owned and maint. Pennypack Woods Home Ownership Assoc.
<a href="#">Greenmont Village</a>	<a href="#">Kettering, Ohio</a>	500	\$2,385,000	1947	Owned and maint. Greenmont Village Mutual Housing Corp.
<a href="#">Walnut Grove</a>	<a href="#">South Bend, Indiana</a>	250	\$1,149,000	1947	Owned and maint. Walnut Grove Mutual Housing Corp.
<a href="#">Winfield Park</a>	<a href="#">Winfield Township, New Jersey</a>	700	\$3,704,000	1950	Owned and maint. Winfield Park Mutual Housing Corp.

1940 – 1942: [Audubon Park](#) is created by the Mutual Ownership Defense Housing Division.

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1943 – [National Housing Agency Home Use Guide 1943](#)

In carrying out this assignment, the Homes Use Service will follow principles which may be expressed in the 9 points below.

1. The war must be won. For any problem, the only satisfactory solution is that which best answers the question "What will help most to win the war?"

### 1943 – [Tenth Annual Report of the FEDERAL HOUSING ADMINISTRATION for the year ending December 31, 1943](#)

The energies of the Federal Housing Administration during 1943 were concentrated on assisting private enterprise to provide housing for war workers. During the year ending December 31, 1943, 137,850 houses were constructed for war workers, representing nearly 90 percent of all housing constructed with priorities by private capital. This compared with 159,760 for 1942 and brought to over 600,000 the total of new dwelling units provided through the FHA since the beginning of the emergency in July 1940.

### 1944 – Housing Design and Construction – An Analysis of War and Pre-War Experience

[Volume I](#)   [Volume II](#)   [Volume III](#)

[From Vol. II, p.220] "Statement of the Problem"

"Private housing construction projects before the war were generally small scale operations of predominately one-family dwellings. According to a study made by the Bureau of Labor Statistics for the year 1938, two thirds of the builders constructed but one house per year and the average for all builders was 2.2 houses per year. Even for the one-third of the builders constructing 2 or more houses per year and providing for 70 percent of the total housing produced the average was only 4.8 houses per year. Only 11 percent of the total volume was handled by operators who built more than 100 houses per year."

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1944 – Eleventh Annual Report of the FEDERAL HOUSING ADMINISTRATION for the period ending December 31, 1944

IN 1944 the FHA rounded out its tenth year. It seems appropriate therefore at this time to review briefly the record of the FHA's first decade:

Home loans by private lending institutions exceeding \$8,000,000,000 have been insured under all phases of FHA operations.

More than \$3,500,000,000 of this total has been liquidated, a testament to the integrity and thrift of the American home-buying public.

Over 6,000,000 American families have been enabled to buy, build or improve their homes through the FHA program.

Currently, the FHA is self-sustaining. For five years it has paid all of its operating expenses out of income derived chiefly from premiums and fees.

In addition, it has accumulated reserves of \$97,265,000 in its insuring funds, for the payment of future losses and dividends.

And now it has begun the distribution of dividends to home buyers who pay off their mortgages in full.

### 1945 – HISTORY OF THE ADMINISTRATION OF WAR HOUSING DURING WORLD WAR II – NATIONAL HOUSING AGENCY

### 1945 – Twelfth Annual Report of the FEDERAL HOUSING ADMINISTRATION for the year ending December 31, 1945

THE Federal Housing Administration completed its war housing program during 1945 and turned its attention to homes for returning veterans.

From the beginning of the emergency in the summer of 1940 to the end of 1945 housing constructed by private enterprise with FHA insured financing totaled 763,598 family units. Most of this provided quarters for war workers migrating to war production areas. Under authority of title VI of the National Housing Act loans aggregating \$1,708,000,000, advanced by private lending institutions, were insured by the FHA to finance the construction of homes for war workers. More than 415,000 dwelling units were so provided.

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1946 – Thirteenth Annual Report of the FEDERAL HOUSING ADMINISTRATION for the year ending December 31, 1946

The urgent need for shelter made many veterans reluctantly willing to pay the asking price for whatever was available, without examining too closely its quality or suitability for their needs and without counting the cost in terms of continuing expense over the years necessary to amortize the mortgage loan. These considerations, however, are basic elements of the FHA system, and a veteran who financed his home with an insured mortgage during the year had more assurance than he otherwise would have had of an acceptable relationship between his current and prospective income and the obligation he was assuming and between the property he was buying and the price he was paying. To make this possible in the face of current conditions required exceptionally careful analysis of every case presented for insurance.

### 1947 – FHA Preliminary Housing Memoranda NOS I, II, III, IV

Housing, however, is perennially critical in a social sense. The Housing Census of 1940 provides ample quantitative evidence of deplorable state of a large part of the nation's housing prior to the dislocations and emergency housing problems which have been created by the war, and the current readjustment to peace.<sup>1</sup>

### 1947 – Fourteenth Annual Report of the FEDERAL HOUSING ADMINISTRATION for the year ending December 31, 1947

The size of these figures indicates the significant place that the FHA occupies in the national housing picture. The availability of FHA mortgage insurance has encouraged lending institutions to direct an adequate flow of funds into mortgages on small homes, thus making home ownership possible on a wider scale for families of moderate income. The mutual mortgage insurance system provided under section 203 of the National Housing Act has popularized the idea of mortgage terms related to the borrower's income, and has helped to make home financing a sounder transaction for both borrower and lender. FHA risk-rating methods have established a pattern that is widely followed by mortgage lenders for uninsured as well as insured loans. FHA property standards have done much to improve the quality of home construction in general and have made the public more aware of the importance of good building practices. Many features of home financing that are now taken for granted were not in general use before the mutual mortgage insurance system of the FHA caused their advantages to have Nation-wide recognition.

## **Part Three: Chronological History - Federal Involvement in Community Associations**

**1947 – [Park Forest, Illinois](#)** Park Forest began in 1946 as a dream held by Carroll F. Sweet, Sr., to build a "G.I. Town" for returning veterans. Due to the lack of building during the Depression and World War II, the returning veterans and their young families faced a severe housing shortage. Carroll F. Sweet, Sr., introduced Nathan Manilow, a Chicago builder to Philip M. Klutznick, who was working in Washington D.C. as head of the Federal Public Housing Authority. Both men thought the dream was worth bringing to reality. The result was the first post-World War II planned community to include a shopping center and all of the amenities of modern life built in to the original plan. The plan was turned in to FHA in November 1946. Move-ins began in August 1948. On February 1, 1949, at the suggestion of the builders, Park Forest was incorporated as a village. By October 1949, 3,010 rental units had been completed. Construction of "For Sale" homes was begun by 1950.

