

# **A New US Home Mortgage Structure for the 21<sup>st</sup> Century**

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*Until the 1960s the Savings and Loan Associations (S&L) were able to fund most US home mortgages. Until 2008 Fannie Mae and Freddie Mac were able to fund most US mortgages without direct government financing. After the financial crisis of 2008, the American dream of homeownership is wounded but not dead. Going forward there is a need for reform in government housing policy and mortgage institutions if the US is to maintain a high rate of homeownership.*

## **INTRODUCTION**

The US home mortgage system has failed, and in 2008 Fannie Mae and Freddie Mac were taken under conservatorship by federal authorities. These “government sponsored enterprises (GSE)” continue to operate at a loss pending policy action to resolve the issue. While the severity and depth of the “great recession” of 2007-2009 has delayed resolution of the GSE issue, it is essential that soon the US mortgage system is set on a sustainable path for the future.

For many years the real estate industry has promoted homeownership as the “American Dream”. Government policy was directed to favor homeownership over other forms of capital investment. The homeownership rate reached 68% in 2007, just before the recent housing bust. Among the costs of this policy have been the Savings and Loan failures of the 1980s and the failure of Fannie Mae and Freddie Mac in 2008. (Akerlof & Spiller, 2009).

After World War II, the Savings & Loan industry was able to fund most home mortgages, and they were held in portfolio for local borrowers. The FHA and VA mortgages filled the remaining housing demand. By the 1970s the S&L funding source was no longer to keep up with demand, and the secondary mortgage market arose, with government assistance. Congress created a reorganized Fannie Mae, a new Freddie Mac, and Ginnie Mae with the Department of Housing and Urban Development. These agencies encouraged securitized mortgage products, which attracted a worldwide source of new mortgage funding. By 2000 political pressure drove Fannie and Freddie to relax mortgage standards to increase the homeownership rate. That policy error led to the subprime mortgage crisis of 2008. Now the worldwide market for US mortgage backed securities has been taught to avoid MBS without a direct government guarantee. The result is that new mortgage instrument will need to be developed to satisfy expected mortgage demand over the coming years. (Bernanke, 2007).

There are alternative mortgage instruments available, and some have been very successful in other nations. Covered bonds have been successful in Europe because they have specific collateral pledged to

back up significant equity. Adjustable rate mortgages (five-year) have been very successful in Canada, where there was never a mortgage crisis. US policy makers must consider these alternatives as a part of a renewed US mortgage structure. The alternative of direct government loans must be avoided.

## **THE FAILURE OF THE SAVINGS AND LOAN MODEL**

After World War II, there was a huge pent-up demand for housing. Essentially no homes had been built during the war or during the depression, and the rate of household formations had been very low. The late 1940s was marked by the return of military men and women to civilian life, and there was a rush to make up for lost time in civilian production and family formations. The widespread availability of the automobile (compared to the 1920s) made possible the development of suburban neighborhoods. Workers could drive to work in the cities while enjoying new and larger homes on relatively cheap rural land. Homebuilders were ready to meet this new demand for homes.

The new supply and demand for suburban homes was supported by government policy that encouraged mortgage lending. The Veterans Administration home loan guarantee program provided military veterans a no-down payment mortgage at a low, controlled interest rate. The Federal Housing Administration operated an insurance program for mortgages up to a set amount that serves middle and moderate home buyers with a down payment as low as 3%, also with a low interest rate. The VA and FHA served about 20% of the market, and most of the remainder was served by the Savings and Loan Associations (S&L). (Gorton, 2010).

The S&L industry was the primary source of home mortgage loans in the 1950s, largely because of government policy. S&Ls could avoid income tax if they devoted 80% of their lending to home mortgages. They were not allowed to make business loans, and they were prohibited from paying more than a controlled rate of interest on their savings deposits. Commercial banks were not allowed to pay competitive interest on savings deposits, and S&Ls were not allowed to offer checking accounts. As a result S&Ls took deposits from local households, and dedicated most lending to mortgages, which they typically held in portfolio. Most VA and FHA mortgages were made by mortgage bankers who sold them to insurance companies that needed diversified long term investments. This system provided a dedicated pool of capital that was available for home mortgages. (Gjerstad & Smith, 2009).

The S&L model began to break down in the mid-1960s when interest rates started rising along with inflation. S&Ls were allowed to pay only 5.25% interest on savings deposits, but by the early 1970s market rates were higher. The money market mutual funds paid 18% by 1978. S&L depositors responded by withdrawing their savings and moving them to money market funds or the stock market, and this disintermediation of funds from the S&Ls threatened the solvency of S&Ls, which had loaned out their assets for 30 year mortgages.

The Federal Home Loan Bank Board was the primary regulator of S&Ls, and they worked to save the industry and the mortgage market. They adopted “regulatory accounting practice” (RAP) as a substitute for generally accepted accounting practice (GAAP), and RAP allowed S&Ls to postpone booking losses. They also allowed S&Ls to issue certificates of deposit (CD) paying a market interest rate, and this tool allowed S&Ls to replace lost deposits by paying 18% or more. However the CD raised the cost of funds so that the typical S&L was paying more in interest expense than its interest income, resulting in losses. Eventually many S&Ls failed, and the Resolution Trust Corporation was established to sell off the assets of closed S&Ls. The experiment in using government policy to fund home mortgages had failed. (Folsom, 2008).

