



# LEVITICUS FUND

*Faith Capital For Building Communities*

220 White Plains Road, Suite 125  
Tarrytown, NY 10591  
914-909-4381

August 4, 2022

FDIC  
550 17<sup>th</sup> St NW  
Washington, DC 20429

Re: Comments on CRA NPR: FDIC RIN 3064-AF81

Dear FDIC Acting Chairman:

The Leviticus 25:23 Alternative Fund (Leviticus) appreciates the opportunity to comment on the Notice of Proposed Rulemaking (NPR) regarding updating the Community Reinvestment Act (CRA). This NPR represents the most significant changes to the CRA regulation and exams in 27 years.

Since 1977 CRA has been the wellspring of vital resources flowing to Leviticus and our colleague community development financial institutions (CDFI) throughout the United States. These resources have allowed us to make housing and community development loans, and provide technical assistance, on a much larger scale than we would have. The community developer recipients of this capital and expertise have improved disinvested and concentrated poverty communities by building more (i) decent, energy efficient, affordable housing that is in short supply, including housing with supportive services for those with special needs; (ii) childcare and early learning centers; (iii) charter public schools; (iv) nonprofit office and program delivery space; and (v) community economic development projects creating local jobs.

Leviticus' last strategic plan covered 2017-2021 and during this period we raised grant capital totaling \$1.9 million, and loan and equity equivalent debt capital totaling \$45.7 million, all from banks covered by the CRA. This was by far the largest categorical source of funds to support our mission, and frankly we could not have secured capital close to this amount anywhere else. With these funds our loans were able to assist in the creation of 4,632 units of affordable housing, benefitting nearly 12,000 people. This included 2,739 apartments for very low-income and extremely low-income individuals and heads of household. One subordinate construction loan supported development of a new commercial plaza in East Bridgeport, CT, in a significantly disinvested neighborhood of concentrated poverty that will see its first new grocery store in 30 years because of the project. The developer, a person of color, grew up in the neighborhood and returned years later to tackle this project.

CRA is a powerful lynchpin fueling our work. We know that the more rigorous CRA exams and ratings are, the more effective CRA will be in bolstering bank reinvestment activity in underserved communities. The NPR proposed some significant improvements in test rigor. Despite that, the improvements are not across the board on all aspects of exams. The NPR also improved data collection and the breadth of geographical areas on exams but did not include race on exams.

We believe that persistent racial disparities in lending should compel the agencies to incorporate race and ethnicity in CRA exams. A recent national level analysis showed continuing disparities in loan denials by race and when people of color received home loans, their equity accumulation was less. The National Community Reinvestment Coalition (“NCRC”), which Leviticus is a member of, has asserted in a paper that it is possible for changes to CRA to comply with legal standards if CRA examined lending by race and ethnicity in geographical areas experiencing ongoing discrimination. By including race and ethnicity, CRA can identify and address persistent racial disparities that have direct impacts on quality of life and health outcomes.

Since CRA requires banks to meet the needs of communities, the agencies must also elevate the importance of public comments regarding the extent to which banks meet needs. The agencies proposed to continue the current practice of sending any comments on CRA performance to banks and are also considering publishing comments received on agency websites. We urge the agencies to post comments on their websites and to establish a public registry for community organizations to sign up if they wish to comment on CRA performance. In addition, we ask that the agencies publish a list of organizations that comment and that the agencies identify those led by people of color and women to seek input from a diverse range of organizations.

The agencies bolstered the rigor on the large bank retail lending test by introducing performance ranges for comparisons among a bank’s lending and demographic and market benchmarks. This approach would decrease ratings inflation and result in more failing and low satisfactory ratings on the lending test. As a result of this proposed reform, several banks would likely respond by boosting their retail lending to underserved communities. The other large bank tests such as community development finance and services include improvements but need to be further developed to guide examiners against inflating ratings.

The agencies correctly proposed to include new data collecting requirements for deposits, community development activities and automobile lending. Some of this data such as deposit and automobile lending would not be publicly available, which limits the extent to which the public can hold banks accountable. We ask the agencies to reconsider this decision and to expand this data collection to all large banks.

Advocates have urged the agencies to examine lending that occurs online. The agencies proposed to create assessment areas where a large bank does not have branches when a bank has issued 100 home loans or 250 small business loans. This proposal would result in the great majority of total lending being incorporated on exams and would therefore hold banks more

accountable for serving low- and moderate-income communities. However, the agencies must further ensure that exams do not overlook assessment areas containing smaller metropolitan areas and rural counties.

The agencies proposed to eliminate certain subtests for about 1,000 medium-sized and smaller banks that would eliminate their accountability for providing community development finance and branches in underserved communities. These changes lack justification since these banks have been successfully performing these activities for several years. We urge the agencies to eliminate this aspect of the NPR since it would reduce reinvestment activity.

The NPR is a good start and promises to make parts of CRA exams more rigorous, but we urge the agencies to extend the rigor of the large bank lending test to the other tests. We also ask the agencies to incorporate race in CRA exams, to expand the public reporting of their data collection proposals and to incorporate the other improvements discussed above.

If CRA is improved while maintaining public input and accountability, we believe the proposed rule could help reduce inequalities, disinvestment and other disadvantages in America's overlooked communities.

Very truly yours,

Leviticus 25:23 Alternative Fund, Inc.

A solid black rectangular box used to redact the signature of the sender.

By: \_\_\_\_\_

Greg Maher  
Executive Director