**1947 – [Levittown, New York](#)** Levittown, Long Island, the most famous American postwar suburban development, was a household name, the "Exhibit A" of suburbia. It came on the eve of the baby boom and just before the 1948 Housing Bill liberalized lending, allowing anyone to buy a home with 5 percent down and extending mortgage terms to 30 years. Millions of families needed homes. Housing starts were down during the Depression and World War II. Returning vets armed with their GI Bill of Rights and guaranteed Veterans Administration low-interest loans wanted to move into places of their own. The Federal Housing Administration was guaranteeing loans from bankers to builders, and Long Island farmland was going cheap.

**1949 and 1950 --- [Cooperative Housing in the United States](#)** "After the end of World War II the severe housing shortage in this country led to an increased interest in cooperative housing as one means of solving the problem. This gave further impetus to a movement which began in the United States about a third of a century ago among people who held that by joining together in the purchase of land and the construction of houses they could obtain dwellings of good quality at less cost than those being provided in other ways. As things have worked out, some housing cooperatives have been outstandingly successful and have accomplished everything their sponsors hoped for. Others, however, have proved to be disappointing, either falling by the wayside or failing to attain the original objectives."

## Part Three: Chronological History - Federal Involvement in Community Associations

**1949 --- [Housing Act of 1949](#)** Short Title and Declaration of National Housing Policy. Section 2 of the act establishes national housing objectives and the policies to be followed in obtaining them. The declaration states that: “the general welfare and security of the Nation and the health and living standards require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities, and to the advancement of the growth, wealth, and security of the Nation.”

### 1950 – [Census of Housing](#)

Table A-4.—CONDITION AND PLUMBING FACILITIES FOR OWNER- AND RENTER-OCCUPIED DWELLING UNITS, FOR THE UNITED STATES: 1950

[Asterisk (\*) denotes statistics based on one-fifth of the sample used for other items. See text for description of sample size. Median not shown if based on less than 100 sample cases]

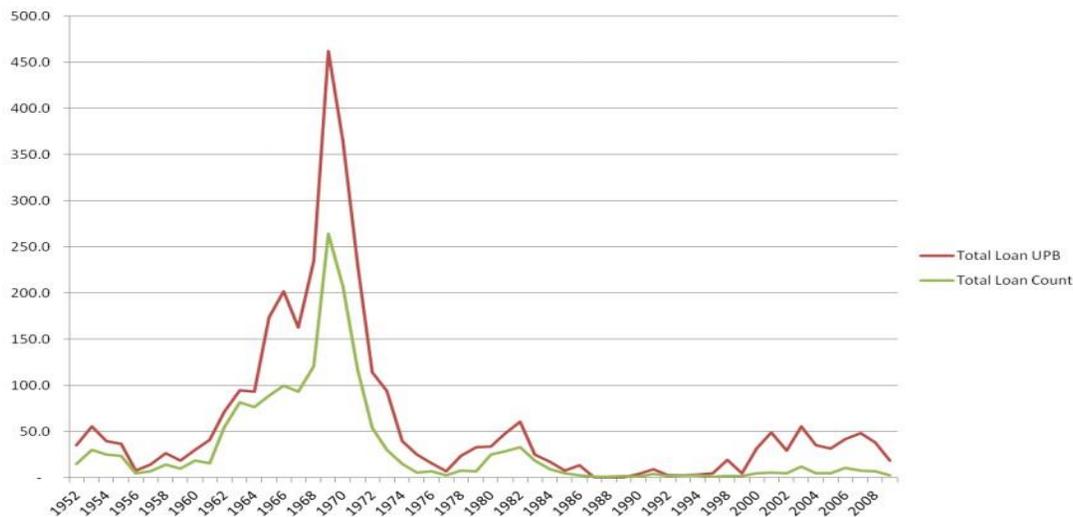
Subject	Total	Condition and plumbing facilities									
		Not dilapidated						Dilapidated			Not reported
		Total	With private toilet and bath, and hot running water	With private toilet and bath, and only cold water	With hot running water, lacking private toilet or bath	Only cold water, lacking private toilet or bath	No running water	Total	With private toilet and bath, and hot running water	Lacking hot water, private toilet or bath	
Owner-occupied units.....	19,014,765	17,681,695	14,225,480	543,895	597,515	1,083,305	1,231,500	912,035	201,145	710,890	421,035
<b>*YEAR BUILT</b>											
1945 or later.....	3,250,123	3,086,086	2,376,683	75,779	82,465	226,876	324,283	119,632	15,274	104,358	44,405
1940 to 1944.....	1,626,238	1,546,960	1,287,981	32,284	28,077	86,935	111,683	57,022	7,043	49,979	22,256
1930 or earlier.....	13,739,247	12,801,243	10,382,847	428,676	473,896	744,638	771,186	719,781	176,764	543,017	218,223
Not reported.....	399,157	247,406	177,969	7,156	13,077	24,856	24,348	15,600	2,064	13,536	136,151
<b>*HEATING EQUIPMENT</b>											
Central heating.....	11,213,978	10,947,689	10,280,693	169,690	265,177	155,064	77,065	135,604	93,932	41,672	130,685
Piped steam or hot water.....	3,972,699	3,870,042	3,734,499	34,298	75,486	18,704	7,055	47,215	38,719	8,496	55,442
Warm air furnace.....	7,241,279	7,077,647	6,546,194	135,392	189,691	136,360	70,010	88,389	55,213	33,176	75,243
Noncentral heating, with flue.....	5,163,322	4,489,721	2,386,387	254,814	242,072	701,278	905,170	560,374	69,675	490,699	113,227
Noncentral heating, without flue; or not heated.....	2,251,313	2,019,627	1,397,275	110,586	77,591	209,809	224,366	199,666	35,336	164,330	32,020
Not reported.....	386,152	224,658	161,125	8,805	12,675	17,154	24,899	16,391	2,202	14,189	145,103

**1950 --- [Housing Act of 1950 \(Public Law 81-475, April 20, 1950\)](#)** “SEC. 213. (a) In addition to mortgages insured under section 207 of this title, the Commissioner is authorized to insure mortgages as defined in section 207 (a) of this title (including advances on such mortgages during construction), which cover property held by- "(1) a nonprofit cooperative ownership housing corporation or nonprofit cooperative ownership housing trust, the permanent occupancy of the dwellings of which is restricted to members of such corporation or to beneficiaries of such trust; or "(2) a nonprofit corporation or nonprofit trust organized for the purpose of construction of homes for members of the corporation or for beneficiaries of the trust ...”

