

Large Institution CRA Examination

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Introduction to the Large Bank CRA Exam

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Introductory Session Goals

- Overview of differences between the CRA performance standards for Intermediate Small Banks (ISBs) and Large Banks
- Other differences between the exams of ISBs and Large Banks

Target Audience

- Banks that expect to reach the asset size threshold and become subject to the requirements of the Large Bank CRA process (Currently, \$1.098 billion)
- Small Banks and Intermediate Small Banks (ISBs) that chose to be examined as Large Banks

What's the Difference Between the ISB and Large Bank CRA Performance Standards?

- ISB—Lending Test and Community Development Test
 - CD loans are considered as part of the *Community Development* Test
- LB---Lending, Service and Investment Tests
 - CD Loans are considered as part of the *Lending* Test

Community Development Test for Intermediate Small Banks

- CD Loans
 - Reviewed under the CD test for ISBs
 - Reviewed under the Lending Test for large banks
- What happens when the bank changes from an ISB to a Large Bank?
 - CD loans can strengthen/weaken the Lending Test rating and affect the overall rating
 - If the ISB relied on CD loans to satisfy the CD test (i.e., had few CD investments and services), then it may do poorly under the Service Test and the Investment Test which could affect the overall rating

Performance Standards

Small Banks (assets less than \$1.098 billion at <u>either</u> of prior 2 calendar years)	Intermediate Small Banks (assets of at least \$274 million as of 12/31 of <u>both</u> of the prior 2 calendar years)
Loan-to deposit ratio	Loan-to deposit ratio
Assessment area concentration	Assessment area concentration
Geographic distribution of loans	Geographic distribution of loans
Distribution of loans based on borrower characteristics	Distribution of loans based on borrower characteristics
Action taken in response to complaints	Action taken in response to complaints
<i>At their option, CD services and investments</i>	CD loans, services and investments (Community Development Test)

Performance Standards

Large Banks
Lending Test
Number and amount of loans in the assessment area
Geographic distribution of loans---"dispersion"
Distribution of loans based on borrower characteristics--- "proportion"
Number and amount of community development loans and innovativeness and complexity of those loans
Innovative or flexible lending practices

Performance Standards

Large Banks
Investment Test
Dollar amount of qualified investments (must benefit AA or statewide/regional area) and innovativeness and complexity of those investments
Responsiveness of qualified investments to credit and community development needs

Performance Standards

Large Banks

Service Test

Distribution of branches among each geography classification (low, moderate, middle, upper)

Record of opening and closing branches

Reasonableness of business hours and services in meeting assessment area needs

Availability and effectiveness of alternative systems for delivering retail banking services for LMI people and LMI geographies

Range of community development services provided in each geography classification

Extent of community development services provided and innovativeness and responsiveness of those services

Other Performance Standards

- Data Collection & Reporting
 - Mortgage, Small Business, Consumer (optional), CD loans
- *Required* for Large Banks
- *Required* for Small Banks and ISBs that choose to be examined as Large Banks, otherwise *optional*

Performance Context

- Opportunities in assessment area for lending, investments & services
- Bank's product offerings and business strategy
- Bank's capacity & constraints
 - Size
 - Financial condition
 - Economic climate
 - Safety & Soundness limitations

Performance Context (cont.)

- Past performance
- Performance of similarly situated lenders
- Written comments in bank's Public File
- Demographic Data

Points Assigned for Performance Under Each Test

	Lending	Service	Investment
Outstanding	12	6	6
High Satisfactory	9	4	4
Low Satisfactory	6	3	3
Needs to Improve	3	1	1
Substantial Noncompliance	0	0	0

Composite Rating Point Requirements

Rating	Total Points from 3 tests
Outstanding	20 or over
Satisfactory	11 through 19
Needs to Improve	5 through 10
Substantial Noncompliance	0 through 4

Ratings Exception

- An institution may not receive a receive an overall rating of “satisfactory” unless it receives at least “low satisfactory” on the lending test.
- Therefore, the total points are capped at three times the lending test score.

