



*The Protection & Advocacy System for South Carolina*

April 7, 2020

**Submitted via email to 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). The National Disability Rights Network (NDRN) 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.

Protection and Advocacy for People with Disabilities South Carolina is the state's protection and advocacy system for people with disabilities. Our mission is to advocate and protect the disability rights of people who live in South Carolina.

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.
- 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”.

P&A has concerns about the following 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.

These omissions will have a negative impact on those with disabilities in South Carolina. As of 2017, the South Carolina overall disability prevalence rate was 13%. In other words, 730,000 of the 4,964,500 had one or more disabilities. The median annual earnings of working-age people with disabilities is \$35,000. The poverty rate of working-age people with disabilities in South Carolina was 25.3%. People with disabilities make up a significant part of the LMI population in South Carolina and are too often excluded from the labor market and economic opportunities. We ask that you not overlook them by omitting LMI people with disabilities in the NPRM's definition of qualified activities.

We respectfully ask the OCC to consider these key and too often overlooked individuals of our community by revising the NPRM to offer a set of rules that maintains the intent of the CRA and includes LMI people, including those with disabilities.

Please contact [insert name here], [insert job title here] at [insert email here] should you have any questions or concerns with these comments.

Sincerely,

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[www.pandasc.org](http://www.pandasc.org)