



FDIC  
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To Whom It May Concern,

We, Pennsylvania Assistive Technology Foundation (PATF), appreciate the opportunity to comment on the Notice of Proposed Rulemaking (NPR) updating the Community Reinvestment Act (CRA). PATF is Pennsylvania's Alternative Financing Program, as designed by the federal Assistive Technology Act, and a state affiliated and federal certified Community Development Financial Institution (CDFI). PATF's mission is to provide education and financing opportunities, and advocacy for people with disabilities, helping them to acquire assistive technology devices and services (AT) that improve the quality of their lives. To date, PATF has helped 4,535 Pennsylvanians with no-interest or low-interest consumer loans worth almost \$45 million. Eighty-nine percent (89%) of PATF's borrowers are (or have been) low to extremely low-income; and, more than 3/4ths of PATF's borrowers have been denied access to affordable capital from a bank.

PATF's data is in line with FDIC's data which documents that people with disabilities are more likely than their nondisabled peers to be unbanked, lack access to credit and be low- and moderate-income (LMI).

Americans with disabilities are one of the largest minority groups in the country and growing. In Pennsylvania, more than 2.6 million adults have a disability, which is equal to 26% of the population (in 2022).

The term "disability" describes a diverse group of individuals. A person's disability can be related to vision, hearing, movement, communication, cognition and/or psychosocial issues. A disability can occur at birth, older age or anytime in between. It can be congenital or can arise because of chronic illness, injury, malnutrition, or aging. The diversity of types and severity of disability, age of onset, income and intersection with other marginalized communities defined by race, ethnicity, gender, and sexual orientation may compound discriminatory treatment that limits access to credit and financial inclusion.

The NPR issued jointly by all three regulatory agencies offers a unique opportunity for focus and response to the financial challenges faced by people with disabilities as part of a bank's role and responsibilities under CRA.

The NPR offers several provisions that are sensitive to the financial challenges of LMI individuals with disabilities nationwide and yet still more could be done. As a part of the disability community, we want to focus attention on several key issues:

1. **New Definition of Community Supportive Services** – The new definition of community supportive services as “general welfare activities that serve or assist low- or moderate-income individuals, such as childcare, education, workforce development and job training programs, health services and housing services programs,” elevates the importance of these services in support of LMI populations including individuals with disabilities. Please consider entrepreneurship development as a further part of the community supportive services definition as an additional pathway out of poverty for individuals with disabilities and other LMI populations.
2. **Workforce Development Services** – Inclusion of workforce development services within the new definition of community supportive services means that workforce development will no longer be tied exclusively to supporting or financing small businesses and farms and would receive added consideration for bank CRA activities. Investment of funding for workforce development for people with disabilities and other low-income and disadvantaged populations should be a standard part of impact reviews in the community development tests.
3. **Focus on LMI Individuals with Disabilities** – We are pleased that, in the definition of “community supportive services,” there is included: “(7) Activities that benefit or serve individuals who receive or are eligible to receive Federal Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI) or support through other Federal disability assistance programs.” Other examples of federal disability assistance programs that should be listed include Vocational Rehabilitation (VR) services and Home and Community-Based Services (HCBS) waiver programs (under Medicaid). Although this Paragraph 7 is one of many examples of groups and activities covered under the new definition of community supportive services, it is at least clear recognition that individuals with disabilities are and should be a target for community development activities including “childcare, education, workforce development and job training programs, and health services and housing services programs that serve or assist low- or moderate-income individuals.”

4. **Presumption of LMI Coverage by Proxy** – Historically, banks have been challenged during performance reviews with regulators regarding their level of documentation that the individuals served are LMI. In the NPR, there is a list of activities that create presumptive proof that individuals being served by a variety of means-tested federal programs would be sufficient proof of LMI status. LMI individuals with disabilities would also be included under other activities listed that benefit an LMI population, such as the Supplemental Nutrition Assistance Program (SNAP), Medicaid or Medical Assistance, Department of Agriculture’s National School Lunch Program, Home and Community-Based Services waiver programs, and HUD’s Section 8 (Housing Choice) program. These examples of services that individuals with disabilities are eligible to receive should serve as proxies for banks to have presumptive proof of LMI coverage.
  
5. **Qualifying Non-exhaustive List of CRA Activities** – PATF supports development of a non-exhaustive, but illustrative, list of activities that do qualify for CRA credit. It is important to be clear that activities not on the list do not imply that there are no other activities that would qualify. Although short-lived, the prior OCC list that was a part of the regulations that were withdrawn had multiple examples of qualifying activities that supported individuals with disabilities:
  - a. An unsecured consumer loan to a moderate-income individual for household assistive technology (AT) products and vehicle modifications to improve accessibility (Section 25.04(b)(1)(i)).
  - b. Donations to workforce development programs designed to improve employment opportunities for LMI individuals with disabilities (Section 25.04(c)(3)).
  - c. Financial capability training by bank employees to individuals with disabilities (Section 25.04(c)(9)).
  - d. Loan to upgrade equipment in a public library to accommodate LMI disabled individual patrons (Section 25.04(c)).