Lending Test

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Lending Test

- Lending Activity
- Geographic Distribution – including in/out
- Borrower Distribution
- Community Development Lending
- Innovative or Flexible Lending Practices

Data Collection

- CRA Data
 - Small Business (\$1MM or less)
 - Small Farm (\$500M or less)
 - Community Development Loans
- HMDA
- Consumer Loans
- “Other” Loan Data

Data Collection

- Who is required to collect and report CRA data?
 - Banks that, as of December 31 of both of the prior two calendar years, had total assets of at least \$1.098 billion are considered “large institutions”
 - Collection begins on January 1, following the second consecutive December 31 that your bank crossed the \$1.098 billion threshold
 - Annual reporting begins March 1 of the following year

Data Collection

- Accurate HMDA and CRA data are essential
- Identification of errors can cause serious delays
- Unreliable data cannot be used
- Common errors

Data Collection

- If reportable as small business, small farm or HMDA loan, cannot also report as a community development loan
- Exception: A multifamily loan with a community development purpose

Data Collection

- Establish procedures and tests to ensure the accuracy of HMDA and CRA data
- Verification of data should not be a last minute item
- Evaluate process for collecting, verifying and reporting HMDA and CRA data
- Review employee training

Data Collection

- Resources:
 - CRA Loan Data
 - FFIEC Website (www.ffiec.gov/cra)
 - “A Guide to CRA Data Collection and Reporting”
 - Annual CRA Asset -size Threshold Adjustments for Small and Intermediate Small Institutions
 - 2010 Data Entry Software, Edits and File Specs
 - HMDA Loan Data
 - FFIEC Website (www.ffiec.gov/hmda)
 - “A Guide to HMDA Reporting: Getting it Right!”
 - 2010 Data Entry Software, Edits and File Specs
 - FAQs

Data Collection New Q&A

§II.42(b)(2)—3: *When the primary purpose of a loan is to finance an affordable housing project for LMI individuals, but, for example, only 40 percent of the units in question will actually be occupied by individuals or families with low or moderate incomes, should the entire loan amount be reported as a community development loan?*

A3. It depends. As long as the primary purpose of the loan is a community development purpose as described in Q&A §II.12(h)—8, the full amount of the institution's loan should be included in its reporting of aggregate amounts of community development lending. Even though the entire amount of the loan is reported, as noted in Q&A §II.22(b)(4)—1, examiners may make qualitative distinctions among community development loans on the basis of the extent to which the loan advances the community development purpose. In addition, **if an institution that reports CRA data elects to request consideration for loans that provide mixed-income housing where only a portion of the loan has community development as its primary purpose, such as in connection with a development that has a mixed-income housing component or an affordable housing set-aside required by federal, state, or local government, the institution must report only the pro rata dollar amount of the portion of the loan that provides affordable housing to LMI individuals.** The pro rata dollar amount of the total activity will be based on the percentage of units that are affordable.

Community Development Loans

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Community Development Loans

- Affordable housing for low- and moderate-income individuals
- Community services targeted to low- and moderate-income individuals
- Activities that promote economic development by financing small businesses or small farms that meet the **size eligibility standards** of SBA or SBIC programs or have revenues of \$1 million or less
- Activities that revitalize or stabilize low- and moderate-income areas, designated disaster areas or distressed or underserved communities

Other Criteria for Community Development Loans

- “**Distressed**” areas are middle-income rural census tracts determined by rates of poverty, unemployment and population loss
- “**Underserved**” areas are middle-income rural census tracts of a certain population size, density and dispersion located in remote areas making access to essential services difficult

<http://www.ffiec.gov/cra/examinations.htm#UDGEO>

- “**Disaster**” areas are those designated by a federal or state government or agency, such as the Federal Emergency Management Agency

What does “primary purpose” mean?