## Part Three: Chronological History - Federal Involvement in Community Associations

**1951 --- National Housing Act** created mortgage insurance under [213](#) for the development of housing cooperatives. Eventually, the various National Housing Acts added other sections which could be used to create housing cooperatives such as [202](#) and [221\(d\)\(3\) and 221\(d\)\(4\)](#). Beginning in the 1950s through the mid-1970s, FHA mortgage insurance programs played an important role in the growth of housing cooperatives.

### FHA insured Coop Volume 1952 - 2008



See also [A Brief History of Affordable Housing Cooperatives in the United States](#)  
Gerald Sazama University of Connecticut Working Paper 1996-09 January 1996

### 1957 – [FHA Housing Finance in the United States of America](#)

**1958 --- New Housing and Its Materials, 1940-1956** “About 97 percent of the single-family houses started in 1956 were completely detached, surrounded by their own plots of ground (table 1). The remaining small fraction of row and semidetached houses were concentrated in a few cities in the northeastern and southern regions. Although no strictly comparable figures are available for earlier periods, the 1950 Census of Housing indicates that the proportion of semidetached and row houses built in the 1940’s was higher than in recent years—probably in excess of 10 percent. The wartime controls in effect—particularly in the first half of the 1940’s—resulted in more compact, row house neighborhoods to conserve materials not only in the houses themselves but also in the extension of utilities, streets, and auxiliary community facilities.....Since 1949 and 1950, when the record volume of

### **Part Three: Chronological History - Federal Involvement in Community Associations**

FHA-underwritten rental and cooperatively owned housing swelled, the count of units started in private multifamily buildings to approximately 200,000 a year, the trend in this type of residential construction was generally downward to a low of 113,000 units in 1956. This volume was in sharp contrast with annual building programs of 350,000 or more.”

**1959 – Advisory Commission on Intergovernmental Relations (ACIR).** Congress establishes the Advisory Commission on Intergovernmental Relations (ACIR), with members from various branches of government. Serves primarily as a research agency and think tank in area of intergovernmental relations. In 1989, ACIR publishes [“Residential Community Associations: Private Governments in the Intergovernmental System.”](#)

**1960/61 – [House Subcommittee on Housing of the Committee on Banking and Currency held at the request of Puerto Rico to discuss condominiums.](#)**

**Note:** See Footnote 226 in the Article. All the Footnotes in the Article, however, are useful in understanding the background on selling “flats” and “tenant in common” issues.

**1961 – [National Housing Act of 1961](#)** provided for mortgage insurance for condominium units in 234(c) [here](#). An important element of this 1961 Act is that in order to be eligible for the mortgage insurance the given state in which the housing was located had to have a condominium act. By the end of 1961, 31 states had what is now termed a First Generation Condominium Act. FHA insures mortgages made by approved lenders. Eventually FHA condominium criteria became consolidated into the [2009/2011 FHA Condominium Approval and Processing Guide](#). See other FHA Condominium Mortgage Letters and References [here](#)

**1962 – [Condominium](#), Frank So, American Planning Association** “A significant increase in interest by builders and public officials in the “condominium” has taken place in the past year. Principle interest has come about with the passage of Section 234 of the National Housing Act (Public Law 87-70, 87<sup>th</sup> Congress). See Herbert J. Friedman, [Community Apartments: Condominium or Stock Cooperative](#), 1962. See Robert G. Natelson, [Comments on the Historiography of Condominium: The Myth of Roman Origin](#) (1987)

**1962 –** On November 20, 1962, President Kennedy signed into law [Executive Order 11063](#) prohibiting segregation in the sale, leasing, or rental of federally owned or operated properties, as well as those provided with federal funds.

## Part Three: Chronological History - Federal Involvement in Community Associations

**1963** – [Senate Hearing To Provide for the Creation of Horizontal Property Regimes in the District of Columbia \(September\)](#) The Hearing requests that a bill be reintroduced to allow for the creation of condominiums in the District of Columbia.

**1964** – **National Housing Act created FHA 234(d)**, created mortgage insurance for the development of a condominium project as a whole [here](#). See also [HUD Handbook 4580.1 \(1973\)](#).

**1965** – [HUD](#) is created. Housing and urban policy achieve cabinet status when the Housing and Home Finance Agency is succeeded by the Department of Housing and Urban Development. Robert Weaver becomes HUD's first Secretary and nation's first African-American cabinet member.

**1968 & 1970** – **Title IV and Title VII**, respectively of the Housing & Community Development Acts, created the [New Communities Program](#) responsible for “New Towns” such as The Woodlands and others; the [Program was terminated](#) in 1983. For a [list of the HUD New Towns](#).

**1968** – [Interstate Land Title Full Disclosure Act](#) with registration, as of July 21, 2011, transferred to the Consumer Finance Protection Bureau. **“Who is covered?** Individuals who are developers of land and other individuals offering 25 or more lots for sale and using any means or instruments of interstate commerce (including the mails).” This includes units in community associations.

**1968** – [Ginnie Mae is created](#). While Fannie Mae was created in 1938, the Housing Act of 1968 split the corporation in two and created Ginnie Mae. Unlike Freddie Mac and Fannie Mae, Ginnie Mae (collectively, the GSEs) has explicit government backing and purchases mortgages from FHA, VA, Dept. of Agriculture’s Rural Housing Development Program and HUD’s Office of Public and Indian Housing. Also, unlike the GSEs, Ginnie Mae does not have Project Standards (like Fannie Mae) or Collateral Policy (like Freddie Mac).

**1968** – [Fair Housing Act](#). Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability. In addition to the Act (both before and after), there are other similar statutes and [Presidential Executive Orders](#).