## **THE SECONDARY MORTGAGE MARKET**

Government policy makers and the housing industry saw the need for a source of mortgage credit to replace the S&L industry. In 1968 Fannie Mae (first created in 1938) was restructured to buy mortgages from mortgage bankers and then re-sell them as mortgage-backed securities (MBS) backed by Fannie Mae (not the US government). In 1971 Freddie Mac was created to buy mortgages from S&Ls in the

same way. The two government sponsored enterprises (GSE) were stockholder-owned but chartered by Congress with a limited mission of supporting the housing market for middle and moderate income home buyers. They paid federal income tax but not state tax, and they were exempt from regulation by the Securities and Exchange Commission. They were politically active, and became among the largest contributors of political campaign funds. The market accepted GSE securities as quasi-government debt, so the interest rates they paid were artificially reduced. Recent estimates are that half of this subsidy went to senior executives as bonuses. James Johnson served as CEO of Fannie during 1991-1998 and was paid \$100 million in salary and bonus. Franklin Raines served as CEO of Fannie during 1999-2004 and was paid \$90 million in salary and bonus. (Lewis, 2010).

In the 1980s and 1990s Fannie and Freddie were instrumental in developing a standardized secondary mortgage market. As they approved the first nationwide adjustable rate mortgages in 1980, they set the standards for mortgage documents, down payments, and underwriting standards. They supervised lenders and dominated the market. By 2000 the GSEs owned or securitized more than half of all US home mortgage loans. They made extensive use of leverage, as their capital relative to their risk exposure was much lower than for other financial institutions. Fannie and Freddie played a central role in the development of the secondary market by setting mortgage standards and securitization procedures that were accepted around the world. (Faber, 2009).

In the 1990s there was growing political pressure to use Fannie and Freddie to assist low income home buyers and increase the rate of homeownership. Congress established programs to assist low income renters and apartment owners as well. By the late 1990s the GSEs were promoting reduced-document lending, lower down payments, and delegated underwriting that eliminated or limited loan review. (Gramlich, 2007).

In 2000-2001 the US endured a recession, and the Federal Reserve reduced short term interest rates to 1%, a 40 year low. During this time of low interest rates, lenders found they could structure adjustable rate mortgages with extremely low payment rates for the first few years of a mortgage. This enticed many home buyers to enter the market, greatly increasing housing demand. Housing supply increases slowly, so home prices rose sharply in the 2002-2006 period. Much of the increase was concentrated in South Florida, Southern California, Phoenix, and Las Vegas. Although not clear at the time, we now know that the sub-prime mortgage was a widely used tool to feed this new demand. The widespread issuance of sub-prime mortgages was possible only because there were buyers (investors), and the leading buyers were Fannie and Freddie. (Kotlikof, 2010).

In 2007 the sub-prime mortgage problems started to unfold because the Federal Reserve had started increasing short term interest rates. The 1-3 year ARM loans reached the point of resetting and in some cases monthly payment rose sharply. Some new owners, including speculators, had trouble making payments or selling units, and mortgage delinquencies began to rise. In August 2007, investors in the MBS market became alarmed and started selling their MBS. (Morgenson & Rosner, 2011). Prices fell and by August 2008 there was a worldwide freezing of the capital markets. Suddenly the GSEs suffered losses, and in December 2008 the US government placed Fannie and Freddie in conservatorship, guaranteeing their debts. So far government losses have reached \$165 billion. (Reinhart & Rogoff, 2009).

## **LESSONS FROM OTHER NATIONS**

Canada provides an interesting example of a successful mortgage market. Canada has no equivalent of the GSEs, and there is no income tax deduction for home mortgage interest. There are no 30 year, fixed rate mortgages. Mortgages are adjustable rate and reset every five years or less, so the home buyer takes part of the interest rate risk. Lenders have recourse against borrowers, so there is no incentive for borrowers to walk away from an underwater mortgage. This system has led to a homeownership rate of 68%, now above the US rate.

Germany offers no special assistance to homeownership. There the homeownership rate is 45%. As a result relatively more German capital is directed toward industrial uses, and Germany leads the world in export of advanced machinery.

Spain has a group of savings banks (cajas) that focus on mortgage lending. The cajas have powers similar to the GSEs in the US awarded by the Spanish government, and they are politically protected. Recent EU stress tests have shown the cajas are capital-deficient by 20-40 billion euros. As recently as December 2010 the cajas were still offering 100% mortgage loans (no down payment). They have fueled speculation in house prices, which have fallen 22% since their peak in 2007. (Zandi, 2009).

