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# Reforming the Community Reinvestment Act Regulatory Framework

Comments by National Disability Institute on

Joint Notice of Proposed Rulemaking (NPR)

Agency:

DEPARTMENT OF THE TREASURY Office of the Comptroller of the Currency 12 CFR Parts 25 and 195 [Docket ID OCC–2018–0008] RIN 1557–AE34

FEDERAL DEPOSIT INSURANCE CORPORATION 12 CFR Part 345 RIN 3064–AF22

Community Reinvestment Act Regulations

## I. Introduction

It is disappointing that in 2020, which marks the 30th year since the passage of the Americans with Disabilities Act (ADA), that the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC) have made people with disabilities as invisible as ever to the banking world. They have ignored the clear data from FDIC analyzed by National Disability Institute (NDI) in biannual reports on "unbanked and underbanked households" that people with disabilities are among the most economically vulnerable among low- and moderate-income (LMI) populations and tend to be worse off in their access and use of financial services.[1] The Notice of Proposed Rulemaking (NPR) makes no mention of disability, thus allowing banks to continue to overlook the unique needs of this population when implementing community reinvestment activities.

NDI data analysis, published in the *Georgetown Journal on Poverty Law and Policy*, has illustrated that LMI people with disabilities make up a significant share of people living in LMI neighborhoods.[2] The Advance Notice of Proposed Rulemaking asked questions

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[1] Goodman, N. & Morris, M. (2019). Financial Status and Financial Behaviors of Adults with Disabilities: Finding form the 2017 National Survey of Unbanked and Underbanked Households and Focus Group Research. Washington D.C.: National Disability Institute. https://www.nationaldisabilityinstitute.org/reports/banking-status-and-financial-behaviors-2019/

[2] Morris, M., Goodman, N., Baker, A., Palmore, K. & Blanck, P. (2019). Closing the Disability Gap: Reforming the Community Reinvestment Act Regulatory Framework. *Georgetown Journal on Poverty,*

about “underserved populations (such as the disabled)” and specific types of activities for LMI individuals such as “job creation, workforce development, internships or apprenticeship programs.” However, the NPR does not address these issues.

By ignoring LMI people with disabilities as an important target group for Community Reinvestment Act (CRA) investment, lending and services and eliminating workforce development activities from the proposed list of qualifying activities, the NPR has moved backwards at a historic time of focus on people with disabilities. 2020 is a year of planned activities nationwide celebrating the 30th anniversary of the passage of the ADA which articulated fundamental civil rights of equal opportunity and protection against discrimination.

According to the NPR, the proposed rule seeks to strengthen the CRA regulations in four key areas by: (1) clarifying which activities qualify for CRA credit; (2) updating where activities count for CRA credit; (3) creating a more transparent and objective method for measuring CRA performance; and (4) providing for more transparent, consistent, and timely CRA-related data collection, recordkeeping, and reporting. In all these areas, the NPR neglects the nation’s disability community.[3]

## II. Who we are

National Disability Institute, a 501(c)3 nonprofit corporation, is dedicated to inclusive communities and community development where people with disabilities have the same opportunities to achieve financial stability and security as people without disabilities. For the past 15 years, NDI has led the creation of new knowledge about financial behavior and banking status of individuals with disabilities and their families with the analysis of data collected by the FDIC, the U.S. Census Bureau and the FINRA Investor Education Foundation. NDI reports have brought into focus the challenges of this economically vulnerable population that, when compared to people without disabilities, is twice as likely to be living in poverty, twice as likely to use costly nonbank lending and twice as likely to be unbanked. As part of a new CRA regulatory framework, banks should be expected and encouraged to provide more lending, investment and financial services “where they are needed most” and to who needs them most to the intentional inclusion of LMI populations with disabilities.