## Part Three: Chronological History - Federal Involvement in Community Associations

1970 – [Department of Veterans Affairs](#) authorized loans on condominium units and other single family housing. VA underwriting guidelines for common interest communities, condominiums and planned unit developments in the [Lenders Handbook - VA Pamphlet 26-7, Chapter 16](#). See also Department of Veterans Affairs [38 CFR 36.4360 - Condominium loans - general](#).

1970 – [Freddie Mac](#) was created according to its Charter.

- (b) It is the purpose of the Federal Home Loan Mortgage Corporation—
- (1) to provide stability in the secondary market for residential mortgages;
  - (2) to respond appropriately to the private capital market;
  - (3) to provide ongoing assistance to the secondary market for residential mortgages (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing; and
  - (4) to promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing.

Similar to Fannie Mae (both as GSEs), Freddie Mac buys loans from approved lenders. If the home is in a community association, then Freddie Mac underwrites the loan according to its [Seller/Service Guide](#).

1970 – [FHA Planned-Unit Development with a Homes Association](#) which in very summary form is based on the Urban Land Institute's "The Homes Association Handbook" (Technical Bulletin 50) 1964/1966. TB 50 is one of the seminal publications dealing with community associations. The author of TB 50, Byron Hanke, became one of CAI's founders. Later in 1975, Professor Jan Z. Krasnowiecki published [Townhouses with Homes Associations: A New Perspective](#).

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1970 – [Census Overview and Procedural History, Chapter 15 Population and Housing Items](#)

“This question [relating to Tenure] was asked for all occupied units. There was a corresponding item on tenure in the previous censuses of housing, and also on the decennial census population schedules for 1890 through 1930. Cooperative and condominium units first were shown as a separate category in 1970; previously they were not distinguished from conventionally owned units. "A cooperative or condominium" was to be marked if the cooperative or condominium was owned outright or was being bought, even if mortgaged or not fully paid for. The owner or co-owner had to live in the unit, but did not have to be the head of the household. Cooperative or condominium ownership covered single-family houses, row houses, townhouses, etc., as well, as apartments. A cooperative was defined as housing owned by a corporation of tenants, in which the individual tenant is a shareholder in the property with a piece of the total ownership, and is entitled to occupy an individual housing unit. A condominium was defined as housing in which the buyer is enabled to own an apartment or house in a project of similar units. The owner receives his own deed and/or a mortgage on his unit, and also holds a common or joint ownership in all common areas and facilities that serve the project--land, roofs, hallways, entrances, elevators, etc.”

1970 – [Census Subject Report – Cooperative and Condominium Housing](#) “This report from the 1970 Census of Housing presents data on owner- occupied cooperative and condominium housing units cross classified by various housing and household characteristics. Data are shown for the United States by inside standard metropolitan statistical areas (SMSA's), regions, and selected States and SMSA's.” The Subject Report on “Cooperatives and Condominiums” begins on p.211/720.

► 1973 – [Community Associations Institute \(CAI\)](#), an international, nonprofit 501(c)(6) organization was created in 1973 to provide education, resources and advocacy to America’s community association industry. In 1975, the [Foundation for Community Association Research](#) was created as a 501(c)(3) organization devoted to association research and scholarship.

1973 – [Annual Housing Survey Questionnaire](#) The Survey asks four questions of individuals that own or are considering buying a unit in a cooperatives and condominium association. The Survey does not record or tabulate data about the associations themselves. From 1974-1983 results of the National AHS were released as a series of 6 reports. The first AHS condominium unit and cooperative unit data was released in 1975. In 1984, the Survey was renamed the American Housing Survey.

## Part Three: Chronological History - Federal Involvement in Community Associations

**1973 – SEC Public Release NO 33-5347** “Offer and Sales of Condo or Units in a real estate development” in a “[News Digest](#)” form.

**1974 – Fannie Mae** begins purchasing condominium unit and planned community unit loans [here](#)

**1974 – [Equal Credit Opportunity Act](#)** This statute, together with other prior social and eventual legal changes, allowed women and minorities to gain better access to mortgage credit thereby helping to make homeownership in community associations increasingly possible and popular.

**1975 – [House of Representatives Hearing on Federal Trade Commission Decision to Terminate Investigation of Condominiums](#) (April)** “This hearing is concerned with the adequacy of the Federal Trade Commission’s response to allegations of unlawful consumer practices in the condominium industry.”

**1975 – [HUD Condominium/Cooperative Study](#) (July)** (3 printed volumes) and, while not legislation, this Study represents one of the two empirical studies HUD has done to try to understand associations.

**1975 – [United Housing Foundation v. Forman](#) (April)** the U.S. Supreme Court ruled that shares in a housing cooperative were not securities and while technically not a federal action it is still important.

**1975 – [Senate Hearings on Condominium Consumer Protection Act of 1975](#) (October)** The Senate hearings make reference to the *HUD July 1975 Condominium/Cooperative Study* cited above, but mistakenly dates the three volumes as August 22, 1975. “The legislation we are considering today, S2273, is designed to clear up the condominium problems and abuses that we found in our hearings and you [HUD Secretary Carla Hills] found in your study....The major change is that we take HUD out of the business of registering condominiums altogether. Instead, the bill calls for HUD to set minimum standards for consumer protection and disclosure in condominium sales and conversions, but leaves enforcement of the law to the States or, alternatively, to individual action through the courts.”

**1976 – [Congressional Report on Condominium Development and Sales Practices](#) (July)** Despite the Reports brevity (25+pages), the Report essentially restated the findings in the *1975 HUD Condominium/Cooperative Study* (cited above). Further, the Report made recommendations for federal legislation none of which came to pass with the exception of the *1980 Condominium and Cooperative Conversion Protection and Abuse Relief Act* (cited below).

## Part Three: Chronological History - Federal Involvement in Community Associations

**1976 & 1997 – [Internal Revenue Code \(IRC\) Section 528](#)** which provided for federal taxation of condominiums and planned communities was created. Cooperatives were under IRC Section 277 until 1998. Timeshare associations were added to IRC 528 in 1997. See [Community Association Taxation](#).

**1978 – [Fair Debt Collection Practices Act \(FDCPA\)](#)** The Fair Debt Collection Practices Act (FDCPA) (15 USC 1692 et seq.), which became effective in March 1978, was designed to eliminate abusive, deceptive, and unfair debt collection practices. It also protects reputable debt collectors from unfair competition and encourages consistent state action to protect consumers from abuses in debt collection. Over time, FDCPA has been applied to association assessments and the practitioners who assist associations to collect assessments.