- The agencies apply **one of two approaches**.
 - First, if a majority of the dollars or beneficiaries of the activity are identifiable to one or more of the enumerated community development purposes.
 - Alternatively, where the measurable portion of any benefit is less than a majority of the entire activity’s benefits, then the activity may still be considered to possess the requisite primary purpose **if**
 - The express intent is CD purpose, and
 - The activity is structured to meet a CD purpose, and
 - The activity accomplishes a CD purpose

Community Development Loans

You are the CRA Examiner

- Is this a Community Development Loan?
- What questions do you have?
- What category of CD loan would it fit into?

Community Development Loan?

- Term loan to a Mardi Gras mask manufacturer to purchase commercial property located in a middle income census tract, but near several LMI census tracts, and 15 new jobs will be created.



Community Development Loan?

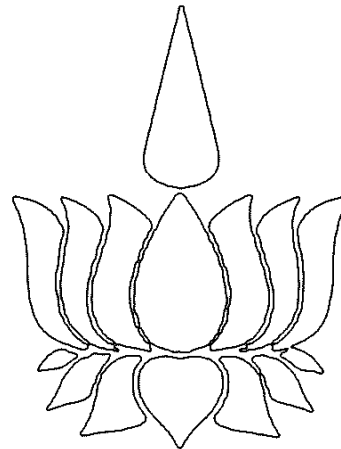
- Term loan to a Mardi Gras mask manufacturer to purchase commercial property located in a middle income census tract, but near several LMI census tracts, and 15 new jobs will be created
- If the manufacturer serves or employs residents of the LMI area, it may have a community development purpose
- Revitalize and Stabilize

The regulation indicates that community development includes “activities that revitalize or stabilize LMI geographies.” Do all loans in a LMI geography have a stabilizing effect?

- “ No. Some loans may provide only indirect or short-term benefits to LMI individuals in an LMI geography. These loans are not considered to have a community development purpose. For example, a loan for upper-income housing in a distressed area is not considered to have a community development purpose simply because of the indirect benefit to LMI persons from construction jobs or the increase in the local tax base.
- On the other hand, a loan for an anchor business in a distressed area (or a nearby area), that employs or serves residents of the area, and thus stabilizes the area, may be considered to have a community development purpose. For example, in an underserved area, a loan for a pharmacy that employs and serves residents of the area promotes community development.

Community Development Loan?

- \$1 million loan to Religious Faith - 28% of the line is designated for services to the poor in Orleans Parish



Community Development Loan?

- \$1 million loan to Religious Faith - 28% of the line is designated for services to the poor in Orleans Parish.
- What will the rest of the funds be used for?
 - Is the express intent CD purpose?
 - Is the activity structured to meet a CD purpose?
 - Does the activity accomplish a CD purpose?

Community Development Loan?

- Loan proceeds will be used to provide operating capital to a non-profit that arranges for transportation and provides social services to more than 500 elderly and disabled persons in La Salle Parish.



Community Development Loan?

- Loan proceeds will be used to provide operating capital to a non-profit that arranges for transportation and provides social services to more than 500 elderly and disabled persons in La Salle Parish.
- Are those served predominantly LMI people? (How is the organization funded?) If those served are predominantly LMI, the loan has a community development purpose.
- Community services targeted to low- and moderate-income individuals

Community Development Loan?

- Loan to nonprofit that provides support to at risk youth. The school is located in a moderate-income area in Baton Rouge.



Community Development Loan?

- Loan to nonprofit that provides support to at risk youth. The school is located in moderate-income area in Baton Rouge
- Are those served by the organization predominantly LMI? If yes, there is a community development purpose
- Community services targeted to low- and moderate-income individuals

Community Development Loan?

- Loan proceeds will be used to purchase a commercial building. The property is in an Enterprise Zone. The borrower intends to convert the building into condos - however, no city plans have been formalized.



Community Development Loan?

