

MORTGAGE CREDITING

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The mortgage is a pledge of the real estate for maintenance of obligations to the creditor. At mortgage crediting the borrower receives the credit for purchase of the real estate or other purposes. His obligation to the creditor is repayment of the credit, and a pledge of the real estate provides execution(performance) of this obligation. Thus it is possible to buy and pawn not only habitation, but also other objects of the real estate - the ground, the automobile, a yacht etc. The real Estate acquired with the help of the mortgage, is the property of the borrower of the credit from the moment of purchase. The term the mortgage in Russia is usually applied in connection with the decision of housing problems.

The purpose of the given work is consideration and the analysis of a technique of formation of models of hypothecary housing crediting. For achievement of the specified purpose the following tasks are put:

- To generalize theoretical economic and legal bases of the mortgage (a pledge of the real estate), including the analysis of classical models of hypothecary crediting working in world practice;
- To analyze the given material and most pressing questions of hypothecary housing crediting through a prism of the usual international experience and domestic practice of functioning of hypothecary relations;
- To show modern lines of development of the mortgage at federal and regional levels, to designate the basic problems of development of the mortgage in Russia, and also to try to find the ways of their decision most acceptable now.

For January, - March 2010 given hypothecary credits were for 45-50 billion roubles in Russia. Approximately as much mortgages were given for six months 2009.

According to forecasts АИЖК, in 2010 volume of distribution of hypothecary credits will grow twice in comparison with 2009.

For January, 1, 2010 the volume of the given credits for habitation counted 1,181 trillion roubles, while for January, 1, 2009 - 1,27 trillion roubles. In total for 2009 in the Russian Federation it was given credits for the mortgage for the sum 89 billion roubles.

Now, institutional bases for development of the mortgage in Russia are federal laws " About the mortgage (a pledge of the real estate) " from 16.07.98 ¹. 102 - ФЗ, " About the state registration of rights to real estate and bargains with it(him) " by which obligatory State registration of the mortgage (the law is established has come into force since 1.02.98).

The vital Issue is definition by the creditor of real solvency of the borrower. The basic document confirming incomes of citizens is the information(inquiry) on incomes or the tax declaration serves. On existing statistics only 20 % of citizens have the constant income reflected in the tax declaration. Thus, the others of 80 % of citizens are eliminated as potential clients of hypothecary programs. Unfortunately, legal methods of overcoming of this obstacle does not exist.

Also lack of the mortgage is so-called "overpayment" for an apartment which can achieve 100 % and more. "Overpayment" under the mortgage includes interests on the hypothecary credit and the annual sums of obligatory insurance. Besides during reception of the hypothecary credit the borrower should bear still some additional charges, such as payment

of services of the estimated company and the notary, a payment to bank for consideration of the application for the credit, gathering for conducting the loan account etc. The overhead Charge in aggregate can achieve 10 % of an initial payment on purchase of habitation.

One more "minus" of the mortgage is a plenty of requirements of savings and loan associations to borrowers: documentary acknowledgement (confirmation) of incomes, presence of registration and the Russian citizenship, the certain experience of work on one place, an opportunity to present guarantors under the credit etc.

In the advanced countries with wide experience of hypothecary crediting the borrower recognize solvent if monthly payments under the credit do not exceed 30 % from his(its) declared income.

Essentially all hypothecary systems share on three big groups depending on what means are used on granting of credits. One of them, conditionally we shall name its(her) bank mortgage, assumes, that the bank uses for distribution of hypothecary credits the same means, as for all other credits, that is mainly means from deposits.

Other, so-called system of the secondary hypothecary market (American), is based on use for hypothecary crediting means institutional investors - first of all pension funds and the companies on life insurance.

The third model - contract-savings system of the mortgage (German) - uses for granting hypothecary credits of means of target accumulation of the future borrowers.

In the pure state today in Russia there can not be no of these systems. The system of the secondary hypothecary market has already received some distribution, therefore it should be discussed more detail. So, why is it impossible, and in what image is it all the same exists?

The American system is intended for swapping in hypothecary credits of the cheapest and long-term means in the market. The most long-term means are at disposal pension funds and the companies engaged in life insurance. In these organizations means are put for a long time and can not be prescheduledly withdrawn as against means from deposits of commercial banks.

The system of the secondary market is aimed at that institutional investors giving means for hypothecary crediting agreed almost on the same low profitableness as at investments in practically unventure state bonds. For this purpose in USA the intermediary organizations were made, so-called hypothecary agencies (Fannie Mae, Freddie Mae and Ginnie Mae) which obligations are guaranteed by the state.

Agencies sell the liabilities to investors. Presence government guarantees allows investors to pass in review investments in these securities as practically unventure and to agree on the profitableness only a few (little) exceeding profitableness government bonds.

Received from sale of the liabilities money of agency direct on the repayment at banks of hypothecary credits. As a result the rate of hypothecary credits is not much bigger of rates of the state liabilities and is much lower than market rates of credits of the same risk level, as hypothecary.

It is asked, how this system can be created at us? The answer seems obvious - in any way. Certainly, it is possible to copy a system. Also it is possible to provide liabilities of agencies with guarantee. Thus it is possible to achieve investor's putting of means in the mortgage, agreeing on the profitableness close to profitableness on Russian government debt.

Besides it is not clear, who will represent itself as investors. You see those sources of cheap and long-term resources from which the mortgage in USA is financed, in Russia practically are not present.