**1978 – Lien Priority Article** by Henry A. Judy, General Counsel of Freddie Mac and his principal outside counsel, Robert L. Wittie, article entitled “*Uniform Condominium Act: Selected Key Issues*,” that appears in 13 [Real Property & Trust Journal 437](#) (1978) that provides the rationale for community association lien priority. See Joint Editorial Board for Real Property Acts July 2016 [Comments on Lien Priority](#)

**1978 – Senate Hearing Condominiums and the Older Purchaser (November) [here for Part 1](#) and [here for Part 2](#)** The hearing gathered information about a variety of issues faced by older purchasers in condominiums especially ones caused by developers.

**1979 – [Issues Congressional Hearing on Condominium Housing \(June\)](#)** This hearing received testimony (and some supporting documentation) from a number of association professionals and some association members number of witness. The Senate bill that became the *Abuse Relief Act of 1980* (cited below) is included in the material. Also some of the material was used in the *1980 HUD Study on Conversions* (also cited below).

**1980’s – Bureau of Labor Statistics** adds community association management to its [Occupational Outlook Handbook](#)

**1980 – [Urban Neighborhood Community Association Project: An Action Manual](#)** (HUD) produced by CAI for HUD

**1980 – HUD study [“The Conversion of Rental Housing to Condominiums and Cooperatives”](#)** which is the second study. Basically, the Study found that conversion was a change in tenure, but not a loss of housing in the same sense as demolition and other forms of destruction.

## Part Three: Chronological History - Federal Involvement in Community Associations

### 1980 – [CONDOMINIUM AND COOPERATIVE CONVERSION PROTECTION AND ABUSE RELIEF ACT](#)

Quoting next from the Act cited above, in 1980, Congress found that:

- (3) certain long-term leasing arrangements for recreation and other condominium- or cooperative-related facilities which have been used in the formation of cooperative and condominium projects may be unconscionable; in certain situations State governments are unable to provide appropriate relief; as a result of these leases, economic and social hardships may have been imposed upon cooperative and condominium owners, which may threaten the continued use and acceptability of these forms of ownership and interfere with the interstate sale of cooperatives and condominiums; appropriate relief from these abuses requires Federal action; and
- (4) there is a Federal involvement with the cooperative and condominium housing markets through the operation of Federal tax, housing, and community development laws, through the operation of federally chartered and insured financial institutions, and through other Federal activities; that the creation of
- (5) many condominiums and cooperatives is undertaken by entities operating on an interstate basis.

**1983** --- [Rural Housing Amendments of 1983](#) Beginning with rural electrification in the 1930's Depression, various agencies that eventually became the U.S. Department of Agriculture (USDA) became engaged in rural development. Today, the [Rural Housing Service](#) offers a variety of programs to build or improve housing and essential community facilities in rural areas. See [USDA Handbook HB 1-3555](#) for the development of condominiums and planned unit developments.

### **1988** --- [Fair Housing Act Amendments of 1988](#)

**1989** --- **ACIR Publication**, the Advisory Commission on Intergovernmental Relations (ACIR) publishes [“Residential Community Associations: Private Governments in the Intergovernmental System?”](#) See [ACIR July 1989 Residential Community Associations Questions and Answers for Public Officials](#)

**1991** --- HUD, [Keating Memorandum on Fair Housing Occupancy Standards](#) This statement of policy advises the public of the factors that HUD will consider when evaluating a housing provider's occupancy policies to determine whether actions under the provider's policies may constitute discriminatory conduct under the Fair Housing Act on the basis of familial status (the presence of children in a family).

## Part Three: Chronological History - Federal Involvement in Community Associations

**1994 --- House of Representatives Hearing [Credit Available for Condominium and Cooperative Purchases \(1994\)](#)** As a result [of the bad economic conditions], we had a situation where people who had made every payment on their house, on their condominium, or on their coop, were denied access to credit.....Banks in many cases are no longer the vehicles that actually provide credit, but are actually just paperwork passers that end up shipping the loans off to the secondary market, which is backed up by the full faith and credit of the tax payers of the United States.”

**1994 --- [The Residential Condominium Association Building Association Policy \(RCBAP\)](#)** was created by FEMA for exclusively insuring only condominium associations under the National Flood Insurance Program (NFIP).

**1996 --- U.S. Tax Court found that IRC Sub-Chapter T applied to housing cooperatives** as the result of [Thwaites Terrace v. Commissioner](#).

**1999 --- Tax Exemption**, the Internal Revenue Service adopts [Revenue Ruling 74-99](#) which provides for the possible tax exemption of planned communities under IRC 501(c)(4) with further IRS clarification in [Revenue Ruling 80-63](#).

**2000 --- [Title 24, § 982.628, Housing Choice Voucher Program](#)** permitted the use of Section 8 in condominiums and cooperatives.

**2001 --- Federal Communication Commission’s [OTARD Rule of 2001](#)** which restricted an association’s ability to regulate the use and placement of satellite dishes.

**2002 --- [Intrawest No-Action SEC Letter](#)** – How to market a condominium unit for sale without running afoul of the SEC

**2005 - [Bankruptcy Abuse Prevention and Consumer Protection Act of 2005](#)**

Under the Act, community associations can expect to collect more delinquent common assessments than they did under the old law. In large part, this is because the Act makes it more difficult for anyone to eliminate their personal obligation to pay debts through bankruptcy ("discharge"). The Act makes all post-petition common assessments non-dischargeable.

**2005 --- [Freedom to Display the American Flag Act of 2005](#)** which provided that “A condominium association, cooperative association, or residential real estate management association may not adopt or enforce any policy, or enter into any agreement, that would restrict or prevent a member of the association from displaying the flag of the United States on residential property within the association with respect to which such member has a separate ownership interest or a right to exclusive possession or use.”

## Part Three: Chronological History - Federal Involvement in Community Associations

**2007** --- IRS creates [Form 1120\(c\)](#) for housing cooperatives.

**2007** --- [Mortgage Debt Relief Act of 2007, Section 4](#) Federal legislation modified the 80/20 Rule that applied to cooperatives (in Section 216 of the Internal Revenue Code) providing more flexibility in financial management [here](#).