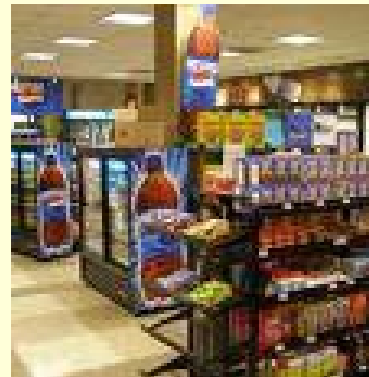
- Loan proceeds will be used to purchase a commercial building. The property is in an Enterprise Zone. The borrower intends to convert the building into condos - however, no city plans have been formalized.
- What income level will be served? The loan does not have a community development purpose if the project design has not been completed, there is no city approval and the loan is only to purchase a commercial building.
- If there were a CD purpose, it may have been revitalizing and stabilizing...

What are activities that revitalize or stabilize an LMI geography?

- Activities that revitalize or stabilize an LMI geography are activities that help to attract and retain businesses and residents. Examiners will presume that an activity revitalizes or stabilizes an LMI geography if the activity has been approved by the governing board of an Enterprise Community or Empowerment Zone and is consistent with the board's strategic plan.
- They will make the same presumption if the activity has received similar official designation as consistent with a federal, state, local or tribal government plan for the revitalization or stabilization of the geography.
- To determine whether other activities revitalize or stabilize an LMI geography, examiners will evaluate the activity's actual impact on the geography, if information about this is available. If not, examiners will determine whether the activity is consistent with the community's formal or informal plans for the revitalization and stabilization of the LMI geography.

Community Development Loan?

- Loan to purchase commercial property that will house a convenience store. Property is located in a middle-income census tract outside the assessment area. Loan will aid in job creation and provide services to local residents.



Community Development Loan?

- Loan to purchase commercial property that will house a convenience store. Property is located in a middle-income census tract outside the assessment area. Loan will aid in job creation and provide services to local residents.
- No, the loan is outside the assessment area and does not serve a broader statewide or regional area that includes the institution's assessment area.

Community Development Loan?

- \$2.2 million loan to rehabilitate a 30-bed assisted living project. Only 5 beds are allocated to LMI residents in this project. The loan is currently on the bank's Watch List as a substandard loan.



Community Development Loan?

- \$2.2 million loan to rehabilitate a 30-bed assisted living project. Only 5 beds are allocated to LMI residents in this project. The loan is currently on the bank's Watch List as a substandard loan.
- If only 5 beds will be available for LMI people, then the loan does not have a community development purpose (and no CD intent, structure and accomplishment). Even with a CD purpose, if the rehabilitation is not complete and the project is not occupied, an examiner might consider this a loan with little impact.

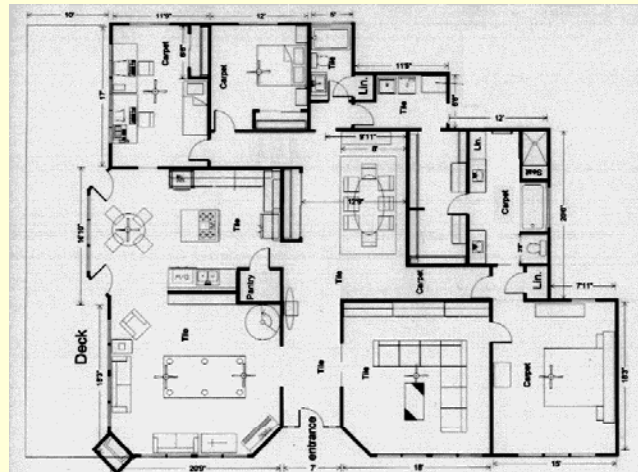
New CRA Q&A

Primary Purpose of Community Development

- mixed-income housing may also have a 'primary purpose' of community development
- **an institution may receive pro rata consideration for the portion of such activities that helps to provide affordable housing to LMI individuals**
 - for a \$10 million loan to finance a mixed-income housing development in which 10% of the units are set aside for LMI individuals, the institution may treat \$1 million as a community development loan
 - the pro rata dollar amount of the total activity will be based on the percentage of units set aside for affordable housing for LMI individuals

Community Development Loan?