## **A U.S. MODEL FOR HOME MORTGAGE FINANCE**

In a perfect world, free markets would direct most resources where they would be most productive. In the case of public goods, government would need to identify and administer allocation of resources to meet social needs. After World War II, the U.S. policy treated housing as a public good to some extent. The result has been that credit was over-allocated to housing, and excessive risk was accepted by some home buyers, lenders and the government. This means that credit was under-allocated to non-housing sectors, and interest rates were higher for those sectors than they would have otherwise been.

The recent failures in subsidized home mortgage finance have shown that there can be huge costs when government tries to direct market outcomes. An ideal mortgage market would compete for capital on par with other sectors. The VA and FHA programs should be the extent of assistance for housing. These programs target middle and moderate income families. In addition FHA programs for multi-family housing provide indirect assistance for lower income renters.

Not considered here is the Section 8 rent subsidy program, rent controls in some areas, and public housing agencies in many cities and states. Congress should consider these programs and other initiatives to support housing as a separate matter, and they should appropriate the needed funds. When government tries to achieve its goals indirectly through subsidies, market distortions occur and the risks to society can often be much more than the direct cost of the intended support. (Ferrara, 2011).

## **FANNIE MAE AND FREDDIE MAC: PAST AND FUTURE**

The onset of the subprime mortgage crisis in August 2007 started a cycle of falling prices of mortgage-backed securities (MBS). Many MBS had been issued or guaranteed by Fannie Mae or Freddie Mac, and the market for new issues was effectively closed as MBS prices fell. Rising mortgage delinquencies and pending foreclosures quickly led to losses by the GSEs, and in December 2008 they were placed in conservatorship (taken over) by the US government. The government continues to fund the losses of Fannie and Freddie, which have reached \$140 billion since 2008. (Becker & Posner, 2009).

In February 2011 the Treasury Department presented a report to Congress detailing a plan for Fannie and Freddie. The plan is to gradually wind down the GSEs and divert more mortgage funding to the private sector. The tools used would be gradually raising fees charged by GSEs to reflect their government subsidy, increase the risk assumed by borrowers and lenders, and reduce the current high loan limit that applies to the GSEs as of October 2011 as scheduled. The public comment period on this plan runs through August 2011, and then a final plan will be presented. It is expected to take two years for Congress to pass the necessary legislation.

## **RECOMMENDATIONS**

The future home mortgage finance system in the US should be a private system of capital allocation with minimal government intervention. The home mortgage interest deduction should be eliminated, which should be relatively painless in an era of very low interest rates. The VA home loan guarantee program for military veterans should be continued as a benefit of service. The FHA mortgage insurance program for mortgages up to a ceiling amount should be continued as support to well qualified middle and moderate home buyers. The Government National Mortgage Association (Ginnie Mae) MBS guarantee program should continue. It poses no additional risk to the government, and it supports the VA and FHA programs as well as the standardization of the secondary mortgage market.

Fannie Mae and Freddie Mac should be gradually phased out. Until that can happen, they should be managed by the US Department of Housing and Urban Development, and their budget, staffing and salaries should be made consistent with other government agencies. This action would eliminate the huge salary and bonuses received by senior executives.

There may be a role for a GSE in helping to support a standard mortgages that would attract capital without an explicit government guarantee. The problem with a 30 year fixed rate mortgage is that lenders do not generally want such a long term, especially one that may pre-pay without notice and without penalty. The Canada example of a 5 year, adjustable rate mortgage may be a good model. Such an instrument may meet the needs of borrowers and lenders without explicit government support.

## REFERENCES

- Akerlof, G and Shiller, R. (2009). *Animal Spirits*, Princeton: Princeton University Press.
- Bernanke, B. S. (2007). "The Subprime Mortgage Market", presented at the 43d Annual Conference on Bank Structure and Competition, Federal Reserve Bank of Chicago, May 17, 2007.
- Becker, G. A. & Posner, R. A. (2009). *Uncommon Sense*, Chicago: University of Chicago Press.
- Faber, D. (2009). *And Then The Roof Caved In*, Hoboken: John Wiley & Sons, Inc.
- Ferrara, P. (2011). *America's Ticking Bankruptcy Bomb*, New York: Harper Collins.
- Folsom, B. (2008). *New Deal or Raw Deal?*, New York: Threshold Publishers.
- Gjerstad, S. & Smith, V. L. (2009). "From Bubble to Depression?" *Wall Street Journal*, April 6, 2009, page A15.
- Gorton, G. B. (2010). *Slapped By The Invisible Hand, The Panic of 2007*. New York: Oxford University Press.
- Gramlich, E. M. (2007). *Subprime Mortgages: America's Latest Boom and Bust*, Washington, D. C.: Urban Institute Press.
- Kotlikoff, L. J. (2010). *Jimmy Steward is Dead*, New York: John Wiley & Sons.
- Lewis, M. (2010). *The Big Short*, New York: W. W. Norton & Co.
- Morgenson, G. & Rosner, J. (2011). *Reckless Endangerment*, New York: Times Books
- Reinhart, C. & Rogoff, K. (2009). *This Time Is Different*, Princeton: Princeton University Press.
- Zandi, M. (2009). *Financial Shock*, Upper Saddle River, New Jersey: FT Press.