



Shahabuddeen A. Ally, Esq., Chairperson
Ebenezer Smith, District Manager

Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166th St. 6th Floor, New York, NY 10032

Phone: (212) 568-8500, Fax: (212) 740-8197

Website: www.nyc.gov/mcb12

November 14, 2018

Hon. Joseph M. Otting
Comptroller of the Currency
U.S. Department of the Treasury
Office of the Comptroller of Currency (OCC)
400 7th Street, SW
Washington, D.C. 20219

Comments on OCC's Announcement of the Notice of Proposed Rule Making (ANPR) on the Community Reinvestment Act (CRA) - Docket ID: OCC-2018-0008 that includes a Pending Board Resolution in Opposition to the 31 Questions that Weaken Protections to Communities of Color and instead the Board's recommendation on Eleven New Public Policy Initiatives that support Responses to the 31 Questions and Advocacy by the ANHD and NCRC.

Dear Comptroller Otting:

Community Board 12 Manhattan, hereby submits within our bylaws its comments on **Docket ID: OCC-2018-0008** as a pending and emergency resolution listed below. Community Board 12, Manhattan recommends instead eleven new public policy goals to strengthen the current Community Reinvestment Act (CRA) and supports the responses to the thirty-one (31) questions advocated by the Association of Neighborhood and Housing Development (ANHD) and the National Community Reinvestment Coalition (NCRC) to the OCC's Announcement of the Notice of Proposed Rulemaking (ANPR) Agency. The Board's resolution asserts that the oblique intentions of the 31 questions, if implemented would significantly weaken and relax the CRA where its intended goal at protecting communities of color would be negated.

WHEREAS: The federal Community Reinvestment ACT (CRA) requires banks to serve the credit needs of communities where they take deposits, especially in low and moderate income communities; and

WHEREAS: The CRA was passed in 1977 (under the Carter Administration) to reverse historic and national "redlining" patterns of banks and promote neighborhood revitalization where banks need to support affordable housing, small business development, social services, and neighborhood preservation and stabilization in in low and moderate income communities; and

WHEREAS: Since its inception advocates and clients have secured trillions of reinvestment dollars for underserved communities; and

WHEREAS: The CRA and subsequent regulations require the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System and the Federal Deposits Insurance Corporation (FDIC) to assess the record of each bank in fulfilling its obligation to the community and to consider that record in evaluation and approving applications for charters, banks mergers, acquisitions and branch openings; and

WHEREAS: It is recognized that banks and the financial and monetary markets have significantly changed in the past 41 years since the enactment of CRA such that today there is little distinction between savings and loan banks, commercial/retail banks and investment banks due in large part to the repeal in 1999 of the 1932 Glass-Steagall Act by the Gramm-Leach-Bliley Act, the passage in 2010 of stricter bank regulations under the Dodd-Frank Act in response to the financial crisis of 2008 and the lessening of some requires in 2014 for smaller "Community Banks"; and

WHEREAS: Technological advances such as ATM's and "virtual" online banking and credit has changed the concept of window service and the need to maintain physical branches; and

WHEREAS: Some regulatory reform and applying CRA broadly throughout the financial industry is needed this reform must not become a pretext for relaxing CRA given following urgent public policy goals:

1. Historical assessment areas must still be preserved and expanded;
2. Public participation must be safeguarded;
3. The importance of local physical branches must be maintained;
4. The focus must remain on low- and moderate-income neighborhoods;
5. Discrimination and violations of the Consumer Protection Law must be penalized on all CRA Exams;
6. Bank activity to people of color and communities of color must be considered on all CRA Exams;
7. Banks cannot be allowed to merge after they fail CRA Exams;
8. Simplistic measures of performances and questionable unpublished algorithms must be avoided;
9. Affiliate activities must be considered;
10. CRA ratings must be refined (satisfactory to noncompliance may not be enough);
11. Community Benefits Agreements must be recognized; and

WHEREAS: The basic goal behind the CRA is to hold the banking industry accountable as they serve local communities and to monitor how trillions of dollars of responsible loans, investments and services are leveraged particularly for underserved communities, modernization must not become the excuse for weakening the law; **now therefore be it**

RESOLVED: Community Board 12, Manhattan supports the responses to the thirty-one (31) questions issued by the Association of Neighborhood and Housing Development (ANHD) and the National Community Reinvestment Coalition (NCRC) to the OCC's Announcement of the Notice of Proposed Rulemaking (ANPR) Agency Docket IDOCC-2018-0008 and opposes the oblique intentionality in the questions that if implemented would weaken or relax the current protections for communities of color.

Sincerely,


Shahabuddeen A. Ally, Esq.

Chairperson

Hon. Joseph M. Otting (**Docket ID:** OCC-2018-0008)

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cc: Hon. Andrew Cuomo, Governor
Hon. Bill de Blasio, Mayor
Hon. Letitia James, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Gale Brewer, Borough President
Hon. Adriano Espaillat, Congressman
Hon. Corey Johnson, Speaker, City Council
Hon. Mark Gjonaj, Council Member
Hon. Robert E. Cornegy, Jr., City Council
Hon. James Caras, Borough President Office
Hon. Maria T. Vullo, NYS Dept. Financial Services

Hon. Brian Benjamin, State Senator
Hon. Marisol Alcantara, State Senator
Hon. Alfred Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
Hon. Andrew Cohen, Council Member
Hon. Francisco Moya, Council Member
Hon. Rafael L. Espinal Jr., Council Member
Orlando Rodriguez, Borough President Office