Loan purpose is to purchase a 3-unit mixed use building. Top floor is a large flat with formal dining room, fireplace and enclosed porch. The ground level has a commercial space and a 3-room apartment. The apartment tenant has Section 8 rental assistance.



Community Development Loan?

- Loan purpose is to purchase a 3-unit mixed use building. Top floor is a large flat with formal dining room, fireplace and enclosed porch. The ground level has a commercial space and a 3-room apartment. The apartment tenant has Section 8 rental assistance.
- What is the tract income of the property? What is the loan purpose? Any rehabilitation planned? If the loan purpose is investment, the loan does not have a primary purpose of community development. (No intent, structure, accomplishment...)

Community Development Loan?

- Loan of \$969,000 is for a residential treatment center for the mentally disabled. The loan is secured by a 1st deed of trust on the residential treatment facility. Residents pay no more than 30% of their income on rent under HUD guidelines.



Community Development Loan?

- Loan of \$969,000 is for a residential treatment center for the mentally disabled. The loan is secured by a 1st deed of trust on the residential treatment facility. Residents pay no more than 30% of their income on rent under HUD guidelines.
- This loan has a community development purpose, but must be classified as a small business loan because it is a permanent loan to a non-profit entity secured by nonfarm, non-residential real estate and equal to or less than \$1 million. (Residential treatment facilities are considered commercial RE per Call Report instructions.)

CD Loan Data Examiners Collect/Analyze

Borrower	Date	Assessment Area	Amount	# AH Units	AH	LMI	GEO	SB	Explanation of Service or Activity	Qualified (Y/N)
Loan Fund	8/1/08	New Orleans	1,000,000					1	Bridge loan to loan fund that makes micro loans	Y
Senior Housing	3/4/09	New Orleans	5,300,000	40	1				Affordable senior housing	Y
Youth Center	6/9/09	New Orleans	600,000			1			Center for at-risk youth In the Tenderloin District	Y
AA1 Totals			6,900,000	40	1	1	0	1		3
Borrower	Date	Assessment Area	Amount	# AH Units	AH	LMI	GEO	SB	Explanation of Service or Activity	Qualified (Y/N)
Recycle Center	7/7/08	Baton Rouge	325,000				1		Bus in a LMI area which will add jobs for LMI people	Y
Hearing Society	9/3/08	Baton Rouge	100,000			1			Clinic for the deaf	N
1 st Street Shelter	4/6/09	Baton Rouge	250,000			1			Working capital loan to Homeless shelter	Y
AA2 Totals			575,000		0	1	1	0		2

Resources

- CRA Interagency Q and A

<http://www.ffiec.gov/cra/qnadoc.htm>

- Interagency CRA Interpretative Letters

<http://www.ffiec.gov/cra/letters.htm>

Investments and Services

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Community Development Investments

- “Community Development”
- “Investment”
- Quantity
- Innovation
- CD Investment Rating
- War Stories - Examples

“Community Development” means

- (1) Affordable housing (including multifamily rental housing) for low or moderate-income individuals;
- (2) Community services targeted to low- or moderate-income individuals;
- (3) Activities that promote economic development by financing businesses or farms that meet the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs (13 CFR 121.301) or have gross annual revenues of \$1 million or less; or

Community Development cont.

4) Activities that revitalize or stabilize —

(i) Low- or moderate-income geographies;

(ii) Designated disaster areas; or

(iii) Distressed or underserved, nonmetropolitan middle-income geographies designated by regulator based on —

(A) Rates of poverty, unemployment, and population loss; or

(B) Population size, density, and dispersion. Activities revitalize and stabilize geographies designated based on population size, density, and dispersion if they help to meet essential community needs, including needs of low- and moderate-income individuals.