With the publication of the joint Notice of Proposed Rulemaking on January 9, 2020 by the Office of the Comptroller of the Currency and the Federal Deposit Insurance

*Law and Policy*. XXVI:3 (355-382). https://www.nationaldisabilityinstitute.org/reports/closing-the-disability-gap/

[3] Community Reinvestment Act, (12 CFR 345) Joint Notice of Proposed Rulemaking. Federal Register Vol. 85, No. 6. January 9, 2020. P. 1204.

Corporation, there is the opportunity for public comment to advance an updated framework for the regulations that implement the Community Reinvestment Act of 1977 (CRA). An updated framework would help regulated financial institutions of all sizes (banks) more effectively serve the convenience and needs of their communities (physical locations and online) including low- and moderate-income populations with and without disabilities.

## III. Historical Perspective

It is important to understand the context of people with disabilities in America at the time the Community Reinvestment Act 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 (totaling more than 400,000 individuals nationwide). 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.

Twenty-nine years ago, bipartisan support approved the Americans with Disabilities Act (ADA), signed by a Republican president, George Herbert Walker Bush. On July 26, 1990, President Bush, at the signing of the ADA, made this statement of intent:

“Together, we must remove the physical barriers we have created and the social barriers that we have accepted. For ours will never truly be a prosperous nation until all within it prosper.”

Societal norms change over time. Today:

- Record numbers of students with disabilities are graduating high school and move on to higher education.
- For the past 30 months, Bureau of Labor statistics have consistently reported an increase in workforce participation for individuals with disabilities. Still, two-thirds of working-age adults are not participants in the labor force.
- With the passage of the Achieving A Better Life Experience Act (ABLE), some eight million individuals with disabilities and their families can establish an ABLE account through one of 42 state programs and, for the first time, become savers and investors in a choice of strategies to grow their contributions tax-free, without fear of losing eligibility for diverse public benefits, including healthcare, Supplemental Security Income (SSI) payments, housing and food assistance. It

is expected that, over the next 10 years, assets under management will grow to more than $2 billion. However, less than one percent of eligible individuals and families have so far opened ABLE tax-advantaged savings accounts.

CRA modernization is long overdue for some 22 million working-age Americans with disabilities and one in five families with a member with a disability, including individuals over the age of 65. It is important to understand the population of people with disabilities, their likelihood to be LMI and their significant economic challenges.

**Who are people with disabilities?**

The term “disability” describes a diverse group of individuals. A person’s disability can be related to vision, hearing, movement, communication, cognition and/or psychosocial issues, and can range from mild to severe and be constant or episodic. A disability can occur at birth, old age or anytime in between. It can be congenital or can arise because of chronic illness, injury, malnutrition or aging.

Americans with disabilities are the largest minority group in the nation, comprising 13-20% of the U.S. population (40 to 57 million people). One in four families has a family member with a disability.

The diversity of types and severity of disability, age of onset, income and race have significant implications for developing strategies that promote financial inclusion. For example, a wheelchair user faces different access issues than someone who is blind. An individual born with a disability may have very different needs than one who acquires their disability later in life after they have been educated, gained experience in the workforce and accumulated assets. Low-income individuals may need a different suite of services than those with higher incomes. Individuals of color with disabilities may face negative stereotypes based upon either their disability or minority status, or both.

