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April 8, 2020

Submitted via email, Comments@fdic.gov

Federal Deposit Insurance Corporation
550 17th Street, NW
Washington, DC 20429

Re: Community Reinvestment Act Regulations, RIN 1557–AF22

To Whom It May Concern:

Thank you for the opportunity to comment on the Community Reinvestment Act Regulations Notice of Proposed Rulemaking (NPRM) from the U.S. Department of the Treasury, Office of the Comptroller of the Currency (OCC), and the Federal Deposit Insurance Corporation. The Disability Law Center writes in opposition to the proposed rule and recommends that the NPRM be revised to address the financial and economic needs of low and moderate-income people with disabilities.

The Disability Law Center (DLC) is the Protection and Advocacy (P&A) organization for the Commonwealth of Massachusetts. Our mission at DLC is to provide individual and systemic advocacy to help ensure that all people with disabilities may participate fully and equally in society by providing legal representation and related advocacy services. Our efforts and those of P&A organizations in other states have included advocacy on accessible ATMs and accessible websites hosted by financial institutions. As the P&A, under federal law, we are asked to assist in educating lawmakers regarding issues of public policy affecting persons with disabilities. See e.g., 42 U.S.C. sec. 15043(a)(2)(L). We comment on behalf of our constituents.

We oppose the proposed regulation for two reasons. First, the proposal includes unclear performance measures that would weaken the CRA and make banks less accountable to meeting local needs. This is likely to result in fewer loans, investments, and services to low- and moderate-income communities (LMI) of people with and

The Protection and Advocacy System for Massachusetts



without disabilities. The original goal of the CRA in 1977 was to ensure that banks are continually serving community needs. The proposed rule cuts back on this goal, rather than continuing and enhancing it.

Second, despite the fact that people with disabilities are more likely to be LMI than those without disabilities, the proposed rule makes no mention of people with disabilities as part of LMI populations. Due to the passage of civil rights laws like the ADA, more inclusive education, de-institutionalization, and medical advances since the passage of the original CRA, a great many more people with disabilities, including people with very severe disabilities, live and work in local communities and require banking services. Many look to self-employment as a way to obtain the flexibility needed to work around the daily realities of medical conditions. Yet, people with disabilities are often excluded from mainstream financial services and are less likely to be banked or have access to mainstream credit, inhibiting full community inclusion.

As Congress made clear through the Americans with Disabilities Act (ADA), “physical and mental disabilities in no way diminish a person's right to fully participate in all aspects of society, but that people with physical or mental disabilities are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers”.

With attention to the comments below, the CRA has the potential to address the needs of this underserved population.

- * Include LMI populations with disabilities in the definition of community for analysis on LMI neighborhoods, distressed areas, and specific LMI populations.

- *Include examples of CRA qualifying activities for banks that respond to the financial needs of LMI individuals with disabilities, i.e., products and services that are accessible and affordable and investment and lending that advance inclusive community development. The omission of such examples offers regulated financial institutions no specific ways to meet the needs of this underserved population.

- * Include in the qualifying CRA activities list the possibility for banks to receive CRA credit for investment in economic and workforce development activities including apprenticeships, internships, on-the-job skills training, and skill certifications that are vitally important to many LMI populations, including those with disabilities.

- * Require outreach to community groups in the disability community to be part of community need and performance analysis. Encourage banks to seek consumer input from disability community experts on the national and local community level.

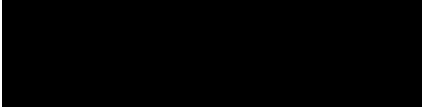
- * Offer training and technical assistance by national disability subject matter experts to increase awareness and knowledge about LMI individuals with disabilities, their inclusion in LMI neighborhoods, and potential partnerships with nonprofits focused on these populations.

*Require banks to disaggregate reporting data by gender/race/ethnicity or disability. This is necessary to compel banks to address the historical lack of access and equitable treatment of sub-populations of the LMI community.

*Include the ADA in the discussion about laws that address discrimination. The NPRM includes information about the applicability of seven other relevant laws that address discrimination but fails to include the ADA. Failure to do this continues the lack of attention to the financial and economic needs of the LMI disability community.

Instead of weakening CRA, the agencies must enact reforms that would increase access to bank activity in underserved neighborhoods that include LMI populations with and without disabilities. We urge you not to publish this NPRM as a final rule without the changes described above. These changes are necessary to prevent the exclusion of LMI persons with disabilities from necessary banking and financial resources and to prevent them from being overlooked in community development activities.

Respectfully Submitted,



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