



COMMUNITY HOUSING PARTNERS

Community Housing Partners

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April 7, 2020

RE: Notice of Proposed Rulemaking, Community Reinvestment Act Regulations

To Whom it May Concern:

Community Housing Partners (CHP) appreciates the opportunity to comment on the proposed changes to the Community Reinvestment Act (CRA) regulations. We strongly oppose the proposed changes because we believe they will substantially weaken the CRA and undermine its true intent.

CHP is 501(c)(3) nonprofit and NeighborWorks organization that provides housing opportunities and related services to low-income individuals and families across the Southeast and Mid-Atlantic. Our mission is to create homes and communities that are healthy, sustainable, and affordable, and we have been a leading advocate of affordable housing development in Virginia for over 40 years. Last year, we provided 11,274 people with stable rental housing and invested \$61.5 million in homes that meet green standards.

CHP believes that, under the new regulations, the Office of the Comptroller of the Currency (OCC) and Federal Deposit Insurance Corporation (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-income (LMI) communities we serve. Therefore, we oppose these changes.

These proposed changes 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. Therefore, we oppose these changes.

The NPRM would make unnecessary changes to the list of CRA eligible activities. For example, financing for large infrastructure projects such as bridges would be eligible. Even financing for athletic stadiums in Opportunity Zones would be an eligible activity. Similarly, 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. Therefore, we oppose these changes.

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. Therefore, we oppose these changes.

The OCC and FDIC 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. Therefore, we oppose these changes.

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. Therefore, we oppose these changes.

The agencies also propose to allow banks that receive outstanding ratings to be subject to exams every five years instead of the current two to three years. This would result in banks not making much effort in the early years of an exam cycle to serve their communities. Therefore, we oppose these changes.

Small banks with assets less than \$500 million could opt for their current streamlined exams instead of the new exams. The new exams would require banks to engage in community development financing while the existing small bank exams do not. This is another loss for communities. Therefore, we oppose these changes.

Instead of weakening CRA, the OCC and FDIC 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. Therefore, we oppose these changes.

All these proposed changes would make it difficult for organizations like Community Housing Partners to secure adequate funding to fulfill our mission of serving low-income individuals and families. This misguided proposal would result in less lending, investing, and services for communities that were the focus of Congressional passage of CRA in 1977. It would violate the agencies' obligation under the statute to ensure that banks are continually serving community needs. Instead of accepting the NPRM, the FDIC and OCC should work with the Federal Reserve Board and propose an interagency rule that will augment the progress achieved under CRA instead of reversing it.

Sincerely,



Janaka Casper, CEO
Community Housing Partners