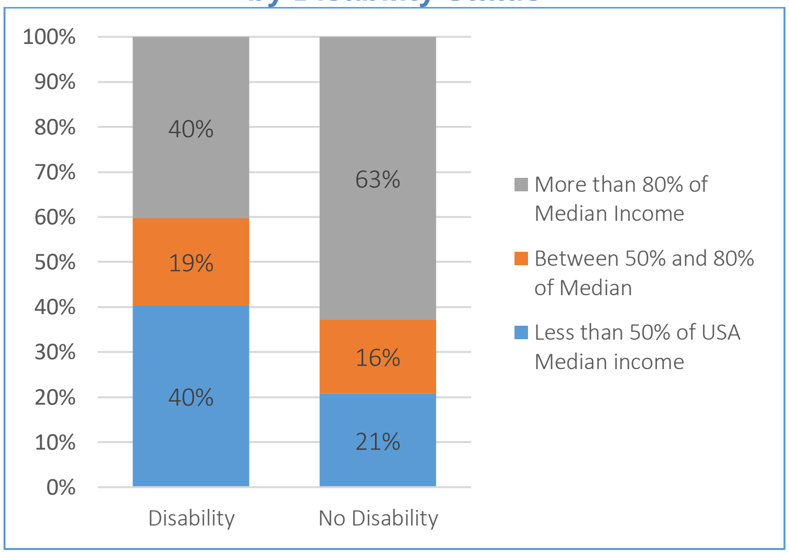
People with disabilities face significant barriers to financial stability. Low or unstable income and inadequate health insurance coverage complicate financial decisions. Individuals with disabilities often have a tenuous connection with the labor force because they tend to be employed in low-wage or temporary jobs that are less secure. They are often the “first fired and last hired” in times of economic downturn.

**People with disabilities are more likely than others to be LMI.**

More than 60% of adults with disabilities are considered LMI (have household incomes less than 80% of the median household income). (Figure below)

Other data indicates that people with disabilities make up approximately 12% of the U.S. working-age population; however, they account for more than 40% of those living in long-term poverty.[4]

**Income Distribution as a Percentage of USA Median Household Income, by Disability Status**

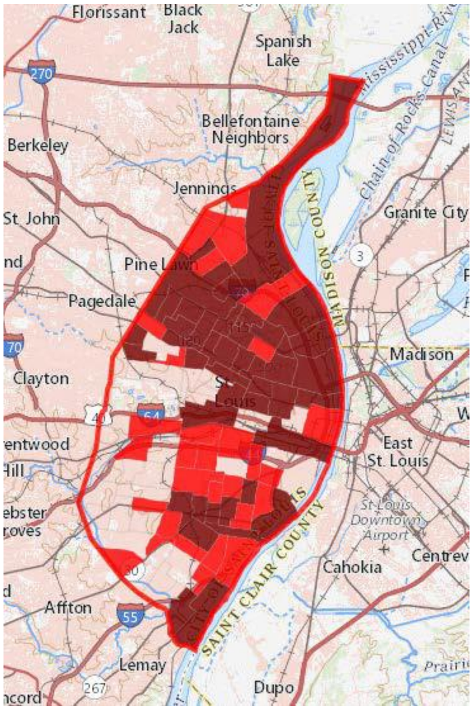



**People with disabilities live in LMI Neighborhoods.**

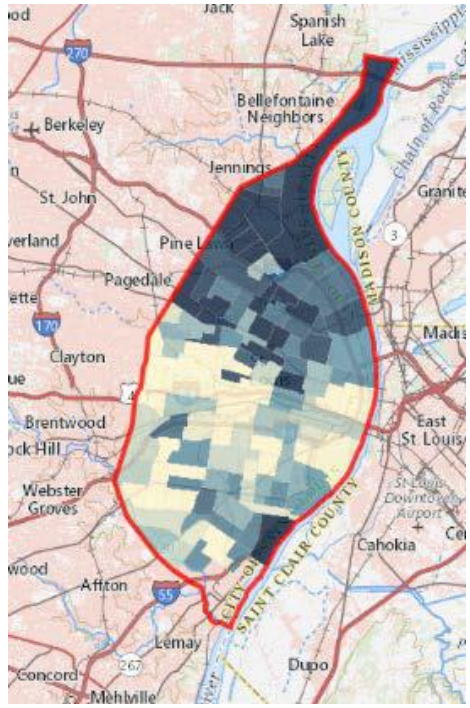
Because people with disabilities are more likely than those without disabilities to have low- or moderate-incomes, LMI neighborhoods have a high prevalence of people with disabilities. Using St. Louis, MO as an example, Maps 1 and 2 show the LMI neighborhoods (Map 1: LMI neighborhoods colored in pink) as defined by the Federal Financial Institutions Examination Council (FFIEC), compared to the prevalence of disability in those census tracts (Map 2: colored in dark blue).

