



April 4, 2020

**Submitted via email to [Comments@fdic.gov](mailto:Comments@fdic.gov)**

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

**Re: Community Reinvestment Act Regulations, RIN 3064–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 Federal Deposit Insurance Corporation (FDIC). Disability Rights North Carolina (DRNC) 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.

DRNC is North Carolina’s designated Protection and Advocacy (P&A) organization, authorized by federal law to advocate for the rights of people with all types of disabilities, of all ages, statewide. DRNC’s advocacy work includes legal representation, education and outreach, information and referral, policy and coalition work, investigations of abuse and neglect, technical assistance, and support for self-advocacy. Our work also includes community access for people with disabilities who want access to financial services.

People with disabilities are more likely to be low or moderate-income (LMI) than those without disabilities. People with disabilities are often excluded from mainstream financial services and are less likely to be banked or have access to mainstream credit. If revised with attention to the comments below, the proposed rule changes to the CRA have the potential to address the needs of this underserved population.

It is important to understand the context of people with disabilities in America at the time the CRA was signed into law, some 40 years ago.

- Children with disabilities, based on a new federal law, were first allowed to attend their neighborhood schools, ending historical patterns of exclusion.

*North Carolina's Protection  
and Advocacy System*

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- Individuals with disabilities who had committed no crime were incarcerated in state and regional institutions. There was no articulated or constitutionally-protected right to humane care and treatment.
- There was no discussion or expectation of community life and participation in the workforce or the financial mainstream.

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”.

In that vein, DRNC is particularly concerned about the following four omissions in the NPRM:

- Qualified Activities, as defined in the NPRM, contain no examples of LMI people with disabilities benefitting from investments, lending and/or service activities. This omission offers regulated financial institutions no specific ways to meet the needs of this underserved population.
- The qualifying CRA activities list has eliminated 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.
- The NPRM does not require banks to disaggregate reporting data by gender/ race/ ethnicity or disability, thereby failing to compel banks to address the historical lack of access and equitable treatment of sub-populations of the LMI community.
- The NPRM discusses the applicability of seven other relevant laws that address discrimination but fails to include the ADA. This oversight continues the lack of attention to this most economically vulnerable population and their financial and economic needs. Since the passage of the ADA, financial institutions have been sued for violating the ADA for having inaccessible ATMs, having inaccessible websites, and for discriminating practices regarding access to credit including discrimination against people with disabilities who receive Social Security disability benefits.

Utilizing the CRA, DRNC commented on the proposed merger of SunTrust and BB&T and offered written and oral testimony at the merger hearing. As a result of our advocacy, the consolidated entity, Truist, committed to providing accessible websites and online account portals, and was required to make ATMs more accessible. DRNC also believes that, especially in non-urban areas, expanded drive through services and hours can make banking more accessible for people with disabilities.

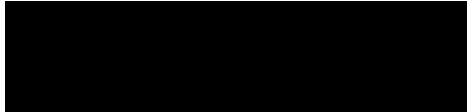
Vibrant communities are best supported when economic opportunities are inclusive of LMI populations, including people with disabilities. Unless the challenges of LMI people with

disabilities are intentionally addressed, people with disabilities will be unintentionally excluded from the financial system and overlooked as a target of community development activities.

The FDIC needs to revise the NPRM and offer a set of rules that maintains the intent of the CRA and includes LMI people, including those with disabilities.

Thank you for considering our views. Please contact Corye Dunn, Director of Public Policy, at [corye.dunn@disabilityrightsnc.org](mailto:corye.dunn@disabilityrightsnc.org) if you have any questions regarding these comments.

Sincerely,



Virginia Knowlton Marcus, CEO