Scope

12 CFR §XXX.23 Investment test.

The investment test evaluates a bank's record of helping to meet the credit needs of its assessment area(s) through qualified investments that benefit its assessment area(s) or a broader statewide or regional area that includes the bank's assessment area(s).

Performance Criteria

The regulators evaluate the investment performance of a bank pursuant to the following criteria:

- (1) The dollar amount of qualified investments;
- (2) The innovativeness or complexity of qualified investments;
- (3) The responsiveness of qualified investments to credit and community development needs; and
- (4) The degree to which the qualified investments are not routinely provided by private investors.

“Investment”

- Bonds (Mortgage/Housing, Targeted Municipal (Not General Obligation))
- Investments in New Market Tax Credit-Eligible CDE (Community Development Entities)
- Deposits in Minority/CDFI
- Low-Income Tax Credits
- Small Business Investment Corporations
- Grants/Donations

The Gift That Keeps on Giving

**Your bank will receive credit
for prior period investments
that are still on the bank's books
at the end of the review period
including prior period grants
that are funded
during the current review period**

Quantity

The bank's level of investments are evaluated based on the \$ quantity of investments relative to the banks:

- Assets
- Deposits
- Tier 1 Capital
- Resources

Performance context is important

Innovative or Complex “Quality”

- New
- Impact on Community
- Degree of difficulty/work on your part.
“Didn’t just write a check.”

Common Examination Issues

- Proposed Investments do not Qualify
- Insufficient Documentation to support CD Purpose
- Prior Period Investments not Presented

Investment Test Rating

Component Test Ratings	Lending (points)	Investment (points)	Service (points)
Outstanding	12	6	6
High satisfactory	9	4	4
Low satisfactory	6	3	3
Needs to improve	3	1	1
Substantial Noncompliance	0	0	0

War Stories

- Throw against wall
- Double counting
- Foundations
- Geographically allocate your BSRA and National Investments (if you can)
- Affiliate Investments

Service Test

- Retail Services
- Community Development Services

Retail Services

- Delivery System Accessibility (Branches, ATMs etc. by Geography)
- Changes in Branch Locations (By Geography)
- Convenience of Services and Business Hours (Branch, ATM, Internet, Other)

“Community Development Service” means

- (1) Has as its primary purpose community development;
- (2) Is related to the provision of financial services; and
- (3) Has not been considered in the evaluation of the savings association's retail banking services under §563e.24(d)

Community Development Services

- Quantity (e.g. number, hours etc.)
- Impact on Community
- Degree of difficulty/work on your part relative to resources.

War Stories

- Throw against wall
- Use of Affiliates/Subsidiary Personnel
- Don't just use loan officers and branch personnel. (IT, Accounting, Appraiser)

Service Test Rating

Component Test Ratings	Lending (points)	Investment (points)	Service (points)
Outstanding	12	6	6
High satisfactory	9	4	4
Low satisfactory	6	3	3
Needs to improve	3	1	1
Substantial Noncompliance	0	0	0

Service Test New Q/A

§II.12(g)(2)—1: *What are examples of ways that an institution could determine that community services are offered to LMI individuals?*

A1: Examples of ways in which an institution could determine that community services are targeted to LMI persons include:

- The community service is targeted to the clients of a nonprofit organization that has a defined mission of serving LMI persons, or, because of government grants, for example, is limited to offering services only to LMI persons.
- The community service is offered by a nonprofit organization that is located in and serves an LMI geography.
- The community service is conducted in an LMI area and targeted to the residents of the area.
- **The community service is a clearly defined program that benefits primarily LMI persons, even if it is provided by an entity that offers other programs that serve individuals of all income levels.**
- The community service is offered at a workplace to workers who are LMI, based on readily available data for the average wage for workers in that particular occupation or industry (see, e.g., <http://www.bls.gov/bls/blswage.htm> (Bureau of Labor Statistics)).