[4] She,P. and Livermore, G. (2009). Long-Term Poverty and Disability Among Working-Age Adults. *Journal of Disability Policy Studies*. (19)4:244-256.

*Map 1: Low and Moderate Income Areas, by Census Tract in St. Louis*




*Map 2: Disability as a Percentage of the Population, by Census Tract in St. Louis*




## IV. Specific Comments

Many groups and organizations will provide significant comments on multiple ways the proposed rules will lessen CRA's focus on LMI communities in direct contradiction to the original legislative intent. The proposed list of qualifying activities for CRA credit lists qualifying activities that would allow credit for middle class housing in high cost areas, the financing of large infrastructure projects such as bridges and financial literacy activities for all regardless of income status and other activities that do not focus on people with low and moderate incomes. NDI agrees strongly that the focus of CRA activities must remain true to the original legislative intent of bank activities that will benefit LMI households and communities. However, NDI's comments seek to bring needed attention to four specific issues that deserve reconsideration if LMI people with disabilities are going to have equal opportunity to access credit, benefit from diverse community development activities and be a focus of future bank performance evaluations by regulators.

1. **Qualified Activities as defined in the NPR have no examples of people with disabilities**

Although the NPR insists that the proposed rules are "consistent with the intent of the CRA statute,"[5] the rules overlook significant needs of people with disabilities.

The list of qualifying activities, which is proposed and would be updated every three years, has no examples of activities to meet the needs of LMI individuals with disabilities.

Furthermore, under current rules, banks have the opportunity to highlight investments and services focused on people with disabilities under criteria that judges the bank's innovations and responsiveness to community needs.[6] Under the NPR, this opportunity is replaced by an "illustrative list of qualifying activities" that do not include activities particularly responsive to LMI people with disabilities.[7] This change renders people with disabilities invisible. It will lessen investment in this important underserved population and leave them economically further behind.

The following should be included as qualifying activities:

**Lending:** (1) Provide consumer lending for assistive technology products or home and vehicle modifications to improve accessibility (2) Provide small business loans for entrepreneurs with disabilities. (3) Support borrowers that construct or rehabilitate community facilities located in LMI geographies and serve people with disabilities.

**Investment:** (1) Invest in affordable and accessible housing with support services for people with disabilities. (2) Invest in community facilities such as Independent Living Centers or Assistive Technology Demo and Recycling Centers. (3) Seed funding of individual ABLE accounts for LMI individuals with disabilities. (4) Support financial education and counseling to help LMI individuals with disabilities make informed financial decisions including managing an ABLE account and using credit effectively. (5) Support workforce development programs, such as apprenticeships, internships, certifications, and on-the-job skills training, in order to improve skills and enable LMI individuals with and without disabilities to work.

**Service:** (1) Create bank products that respond to specific needs of people with disabilities such as small dollar loans and home and vehicle modification loans for

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[5] Community Reinvestment Act, (12 CFR 345) Joint Notice of Proposed Rulemaking. Federal Register Vol. 85, No. 6. January 9, 2020. P. 1210.

[6] 12 CFR § 345.21 Appendix A to Part 25 - Ratings

[7] Community Reinvestment Act, (12 CFR 345) Joint Notice of Proposed Rulemaking. Federal Register Vol. 85, No. 6. January 9, 2020. P. 1209-1215.

meeting accessibility needs. (2) Provide training to bank staff to more effectively serve people with disabilities. (3) Support bank employees' collaboration with disability nonprofits so that they can share their expertise in financial services and strategic decision making to increase affordable and accessible housing, jobs and inclusive career development in addition to expanding access to FinTech tools and services.

2. **NPR has diminished the role of the CRA in supporting workforce development activities**

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.