These examples stimulated discussions and reinforced opportunities for collaboration with banks. Examples included in the first list help reinforce to banks the eligibility and importance of CRA activities that target the disability community.

6. **Accessibility and Affordability of Retail Products and Services** – Only large banks with assets of more than \$10 billion will be evaluated for digital and other delivery systems. The approach of using quantitative measures to evaluate distribution of digital account activity across census tracts of various income levels is a starting point. Large banks with assets below \$10 billion with at least one-third of their deposit activity that is digital should also have the digital component of the large bank exam. The regulators should qualitatively consider the range of banks’ digital and other delivery systems including

online mobile and telephone banking for not just the largest banks. A bank should explain its strategies and initiatives to meet LMI consumer needs through digital and other delivery systems including marketing and outreach to LMI individuals to increase uptake of the channels, as well as partnerships with community-based organizations serving targeted populations including individuals with disabilities.

Accessibility and affordability of responsive products and services should be compared and contrasted between LMI and non-LMI neighborhoods at the assessment area level. Branch availability, services offered, branch openings and closings and banking hours and services responsive to LMI customers, including customers with disabilities, should be a part of the bank examiner evaluation in the retail services and products test.

7. **Impact Review Factors** – There are 10 impact factors proposed that will influence community investment and service scores. Among the 10 factors are whether the activity serves persistent poverty counties, supports Treasury-certified CDFIs, serves LMI individuals and families, is a qualifying grant or donation and others which could benefit LMI individuals with disabilities. The disability community urges the addition of an 11<sup>th</sup> impact factor for the Community Development Financing and Services Tests that specifically reviews “whether the activity serves LMI individuals with disabilities.” Unfortunately, there is no proposed weighting of impact factors analysis in comparison to specific metrics for quantitative measures.
8. **Promote and Encourage Public Engagement** – Community groups be allowed, in addition to banks, to be able to suggest revisions and additions to the illustrative nonexclusive list of CRA qualifying activities with justifications. Banks should be encouraged to work with community groups and suggest proposals together. There should be regular requests for public comment on proposed revisions and additions to the list. Examiners should make a part of their regular exam routine outreach to historically underserved groups defined by race, ethnicity and/or disability to provide documentation of unmet individual and community needs. Public written and oral comments that provide evidence of patterns (positive and/or negative) regarding access to credit and bank response should be a factor in conclusions for retail lending and services tests.
9. **Financial Literacy (Financial Education) Remain Focused on LMI Individuals** – PATF and the disability community strongly opposes CRA credit for financial literacy activities including education and counseling services for individuals without regard to income levels. People with disabilities have benefitted from collaborations with banks of all sizes offering financial education and counseling services both through funding and staff



volunteer activities. CRA must remain focused on original intent to support LMI populations. This expansion of who will be eligible will most likely diminish the extent of current and potential future efforts that have been growing with LMI individuals with disabilities and other underserved populations defined by race and/or ethnicity.

Additionally, it's critical that banks understand (and provide education and counseling) on financial education topics that are of unique importance to people with disabilities; including safe ways to save and maintain government benefits (ABLE program), the Social Security work incentives, and Medical Assistance for Workers with Disabilities. For more information on these topics and more, banks can go to PATF's website, <https://patf.us/>

10. **Applicability of the Americans with Disabilities Act (ADA)** – In the NPR there is discussion of adding to the list of existing laws other statutes such as UDAAP, the Military Lending Act and the Servicemembers Civil Relief Act to help assess whether there is evidence of discriminatory or other illegal credit practices.

The NPR fails to mention the applicability of the Americans with Disabilities Act, Pub. L. No. 101-336, which requires that banks ensure equal access to services. Failure to do so will result in banks not adhering to their legal responsibility to address the needs of people with disabilities. This includes, for example, making reasonable accommodations such as providing alternative formats for materials, accessible phone communications with video relay, and ADA-compliant (508) websites. In addition, fintech must include a full range of accessibility features that allows it to be navigated by people with a variety of disabilities. For example, it needs to be navigable by screen readers used by people who are blind or have a physical disability and use assistive technology, captioned videos that are accessible to people who have a hearing loss, and materials written in simple language that is accessible to people with an intellectual or a cognitive disability. In the absence of robust accessibility features, this important component of LMI customers will not have equal opportunity to use mainstream banking innovations. The ADA must be included in the list of laws in the fair lending review, and accessibility to the bank (physical locations, programs, and services) should become a part of fair lending reviews.

11. **Ratings** – No bank should receive an outstanding rating without both the community development financing and services and retail lending and services and products subtests demonstrating improved levels of quantitative and qualitative measures of direct response to individual and community needs of LMI populations with disability within and across assessment areas.

12. **Vibrant communities are best supported when economic opportunities are inclusive of LMI populations, including people with disabilities.** Unless the challenges of LMI people with disabilities are intentionally addressed, people with disabilities will be unintentionally excluded from the financial system and overlooked as a target of community development activities.

Thank you for your attention to and support of our comments.

Sincerely yours,



Susan Tachau  
Chief Executive Officer