



MORTGAGE BANKERS ASSOCIATION

August 18, 2025

Office of the Comptroller of the Currency
12 CFR Parts 24, 25, and 35
Docket ID OCC-2025-0005
RIN 1557-AF30

Federal Reserve System
12 CFR Parts 207 and 228
Regulation BB
Docket No. R-1869
RIN 7100-AG95

Federal Deposit Insurance Corporation
12 CFR Parts 345 and 346
RIN 3064-AG13

RE: Joint Agencies' Notice of Proposed Rulemaking: Community Reinvestment Act Regulations

Ladies/Gentlemen:

The Mortgage Bankers Association (MBA)¹ appreciates the opportunity to comment on the notice of proposed rulemaking (NPR)² issued jointly by the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (the Fed) and the Federal Deposit Insurance Corporation (FDIC) (jointly, the Agencies) to rescind the final rule titled "Community Reinvestment Act"³ and replace the 2023 CRA Final Rule with regulations adopted by the Agencies and the former Office of Thrift Supervision (OTS) on May 4, 1995⁴, as amended⁵, and as published in the Electronic Code of Federal Regulations (eCFR) as of March 29, 2024 (1995 CRA regulations), with conforming amendments to the Agencies'

¹ The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 280,000 people in virtually every community in the country. Headquartered in Washington, DC, the association works to ensure the continued strength of the nation's residential and commercial real estate markets; to expand homeownership; and to extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of over 2,300 companies includes all elements of real estate finance: mortgage companies, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies, and others in the mortgage lending field. For additional information, visit MBA's website: www.mba.org.

² Available at: <https://www.federalregister.gov/documents/2025/07/18/2025-13559/community-reinvestment-act-regulations>

³ [89 FR 6574](#) (Feb. 1, 2024).

⁴ [60 FR 22156](#) (May 4, 1995). The OCC reissued its 1995 CRA regulation, as amended, with non-substantive changes on December 15, 2021. See [86 FR 71328](#). For purposes of this, reference to the 1995 CRA regulations includes the OCC's 2021 CRA final rule.

⁵ See e.g., [70 FR 44256](#) (Aug. 2, 2005); [75 FR 61035](#) (Oct. 4, 2010); [82 FR 55734](#) (Nov. 24, 2017).

definition of “small bank” and technical amendments to the OCC's definition of “small bank” and transition provisions. The NPR requests feedback on all aspects of the proposed rule.

We agree with the Agencies that a rescission of the 2023 Final Rule is appropriate and ask that selected provisions that provided much-needed clarity for banks be included in the “reproposed current framework”.

I. BACKGROUND

Congress enacted the CRA in 1977 to encourage regulated banks to help meet the credit needs of the local communities in which they operate. In 1978, the Agencies promulgated the first major regulatory framework for implementing the statute. These regulations have been revised over the years, including the last major revision in 1995, and a less substantive modification in 2005. Since then, the Agencies have embarked on various (joint and individual) efforts to modernize the regulations, so that they are more in line with the changing times, including mobile and online bank activities and programs. Such efforts include several proposals by the Agencies, including a joint OCC/FDIC notice of proposed rulemaking, a Fed 2021 advance notice of proposed rulemaking, and ultimately, an OCC final CRA rule in May 2020, resulting in inconsistent and unaligned rules from the banking Agencies. MBA has consistently urged the OCC to rescind its final rule, and work with the other two Agencies on a unified CRA regulatory framework, in order to establish a more efficient and streamlined CRA regulatory process for banks and community stakeholders alike. The OCC finally rescinded its final rule in 2021, essentially returning the rules to the current joint Agencies' regulatory framework. On May 5, 2022, the Agencies issued a joint notice of proposed rulemaking to modernize their regulations implementing the CRA.⁶ The Agencies issued the 2023 CRA Final Rule on October 24, 2023.⁷

The Agencies' proposed rescission of the 2023 Final CRA Rule is driven by the significant legal uncertainty the Rule created. The Agencies also cite confusion and inconsistent understanding regarding the 2023 Final CRA Rule among industry stakeholders as a primary driver of their proposed rescission. Given this, the Agencies announced a proposed goal of (1) restoring certainty in the CRA regulatory framework for stakeholders; and (2) limiting the regulatory burden on banks. Because banks are currently examined under the 1995 framework, the Agencies believe rescinding the 2023 Final CRA Rule and returning to the 1995 CRA framework best limits the overall regulatory burden on banks at this time.

II. COMMENT

MBA supports the Agencies' goal of reducing regulatory burden on banks, eliminating confusion in applying the CRA rules, and efforts to ensure a consistent regulatory approach

⁶ [87 FR 33884](#) (June 3, 2022).

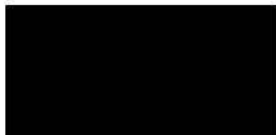
⁷ For a complete overview of the 2023 CRA Final Rule, see the **SUPPLEMENTARY INFORMATION** section of the rule, 89 FR at 6574-6579.

that applies to banks regulated by all three Agencies. To that end, MBA agrees with the Agencies that a rescission of the 2023 Final Rule is appropriate, and we support the included provisions that provide much-needed clarity for banks. One such provision is the requirement that the Agencies periodically publish an illustrative list of CRA-qualifying Community Development activities and provide a process for banks to obtain pre-approval for Community Development activities that are not on the list. Other proposed clarifications include that purchased loans are treated similarly as originated loans and that small balance loans are granted CRA qualification. MBA urges the Agencies to incorporate these provisions in the "reproposed current framework".

As MBA has stated in the past, we support efforts to simplify CRA examinations while ensuring that the standards applied to these examinations are objective and consistent across the entire process. To that effect, MBA reiterates our strong recommendation that the Agencies continue to work with the banking industry and other community redevelopment stakeholders to consider various policy options or approaches that support the Agencies' objectives and advance the goal of strengthening the "reproposed current framework".

MBA appreciates efforts to ensure that banks are not subject to unduly burdensome CRA rules and looks forward to continuing constructive engagement with the Agencies in furtherance of this objective. Please feel free to reach out to Fran Mordi at [REDACTED] or John Lammle at [REDACTED] if you have any questions, require any additional information, or wish to discuss our views further.

Sincerely,



Pete Mills
Senior Vice President
Residential Policy & Strategic Industry Engagement
Mortgage Bankers Association



Jamie Woodwell
Senior Vice President
Commercial Real Estate Finance Policy &
Strategic Industry Engagement
Mortgage Bankers Association