Current rules encourage banks to "Promote economic development by providing financing for small business or farms." In July 2016, joint guidance from Treasury, OCC and FDIC specified that economic development initiatives include provisions for creating or improving **access by LMI persons to jobs or to job training or workforce development programs**.[8]

In its effort to eliminate "certain ambiguous or unclear terms used in the current regulations," the NPR replaces the term ''economic development,'' with detailed criteria to "capture the type of activities that currently qualify as economic development activities such as activities that finance: (1) SBDCs, SBICs, New Markets Venture Capital companies, qualified Community Development Entities, or RBICs; (2) businesses or farms that meet the size eligibility standards of the SBDC or SBIC by providing technical assistance and supportive services; or (3) Federal, state, local, or tribal government programs, projects, or initiatives that partially or primarily benefit small businesses, or small farms."[9]

This list notably fails to include workforce development.

The NPR further diminishes the importance of workforce development by eliminating the need for banks to demonstrate that activities which finance certain business and farms support job creation and retention for LMI individuals. The NPR says, "This aspect of the economic development component of the current CD definition was not retained because the agencies could not identify an objective method for demonstrating job creation, retention, or improvement for LMI individuals or census tracts or other targeted

[8] . Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment; Guidance Fed. Reg. Vol. 81, No. 142. July 25, 2016.

[9] Community Reinvestment Act, (12 CFR 345) Joint Notice of Proposed Rulemaking. Federal Register Vol. 85, No. 6. January 9, 2020. P. 1213.

geographies, other than by determining if the activity would create additional low-wage jobs." However, it would be possible to create objective measures by using "PIRL (Participant Individual Record Layout)" data collected by the U.S. Departments of Labor and Education as now being done to meet requirements of the Workforce Innovation and Opportunity Act (WIOA).

3. **The NPR 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.**

When the CRA was established, Congress recognized it was not enough to require banks merely to cease the discriminatory practice of redlining. The law signified that banks had an affirmative responsibility to compensate for the historical lack of access and equitable treatment they had perpetrated. Since its inception, the CRA has focused on LMI populations and LMI neighborhoods without regard to race, gender, ethnicity or disability, with the assumption that the anti-discrimination provisions in related laws would address the issue. The law was predicated on the idea that by prioritizing infrastructure, LMI communities would address the needs of the people in those communities equally.

But research, policy and practice over the last 40 years in education, healthcare and community development have all realized that professionals must explicitly acknowledge that race and racism, gender and sexism, and disability and ableism factor into outcomes. For example, in *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care*, the Institute of Medicine found that efforts to improve health that fail to consider the particular factors that may lead to worse outcomes for blacks, Hispanics or other patients of color, may not lead to equal gains across groups — and in some cases may exacerbate racial health disparities.[10] The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) formally recognized that culture, tradition and differences in life experiences determine how decisions are made, thereby resulting in the social, economic and political inequities affecting women and girls throughout our society.[11]

Treasury, OCC and the FDIC have a moral imperative to act on the racism, sexism and ableism that permeate societal attitudes. In order to achieve true economic growth, the CRA needs to join the growing chorus of community development professionals who

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[10] Smedley, B.D, Stith, A., Nelson.A.R (2002) *Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.* Washington, D.C.: The National Academies Press

[11] United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) December 1979. https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx

are calling for a community development approach that explicitly addresses equity and justice.[12]

Without specifically identifying people with disabilities as a part of LMI populations, banks will likely overlook the specific needs of this population. For example, they may miss the unique challenges of providing housing that is both accessible and affordable. They may fail to ensure their retail banking apps meet the accessibility needs of people with a variety of functional limitations. Their financial education programs may not appreciate the complexities of making informed financial decisions faced by people with disabilities. Without specifying this population in a modernized CRA, regulators will not consider whether the needs of people with disabilities are being met when evaluating bank performance in lending practices, the availability and effectiveness of retail banking services and related community development investments that impact this large segment of the underserved population.

It is crucial that banks be required to disaggregate their data by demographic category (including disability) because the old adage, "What gets measured, gets done," is particularly relevant for banks as they consider CRA-qualifying activities.