**2008** --- **Federal Housing Finance Agency (FHFA)** was created as part of the [Housing and Economic Recovery Act of 2008](#) (HERA). “The Act gave FHFA the authority necessary to oversee vital components of our country’s secondary mortgage markets – Fannie Mae, Freddie Mac, and the Federal Home Loan Banks. In addition, this law combined the staffs of the Office of Federal Housing Enterprise Oversight (OFHEO), the Federal Housing Finance Board (FHFB), and the GSE mission office at the Department of Housing and Urban Development (HUD).” The conservatorship of the GSEs gives the FHFA a prominent role in community association housing. FHFA’s one direct action in 2008 has involved [“transfer fees”](#).

**2008** --- [HERA](#) transfers authority for FHA condominium unit mortgage insurance from Sec. 234 of the National Housing Act (12 U.S.C. 1715y) to Sec. 203(b) of the Act (12 U.S.C 1709), putting condominium unit mortgages under the same statutory framework as FHA's single family mortgage insurance program and the Mutual Mortgage Insurance Fund.

**2009** --- [Federal Financial Institutions Examination Council](#) (FFIEC) Interagency Task Force on [Flood Insurance FAQs](#) provides detailed information dealing with condominium flood insurance requirements and the NFIP.

**2009/2011/2016** --- FHA creates [Condominium Processing and Approval Guide](#) with additional information in Mortgagee Letter 2012-18 and related links all.

**2010** --- [Consumer Financial Protection Bureau](#) was created in 2010 as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The full impact of the Bureau is still unfolding although the requirement for disclosure of community association fees has become part of [required disclosure](#) in the purchase of a home.

**2010** --- [The Dodd-Frank Wall Street Reform and Consumer Protection Act](#) of 2010 mandates that lenders qualify consumers for mortgage loans on the basis of their ability to pay all monthly mortgage-related obligations, including community association regular and special assessments. The requirement to include association assessments in the loan underwriting process was codified in the joint agency Qualified Residential Mortgage rule and the Consumer Financial Protection Bureau’s Qualified Mortgage rule.

## Part Three: Chronological History - Federal Involvement in Community Associations

**2011** --- [Fannie Mae Cooperative Share Loan Eligibility](#)

**2012** --- [Biggert-Waters Flood Reform Act of 2012](#) impacts many commercial and residential property types, but Section 100214 deals with the payment of condominium claims. Regulations have not yet been written for this Section.

**2013** – [American Disabilities Act – Pool Accessibility Guidelines](#) For those associations with pools that provide a “public accommodation”, they are required to comply with the [new pool accessibility modifications](#) which must be made to applicable swimming pools and spas no later than January 31, 2013.

**2013** --- **S 1480** introduced in the U.S. Senate [a bill “To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) to provide assistance for condominiums and housing cooperatives damaged by a major disaster, and for other purposes.” This bill did not pass.

**2014** --- On March 21, 2014, President Obama signed into law the [Homeowner Flood Insurance Affordability Act](#). According to FEMA, this “law repeals and modifies certain provisions of the Biggert-Waters Flood Insurance Reform Act, which was enacted in 2012, and makes additional program changes to other aspects of the program not covered by that Act. Many provisions of the Biggert-Waters Flood Insurance Reform Act remain and are still being implemented.”

**2015** --- In March, CAI provided an extended discussion of the [Federal Disaster Policy and Community Association Homeowners](#) making clear three points: (1) Community associations are an important part of U.S. housing, (2) FEMA has the authority under the Stafford Act to extend aid to association homeowners, and (3) that FEMA’s continued refusal to provide that assistance not only harms those homeowners and their associations and prolongs recovery, but also harms the larger community in which those associations are located. See [CAI Public Policies](#) for the full range of topics.

**2015** --- [H.R. 3863, the Disaster Assistance Equity Act of 2015](#) is introduced in the U.S. House of Representatives to qualify certain community associations to participate in FEMA’s Public Assistance Program and permit condominium associations to use FEMA’s Individuals and Household Assistance Program to fund repairs to common property.

**2015** --- [Condominium Unit Exemption in ILSA](#) Effective March 25, 2015, the sale of condominium units will no longer be subject to the registration requirements of the Interstate Land Sales Full Disclosure Act (ILSA) under a new exemption.

## Part Three: Chronological History - Federal Involvement in Community Associations

**2015** --- [Consumer Financial Protection Bureau](#) mortgage disclosure regulation, Know Before You Owe, becomes effective, requiring lenders to disclose community association costs and fees to borrowers early in the home loan shopping process. See [CAI guidance](#) to community associations.

**2015** --- [Federal Housing Finance Authority \(FHFA\)](#) asserted that attempts by community associations to use legally permitted lien priority to collect delinquent assessments that mortgage lenders had refused to collect – that these efforts by homeowner boards of directors threatened the safety and soundness of the country’s financial system. FHFA did not similarly comment on whether the 14+ million foreclosure filings and 7+ million actual foreclosures triggered by poor mortgage lender underwriting and the chronic use of securitization – whether these foreclosures, in fact, did threaten the safety and soundness of the financial system. See [CAI’s response](#) and related information on lien priority.

**2016** --- **Department of Labor Administrator’s Ruling on Joint Employment (1-2016)** [This Ruling was [withdrawn](#) on June 7, 2017.] Through its enforcement efforts, the Department of Labor’s Wage and Hour Division (WHD) regularly encounters situations where more than one business is involved in the work being performed and where workers may have two or more employers. More and more, businesses are varying organizational and staffing models by, for instance, sharing employees or using third-party management companies, independent contractors, staffing agencies, or labor providers. As a result, the traditional employment relationship of one employer employing one employee is less prevalent. WHD encounters these employment scenarios in all industries, including the construction, agricultural, janitorial, warehouse and logistics, staffing, and hospitality industries.

**2016** --- [The Urban Homesteading Assistance Board \(UHAB, 2-2016\)](#) provides an initial recounting of limited equity housing cooperatives. UHAB’s “current research effort has been using the 425,000 unit figure as a benchmark to which we can compare the co-op data we have been collecting. Thus far we have accounted for just under 300,000 units of the 425,000 estimated to have been produced, 160,000 of which are still limited-equity. In the document below, we further explain and visualize our findings. This previous research has been very useful as a guide for our current work in more precisely counting the number of housing co-ops that remain limited-equity today. What we have found is that the difference between the limited-equity co-op units accounted for in previous research and the units found in our current research is attributed to three factors.”