First of all, budgetary funds. Both Moscow, and federal hypothecary agencies made the repayment of hypothecary credits extremely on means of the Moscow and federal budgets. It means, that on cheap hypothecary credits to several rather well-to-do citizens all tax bearers, in the basic weight considerably less solvent were threw off.

Thus, in the Russian Federation the interesting system of the secondary market is formed. Externally it is very similar on American: banks give out credits, sell to their agencies, agencies receive means from investors. But internally it essentially another for as against American, pumping over on the hypothecary market of the savings the citizens stored(kept) at institutional investors, we pumps over budgetary funds on this market, i.e. means of domestic and foreign tax bearers.

Some of practice, realizing temporary character of successes of system of the secondary market, have started construction of contract-savings (German) system. That itscreation in present conditions also is theoretically impossible, anybody, naturally, did not confuse. The result appeared is similar to a situation with system of the secondary market. The system externally very similar on German, was created, however, as well as in a case with the American model, about essentially other maintenance and the mechanism of work.

The specialized target deposits serve in contract -savings system as a source of cheap means for hypothecary credits. Having concluded the appropriate contract with the specialized hypothecary credit organization, the client incurs the obligation during certain time monthly to grant the fixed sum on the target deposit under the interest rate which size is much lower among market. After the termination(ending) of the period of accumulation, having saved approximately half necessary on purchase of an apartment of means, the client receives the credit for second half of means, also under the rate lower, than the credit rate among market.

The means given by the client, are used for distribution of credits to hispredecessors who have already finished the period of accumulation. The client, in turn, receives the credit from means which are put by the clients who are come later and taking place at this time at a stage of accumulation.

It is obvious, that all this procedure occurs in frameworks very strictly adjustable, controllable and frequently the specialized credit organizations guaranteed by the state. These organizations have no right to carry out any active operations, except for granting credits to the former investors. Riskiness of such credits is much lower, than usual hypothecary for they are given out to people, not only formally confirmed the credit status, but also in practice shown, that they monthly are capable to carry out the fixed payments approximately equal to monthly payments under the credit during long term.

In Russia such specialized credit organizations are not presented. To create the similar organization within the framework of usual universal bank it is impossible, as it is impossible to guarantee, that itwill not use supercheap depositary means for not hypothecary active operations.

So, how the German system of the mortgage is formed at us? In the most original image - in general doing without the credit organizations. They are replaced with the organizations - builders. During the period of accumulation all payments of the client are made out as individual share in construction of a concrete building and really invested in this construction. After its ending the client receives an apartment in the order (sometimes even in the property). Thus he has already paid cost about half of apartment, and second half receives from the builder as the commodity credit. The client pays this commodity credit to the builder during the stipulated period.

Thus, there is the pseudo-German hypothecary circuit externally very similar on real German: the client during the period of accumulation grants contributions for the sum equal to half of cost of an apartment, then receives an apartment, then pays equal shares cost of second half of apartment.

Internally the circuit is completely other. Means which are paid by the client during the period of accumulation are used not on distribution of credits to carefully checked up borrowers and on financing of construction of the certain apartment house. Means which are

used for distribution of the credit, it is not means of other clients in process of accumulation, and own means of the builder.

Accordingly, the risks absolutely not peculiar to traditional contract-savings system are inherent in our pseudo-German circuit. First of all, it is risk of that own means of the builder and the means brought by clients, will not suffice on end of construction of an apartment house. In this case the client appears the share owner of the unfinished object after the period of accumulation.

Now the pseudo-German system exists only in frameworks of very large and reliable building organizations. Therefore such done did not happen till now. However if this system will be distributed more widely and experience of creation of pseudo-German hypothecary system would start to adopt and other organizations cases of a stop of construction because of shortage of means to not avoid. Taking into account, that in pseudo-German system client has not got present even a theoretical opportunity to withdraw the enclosed means (unless bricks from a wall *наковырять*), its collapse can cause the big social shocks.

If we want to have a real system of the mortgage instead of constantly balancing on a side fiasco a rough parody to the western models, it is necessary to create for this purpose special conditions. First of all it is necessary to provide the mortgage sources of financial resources.

If we want to form the mortgage on German model we should legalize the appropriate credit organizations with adjustment of system of a rigid regulation and the control of their operations. At the initial stage they should be guaranteed either the state, or subjects of federation, or reliable western financial establishments. While such organizations are not present, the contract-savings (German) system can not be generated.

If we want to form the mortgage on the American model it is necessary to begin with creation of system institutional investors, i.e. to develop activity of the not state pension funds, the companies on long-term life insurance etc. Besides it is necessary to make these organizations being interested in purchase of securities of hypothecary agencies at their low profitableness (5-10 %). Till the credit rating of Russia will not increase and become stable also, hypothecary agencies will continue to hope for foreign policy-guided investors, remaining completely dependent on interests and will of the governments of the western countries.

It is real the mortgage can develop only when besides an opportunity to give out money at the credit organizations the confidence that they can receive this money will appear back. Differently, when the problem of use of habitation at last will be solved as a pledge, that is the real opportunity of eviction of insolvent borrowers will appear. While it does not become precisely fulfilled routine procedure, hypothecary crediting remain hi risky business.

Besides the mortgage will not become mass till the real credit status of the population will not increase. It means not only that incomes of citizens should increase, but also that in the country rates of inflation should be reduced. Otherwise the rise in prices will reduce constantly that share of earnings which the borrower will not spend for daily needs and can direct to repayment of the credit.