4. **NPR discusses the applicability of other relevant laws, but does not mention the Americans with Disabilities Act**

In §345.15, the NPR states, "In assessing a bank's CRA performance, the OCC's evaluation will consider evidence of discriminatory or other illegal credit practices including but not limited to discrimination and violations of the following Acts: (1) Equal Credit Opportunity Act or the Fair Housing Act; (2) the Home Ownership and Equity Protection Act; (3) Section 5 of the Federal Trade Commission Act; (4) Section 8 of the Real Estate Settlement Procedures Act; (5) Truth in Lending (6) Military Lending Act; (7) Violations of the Service members Civil Relief Act.[13]

The NPR fails to mention the applicability of the Americans with Disabilities Act, Pub. L. No. 101-336, which requires that banks ensure equal access to services. This includes, for example, making reasonable accommodations including, but not limited to, alternative formats for materials, accessible phone communications with video relay and ADA-compliant websites. This includes ensuring that the technology has a full range of accessibility features that allows it to be navigated by people with a variety of

[12] Wolff, T., Minker, M., Wolfe, S.M., Berkowitz, B., Bowen, L., Butterfoss, F.D., Christen, B.D., Fracisco., Himmelman, A.T., Lee, K.(2017). Collaborating for Equity and Justice: Moving beyond Collective Impact, Nonprofit Quarterly. https://nonprofitquarterly.org/collaborating-equity-justice-moving-beyond-collective-impact/

[13] Community Reinvestment Act, (12 CFR 345) Joint Notice of Proposed Rulemaking. Federal Register Vol. 85, No. 6. January 9, 2020. P. 1261.

disabilities. For example, it needs to be navigable by screen readers used by people who are blind, captioned videos that are accessible to people with hearing impairments and materials in simple language accessible to people with intellectual or learning disabilities. In the absence of robust accessibility features, this important component of LMI customers will not have equal opportunity to use mainstream banking innovations.

Since the passage of the ADA in 1990, banks and retailers have faced legal action, based on ADA violations, under both Title II and III of the law. Issues covered include, but are not limited to, accessible telephone communications and accessible websites and discriminatory decisions not to extend credit to people with disabilities. These lawsuits have resulted in settlement agreements that have changed the way banks address some of these issues. However, despite its importance, the NPR fails to specifically reference applicability of the ADA. As a result, it fails to remind banks of their legal responsibility to address the needs of this often overlooked and invisible population. Not only should the ADA be listed, but it also should become a routine area of exploration in bank performance evaluations by regulators.

## V. Moving Forward with Proposed Rulemaking in a Post-ADA Environment

On July 26$^{th}$ of this year, government at all levels, communities nationwide, financial institutions and small and large businesses across market sectors will celebrate the anniversary of the ADA and the changes in our social and economic fabric that has made this country more accessible and inclusive. Commissioner Otting, in testimony before Senate and House Committees over the last two years has stated repeatedly that banks should be “expected and encouraged” to provide more lending, investment and financial services “where they are needed most and to whom needs them most.”

Neither the 1978 CRA nor any of the subsequent amendments or agency guidelines considered or discussed people with disabilities as a part of LMI populations despite their disproportionately high poverty rate in all geographic areas nationwide. This leads to two challenges:

- Because people with disabilities are not specifically mentioned in the regulation, there is no evaluation of bank performance regarding discriminatory lending practices, review of availability and effectiveness of retail banking services to meet this specific population’s needs and exploration of community development investments that target this specific audience.
- Financial institutions are not encouraged to direct their community development, investment and lending to initiatives that directly service and can directly benefit this population.

The Office of the Comptroller of the Currency has presented an opportunity to correct this omission.

Data about disability is available today to support CRA bank evaluations.