## Part Three: Chronological History - Federal Involvement in Community Associations

Limited Equity Housing Co-op Program	Previous Research	Current Research	Limited Equity Co-op Units Remaining Year 2016
HUD-Insured and assisted	148,000	148,000	35,000 (35,000 additional remain as NOAH*)
Lanham Act	35,000	7,000	7,000
Former public housing	20,000	7,200	1,200
Farmers home	5,000	75	75
Mitchell-Lama (NY)	60,000	41,699*	36,295
State housing finance agencies	45,000	334	334
United Housing Foundation (NY)	40,000	41,118*	30,651
Tenant self-converted/UHAB	50,000	33,000	33,000
CDBG/LIH tax-credit	7,000	40	40
Mutual Housing	15,000	7,000	7,000
ROCUSA	Did not exist	10,000	10,000
<b>TOTAL</b>	<b>425,000</b>	<b>295,182</b>	<b>155,071</b>
		*Co-op city counted for UHF, not Mitchell Lama	*NOAH (Naturally Occurring Affordable Housing)

**2016 --- [Homeowner Tax Relief – Community Association Assessments \(3-2016\)](#)** If enacted, the proposed deduction will be available for single filers with an adjusted gross income of \$100,000 or less. Additionally, the deduction will be available for joint filers with an adjusted gross income of \$150,000 or less, and on a sliding scale for taxpayers above the established adjusted gross income limits. The deduction will be available to homeowners in all forms of community associations (planned community, condominium association, housing cooperative) and available only for a primary residence. This bill recognizes the financial inequity facing homeowners in a community association as they pay property taxes and community assessments and receive many municipal services from their community association not the municipality.

**2016 --- [Discriminatory Housing Practices Under the Fair Housing Act \(9-2016\)](#),** This final rule amends HUD's fair housing regulations to formalize standards for use in investigations and adjudications involving allegations of harassment on the basis of race, color, religion, national origin, sex, familial status, or disability. The rule specifies how HUD will evaluate complaints of quid pro quo (“this for that”) harassment and hostile environment harassment under the Fair Housing Act. It will also provide for uniform treatment of Fair Housing Act claims raising allegations of quid pro quo and hostile environment harassment in judicial and administrative forums.

## Part Three: Chronological History - Federal Involvement in Community Associations

**2016 --- [FHA Proposes New Approval Process for Condominiums](#)** (9-2016) In response to changing conditions in the condominium market, the Federal Housing Administration (FHA) proposed new regulations governing the approval process for condominium developments. FHA proposes to reinstate single unit approvals in unapproved condominium developments and to require condo projects to recertify their approval status every three years rather than the current two-year requirement.

**2016 --- Federal Flood Risk Management Standard (FFRMS, 10-2016)** Between 1980 and 2013, the United States suffered more than \$260 billion in flood-related damages. On average, more people die annually from flooding than any other natural hazard. Further, the costs borne by the Federal government are more than any other hazard. Flooding accounts for approximately 85% of all disaster declarations. With climate change, we anticipate that flooding risks will increase over time. In fact, the [National Climate Assessment \(May 2014\)](#) projects that extreme weather events, such as severe flooding, will persist throughout the 21<sup>st</sup> century. The new federal flood risk standard requires all future federal investments in and affecting floodplains to meet the level of resilience as established by the Standard.

**2016 --- [Agencies Propose Rules for Private Flood Insurance](#)** (OCC, 10-2016) Specifically, the proposed rule would require regulated lending institutions to accept policies that meet the statutory definition of private flood insurance in the Biggert-Waters Act and permit regulated lending institutions to accept flood insurance provided by private insurers that does not meet the statutory definition of “private flood insurance” on a discretionary basis, subject to certain restrictions.

**2016 --- [FHA Mortgagee Letter 2016-15, Owner Occupancy Requirements in FHA Insured Condominiums](#)** (10-2016) The purpose of this Mortgagee Letter (ML) is to modify the Condominium Project Approval and Processing Guide, attachment to ML 2011-18 (as modified or extended by MLs 2012-18, 2014-17, 2015-27 and 2016-13) in order to implement the HOTMA requirements and establish the required occupancy percentage that must be met for purposes of FHA project approval. Further, this ML establishes requirements for conditions under which an individual condominium project could be approved at a lower percentage. The policies referenced above are superceded to the extent they conflict with the policies in this ML.

## Part Three: Chronological History - Federal Involvement in Community Associations

**2016 --- Stewart E. Sterk, Cardozo Law Review, [“Maintaining Condominiums and Homeowner Associations: Ending the Free Ride”](#)** (10-2016) “As a policy matter, associations liens should enjoy complete priority over mortgage liens. As a matter of fairness, priority for association liens prevents banks from free riding on maintenance expenditures made by non-defaulting unit owners and ensures that all units bear their fair share of maintenance expenditures. From an efficiency perspective, banks are in a far better position to account for potential economic downturns than are associations. Moreover, giving associations priority over banks solves what is otherwise a difficult collective action problem in situations where multiple banks hold mortgages on different underwater units within a single common interest community.”

**2017 – [Amateur Radio-- H.R. 555, the Amateur Radio Parity Act of 2017](#)** preempted association governing documents that prohibit HAM radio antennas while also requiring that HAM radio antennas be approved by community associations prior to installation. H.R. 555 passed the House of Representatives by voice vote on January 23, 2017. Companion legislation, S. 1534, failed to advance in the Senate and Congress chose not to include H.R. 555 in major telecommunications legislation included in H.R. 1625, the Consolidated Appropriations Act, 2018 (P.L. 115-141). CAI met with officials at the Federal Communications Commission to discuss the community association housing model, architectural standards, and the process HAM operators may use to receive approval for installation of antennas.

**2017 – [Broadband Infrastructure \(Wireline and Wireless\)—The Federal Communications Commission \(FCC\) began a comprehensive examination](#)** of barriers to installation and upgrading broadband communications infrastructure, including long permitting times and increased expenses due to local regulations. CAI commented on FCC requests for information urging improved cooperation between associations and telecommunications providers on the installation of new high-speed Internet lines across community association property and installation of wireless broadband facilities. CAI made note that access to high-speed Internet services are an expectation of most homeowners and consumers.

