

**From:** [Molly Belmont](#)  
**To:** [Comments](#)  
**Subject:** [EXTERNAL MESSAGE] RIN 3064-AF22: RE: Notice of Proposed Rulemaking, Community Reinvestment Act Regulations  
**Date:** Monday, January 27, 2020 12:53:16 PM

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January 26, 2020

RE: Notice of Proposed Rulemaking, Community Reinvestment Act Regulations

To Whom it May Concern:

The Community Loan Fund of the Capital Region opposes the proposed changes to the Community Reinvestment Act (CRA) regulations as deeply misconceived. The OCC and FDIC would lessen the public accountability of banks to their communities by enacting unclear performance measures on CRA exams that would not accurately measure a bank's responsiveness to local needs. Contrary to the agencies assertions that their changes would increase clarity and CRA activity, the result will be significantly fewer loans, investments and services to low- and moderate-communities (LMI).

The Community Loan Fund of the Capital Region has been serving women, minorities and people of low income in 11 counties of upstate New York since 1985. During that time, we have developed strong partnerships with a number of banks, specifically because of the Community Reinvestment Act. As banks continue to move out of both rural areas and urban centers, Community Development Financial Institutions (CDFIs) like ours are called upon to bridge this increasingly large service gap and provide financial products in "banking deserts." We would not be able to do that without the Community Reinvestment Act. The CRA compels banks to invest CDFIs like ours, and in that way, reinvest in the very communities they are abandoning.

Bank CRA investments also help us finance affordable housing projects in formerly redlined communities. We are investing in minority and women-owned businesses, community development projects, and non-profit organizations that assist underserved communities, and trying to reverse the cycle of disinvestment that has plagued these communities for decades.

The agencies would dramatically lessen CRA's focus on LMI communities in contradiction to

the intent of the law to address redlining. The definition of affordable housing would be relaxed to include middle-income housing in high cost areas. In addition, the Notice of Proposed Rulemaking (NPRM) would count rental housing as affordable if lower-income people could afford to pay the rent without verifying that lower-income people would be tenants.

The NPRM would add financing large infrastructure such as bridges as a CRA eligible activity. Even financing “athletic” stadiums in Opportunity Zones would be an eligible activity. The NPRM would define small businesses and farms as having higher revenues, increasing the limit from \$1 million to \$2 million for small businesses and as high as \$10 million for family farms. This will steer funding away from the valuable work that agencies like ours do, and divert it to projects that hardly need assistance. Instead of being a stimulator or providing “last mile” support to bring much-needed projects to reality, it will become a slush fund for projects that are already well-positioned to receive funding.

While the NPRM recognizes changes in the banking industry such as the increased use of online banking, the NPRM’s reforms to the geographical areas on CRA exams are problematic and would reduce transparency. Neither the agencies nor the public can evaluate the agencies’ proposal to designate additional geographical areas on exams in the case of internet banks due to the lack of publicly available data. The public does not have a fair chance to offer comments on the effectiveness of significant proposed changes whose impacts are unknown.

The agencies propose an evaluation system that would further inflate ratings while decreasing the responsiveness of banks to local needs. The agencies propose a one ratio measure that would consist of the dollar amount of CRA activities divided by deposits. This ratio measure would likely encourage banks to find the largest and easiest deals anywhere in the country as opposed to focusing on local needs. Since banks could fail in one half of the areas on their exams and still pass under the proposal, the likelihood of banks seeking large and easy deals anywhere would increase. Also, the proposal would relax requirements that banks serve areas where they have branches first before they can seek deals elsewhere. We urge you not to stand by and allow that to happen.

The proposal would retain a retail test that examines home, small business and consumer lending to LMI borrowers and communities, but this retail test would only be pass or fail. In contrast, the current retail test has ratings that count for much more of the overall rating. Moreover, the proposal would result in branch closures since it would eliminate the test that scrutinizes bank branching and provision of deposit accounts to LMI customers. This is only going to increase the number of banks that shut their doors in underserved communities, which is already a severe problem in upstate New York.

Instead of weakening CRA, the agencies must enact reforms that would increase bank activity in underserved neighborhoods. The agencies do not address persistent racial disparities in lending by strengthening the fair lending reviews on CRA exams or adding an

examination of bank activity to communities of color in CRA exams. At the very least, the agencies could add a category on CRA exams of underserved census tracts, which would likely include a high number of communities of color. The agencies also require banks to collect more data on consumer lending and community development activities but do not require banks to publicly release this data on a county or census tract level. Finally, the agencies do not require mandatory inclusion on exams of bank mortgage company affiliates, many of whom engaged in abusive lending during the financial crisis.

This deeply flawed proposal would result in less lending, investing and services for communities that were the focus of Congressional passage of CRA in 1977. This backtracking will violate the agencies' obligation under the statute to ensure that banks are continually serving community needs. The FDIC and OCC need to discard the NPRM, and instead work with the Federal Reserve Board and propose an interagency rule that will augment the progress achieved under CRA instead of reversing it.

Sincerely,

Linda MacFarlane  
*Executive Director*

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