Disability is identified on most major national surveys including the American Community Survey, the National Health Interview Survey, the Current Population Survey, the Behavioral Risk Factor Surveillance Survey, the American Housing Survey, the FDIC Survey of Unbanked and Underbanked Households and a variety of non-governmental surveys such as the FINRA Investor Education Foundation Financial Capability Study. These surveys provide empirical evidence that people with disabilities are being left out of the financial mainstream. These data sources also allow banks and regulators to identify areas with LMI populations with disabilities in order to target their work and operationalize the proposed CRA evaluation criteria.

NDI's research, conducted in cooperation with the FDIC and the FINRA Investor Education Foundation, has created a baseline, previously unknown prior to 2014, regarding banking status, financial behavior and financial institution relationships of people with disabilities.

What is most relevant to the discussion today is that we now can empirically provide evidence of disability being an important segment of the LMI population.

**Banking Status**

- 17.6% are unbanked compared to 6.5% of people without disabilities.
- 28% are underbanked as compared to 21% of people without disabilities.
- 9.6 million adults and 2.6 million children living in unbanked or underbanked households with a disability.
- Of those who previously had a banking account, about 30% expressed a positive interest in wanting to open a bank account in the future.

**Type of Accounts Owned by Banked Households**

- 54% have a checking and savings account, versus 80% of nondisabled peers.

**Credit Constraints among Working-Age Adults with Disabilities**

- 37% do not have a credit card, versus 20% of their nondisabled peers.
- 26% auto loan, versus 33% of their nondisabled peers.
- 29% mortgage or home equity loan, versus 39% of their nondisabled peers.
- 42% used one or more non-bank borrowing methods, versus 25% of their nondisabled peers.
- 22% has an unmet need for credit, versus 13% of their nondisabled peers.
- 55% are not able to come up with $2,000 in an emergency, versus 32% of their nondisabled peers.

**Financial Stress Among People with Disabilities**

- People with disabilities are almost three times (23% versus 9%) more likely to have extreme difficulty paying bills.
- People with disabilities are almost two times (46% versus 25%) more likely to skip medical treatments because of cost.
- They are also more likely (55% versus 32%) to report that they could not come up with $2,000 if an unexpected need arose.
- People with disabilities are more likely to be late on mortgage payments (31% versus 14%), overdraw on checking accounts (31% versus 18%) and take loans from retirement accounts (23% versus 10%).

**Medical Cost Issues**

- 34% did not go to a doctor or clinic because of cost, versus 18% of their nondisabled peers.
- 31% skipped a medical test, treatment or follow-up recommended by a doctor because of the cost, versus 16% of their nondisabled peers.
- 29% did not fill a prescription or medicine because of cost, versus 12% of their nondisabled peers.
- 46% had medical cost difficulty, versus 25% of their nondisabled peers.

Sources: *Financial Capability of Adults with Disabilities: Findings from the FINRA Investor Education Foundation National Financial Capability Study* and *Banking Status and Financial Behaviors of Adults with Disabilities: Findings from the 2015 FDIC National Survey of Unbanked and Underbanked Households*)

A CRA evaluation of bank performance that specifically addresses the financial needs of LMI populations with disabilities must recognize the awareness and knowledge gaps of regulators, banks and current and potential community partners. In addition to education and training about the disability population in LMI neighborhoods and identification and use of public data sets to document LMI disability populations in a bank's physical footprint, training and technical assistance will be needed to identify community partners who support this target audience. Development of a database of CRA qualifying activities that have been approved by bank regulators that respond to the community development and/or financial service needs of LMI individuals with disabilities would also benefit and accelerate adoption of CRA qualifying activities by banks of all sizes.

A part of a disability framework would require community outreach to disability-related nonprofit groups serving LMI individuals with disabilities and documentation of investment, lending and financial services that are responsive to identified needs.

As the performance context of a CRA exam seeks to provide baseline information about the institution, its community and its competitors, community needs should be required to include information on identified populations, including people with disabilities.