**2017 – [Fair Housing Act, Association Liability for Third Party Discrimination](#)** — Community associations began compliance with a Fair Housing rule requiring that associations intervene in neighbor disputes if (1) the dispute violates the Fair Housing Act; (2) the association had a legal obligation to prevent fair housing violations; and (3) had or should have had knowledge of the fair housing violation. CAI representatives met with HUD Fair Housing Assistant Secretary and began development of position papers concerning the limits of association control over owners.

## Part Three: Chronological History - Federal Involvement in Community Associations

### 2017 – FEMA Disaster Assistance

- [H.R. 1684, Disaster Assistance Support for Communities and Homeowners Act of 2017](#), legislation requiring FEMA provide technical assistance to community associations on qualifying for disaster debris removal and provide legislative recommendations to approve condominium associations for repair assistance following a presidentially-declared natural disaster passed the House of Representatives on June 26, 2017. The legislation failed to progress in the Senate.
- [H.R. 3238, the Disaster Assistance Equity Act](#), introduced by U.S. Rep. Mark Sanford, to amend the Stafford Act to qualify associations to participate in FEMA disaster relief programs was introduced on July 13, 2017.

**2017 – 2020 Census**—CAI joined the [Census Project](#) in support of the 2020 decennial census and American Community Survey. CAI members worked with Census Bureau staff to validate community association housing unit counts produced by the Foundation for Community Association Research.

**2017 – Housing Finance Reform**—[CAI convened a Housing Finance Reform Taskforce](#) to study the role of community associations in the housing finance system, the interaction of associations with mortgage originators, servicers, and secondary mortgage market investors. The taskforce developed a series of recommendations for housing finance reform legislation.

**2017 – [Lien Priority](#) and [Reverse Mortgages](#)** – In 2016 the Federal Housing Administration (FHA) proposed to require that all FHA-insured Home Equity Conversion Mortgages (HECMs) be prior to all other liens excepting tax liens and other federal liens. CAI submitted comments opposing any abrogation of association lien priority statutes and presented information to FHA leadership. In January 2017, FHA released a final HECM rule that did not require subordination of association liens for a homeowner to receive a HECM loan. FHA noted that association lien priority would have the effect of improving mortgage servicing of such loans.

**2017 – [FHA Condominiums and Housing Opportunity Through Modernization Act](#) (HOTMA) implementation**---CAI carefully monitored FHA implementation of HOTMA and the development of new owner occupancy standards for FHA condominium approval. CAI verified the continuing downward trend of FHA approved condominiums and diminishing volume of condominium unit mortgages insured by FHA.

### **Part Three: Chronological History - Federal Involvement in Community Associations**

**2017 – [CAI Advocacy Summit](#)**—In September CAI advocates from across the country convened in Washington DC for a summit and to meet with Members of Congress and the Senate. Plans were announced for a summit in conjunction with CAI’s Annual Conference and Exposition in May 2018.

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**Note:** This **Part Three Selected Chronology** was created by Clifford J. Treese. Updating assistance was provided by Dawn M. Bauman, Sr. Vice President, Government Affairs, Community Associations Institute (CAI), Scott Canady, Principal at Tambala Strategy, and Douglas M. Kleine, CAE, Professional Association Services.

## Part Three: Chronological History - Federal Involvement in Community Associations

## Part Four: Community Associations & Housing - Selected Online Papers By Clifford J. Treese

### Community Associations: The Emergence and Acceptance of a Quiet Innovation ..

**Introduction:** These articles below pick up on the theme of John Dilger's book [Neighborhood Politics: Residential Community Associations in American Governance](#). The initial substantial exploration of this topic was by Uriel Reichman in his 1975 J.S.D dissertation, *Servitudes in Residential Private Government Systems*. He has an article, [Residential Private Governments: An Introductory Survey](#), that appeared in the Winter 1976 University of Chicago Law Review. In the early days, Reichman was quoted extensively - one way or the other. See this [1976 Oregon case](#) involving who benefits from assessments, Footnote 3. The list of online articles next selectively pursues the theme of thinking about community associations and housing from a variety of perspectives with an emphasis of legal issues. Other more focused approaches have been popular such as the seminal approach to community associations -- - Byron Hanke's *The Homes Association Handbook* (revised edition 1966) which is based on functional benefits. See Donald Stabile, [Community Associations: The Emergence and Acceptance of a Quiet Innovation in Housing](#). See also the Robert H. Nelson, [Private Neighborhoods and the Transformation of Local Government](#) while dealing with broader topics than community associations, most of the chapters contain endnote citations about associations. With the exception of the few books mentioned, this list provided next is comprised of publicly available online articles and books. The list is presented in chronological order with an emphasis on early publications that either deal directly with associations and or with certain housing themes (e.g., aftermath of WWI, architectural controls in land planning) that later became part of association development and operations. If you find an article of interest, you are advised to download it sooner rather than later to avoid "link rot"!

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- For a list of Nolen's city and park planning publications [here](#)

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United States and millions of communities worldwide. With nearly 40,000 members, CAI works in partnership with 64 affiliated chapters within the U.S, Canada, United Arab Emirates, and South Africa, as well as with housing leaders in several other countries including Australia, Spain, Saudi Arabia, and the United Kingdom.

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The Foundation provides authoritative research and analysis on community association trends, issues and operations. Our mission is to inspire successful and sustainable communities. We sponsor needs-driven research that informs and enlightens all community association stakeholders—community association residents, homeowner volunteer leaders, community managers and other professionals and service providers, legislators, regulators and the media. Our work is made possible by your tax-deductible contributions.

Your support is essential to our research. Visit [foundation.caionline.org](http://foundation.caionline.org) or e-mail [foundation@caionline.org](mailto:foundation@caionline.org).

*For suggestions, additions, or updates to this Chronological History of Federal Involvement in Community Associations, please e-mail [foundation@caionline.org](mailto:foundation@caionline.org).*



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*The statistical information in this report was developed by Clifford J. Treese, president of Association Data, Inc., in Mountain House, Calif. A member of CAI almost since its inception, Treese is a past president of CAI and the Foundation for Community Association Research. We are grateful for his continuing support of both organizations.*

Additional statistical information published by the Foundation for Community Association Research is available at [foundation.caionline.org](http://foundation.caionline.org).

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