The performance context should equally examine the bank and the community perspective. When evaluating external factors, community needs should be taken into consideration with the examination of disaggregated data for specific LMI populations. Performance context should also include a focus on economic trends and documentation for which demographic groups are or are expected to have the most financial challenges.

CRA regulatory changes should encourage community organizations to assess future needs and conditions – just like banks – and to share these analyses with banks and OCC/FDIC. “Community Contacts” should be subject to measurement, rather than only serving as cursory summaries within a CRA exam. Both banks and community groups should complete community need performance context analyses involving a diversity of perspectives including stakeholders from identified populations, such as people with disabilities.

The essential elements of a **disability framework to CRA regulatory changes** should include nine parts:

1. Inclusion of LMI populations with disabilities in a definition of “community,” in terms of analysis of LMI neighborhoods, distressed areas and specific LMI populations.
2. Regulator published examples of CRA qualifying activities for banks that respond to the financial needs of LMI individuals with disabilities with products and services that are accessible and affordable and investment and lending that advances inclusive community development (affordable and accessible housing, workforce development, technology infrastructure and financial and digital literacy).
3. Reasonable standards to meet documentation requirements to prove inclusion of LMI individuals with disabilities in community development investment activities.
4. Required outreach to community groups in the disability community to be part of community need and performance context analysis.
5. CRA exam requirements that banks provide baseline information on investment, lending and financial services that are responsive to the LMI disability population in their geographic physical footprint and outside service areas.
6. Training and technical assistance be offered by regulators with national disability subject matter experts to increase awareness and knowledge about LMI individuals with disabilities, their inclusion in LMI neighborhoods, potential

partnership opportunities with nonprofits focused on this population and examples of CRA qualifying activities and documentation needed.

7. Performance scores and future bank reporting establish quantitative and qualitative metrics to be measured and weighted to support this target audience.
8. There should be a CRA “inclusive community development” imperative. The inclusion of LMI individuals with disabilities must result in more than dedicated, disability-related lending, investment and financial service access and use. The OCC should integrate disability throughout the entire regulatory framework it intends to modernize such that banks are most clearly recognized for their efforts when any initiative they support meets disability-related objectives. For example, a bank may provide an investment in a CDFI to support lending for affordable housing development. The bank and CDFI should also focus on the accessibility of a number of units beyond minimum federal standards. An investment in financial education and counseling should require outreach and partnerships with the disability community. Any new regulatory framework should make it clear to banks that a disability lens is going to be used to assess the full CRA-related worth of a given project.
9. To help banks achieve the best possible results for themselves in understanding and translating new knowledge about the LMI disability population and their financial needs to impactful investments, lending and services, they should be assisted with easy access to the best possible available data and analysis. At a national and a community level, expert and consumer input directly from the disability community should be encouraged and produce a value-added return for all parties.

## VI. Conclusion

Vibrant communities are best supported when economic opportunities are all 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 be overlooked as a target of community development activities.**

Financial institutions have not routinely targeted LMI populations with disabilities as part of investments in the development of workforce, technology infrastructure, affordable accessible housing or financial capability. As a result:

- Housing development for LMI often critically miss the unique challenges of providing housing that is both accessible and affordable.

- FinTech apps lack requirements to meet the accessibility needs of people with different types of functional limitations.
- Financial capability programs rarely have counselors trained to understand the complexities of making informed financial decisions based on the interrelationships between income, assets and limitations imposed by means-tested public benefits.

Thirty years after the passage of the ADA and more than 40 years after the passage of the CRA, there has never been a more timely opportunity to relook at the approaches, roles and responsibilities of regulated financial institutions to proactively address the financial access and economic opportunity needs of people with disabilities.

CRA regulatory changes should help financial institutions work cooperatively with the disability community to meet the intent of the Americans with Disabilities Act to "advance economic self-sufficiency, equality of opportunity and community participation" as a natural intersection with the intent of the Community Reinvestment Act to meet the credit needs of low- and moderate-income neighborhoods and individuals who have the greatest financial needs.