

ELIZABETH WARREN  
MASSACHUSETTS

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April 24, 2018

The Honorable Ben Carson  
U.S. Department of Housing and Urban Development  
451 7th Street, SW  
Washington, DC 20410

Dear Secretary Carson,

On March 30, 2018, President Trump declared April 2018 as National Fair Housing Month and announced that his Administration “intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices ... [and] expanding the availability of affordable housing.”<sup>1</sup> The Department of Housing and Urban Development (HUD) is the main agency charged with administering and enforcing the Fair Housing Act. I write to express concern that HUD, under your direction, has so far failed in that mission, and to request information on how HUD plans to combat housing discrimination.

Fifty years after the Fair Housing Act became law, housing discrimination remains a serious problem in the United States. According to a recent study by the Center for Investigative Reporting and Reveal, minority borrowers are more likely to be denied a mortgage than similar white borrowers in 61 metropolitan areas—even after controlling for loan amounts, neighborhoods, and applicants’ income.<sup>2</sup> To combat housing and lending discrimination, it is critical that federal regulators uphold and enforce the rules put in place to protect American communities.

HUD’s Office of Fair Housing and Equal Opportunity is tasked with eliminating housing discrimination and enforcing the Fair Housing Act. In FY 2016 alone, HUD and 85 Fair Housing Assistance Program agencies conducted over 8,300 investigations into complaints of housing discrimination, and found cause for action in more than half of these cases, securing over \$25 million in monetary relief for discrimination victims.<sup>3</sup>

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<sup>1</sup> President Donald J. Trump, “President Donald J. Trump Proclaims April 2018 as National Fair Housing Month,” *The White House* (March 30, 2018) (Online at: <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-proclaims-april-2018-national-fair-housing-month/>).

<sup>2</sup> Aaron Glantz and Emmanuel Martinez, “For people of color, banks are shutting the door to homeownership,” *Reveal* (February 15, 2018) (Online at: <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>).

<sup>3</sup> Office of Fair Housing and Equal Opportunity “Annual Report to Congress FY2016,” *HUD* (January 19, 2017) (Online at: <https://www.hud.gov/sites/documents/FY2016FHEOANNUALREPORT.PDF>).

Under your leadership, HUD has also failed to implement rules that would help end “unlawful discriminatory practices.” Under the Fair Housing Act, HUD is charged with combating housing discrimination and “affirmatively further[ing] fair housing.”<sup>4</sup> However, over the past year, HUD has taken a number of steps that threaten to undermine existing fair housing laws and regulations. The Department delayed the effective date of the Affirmatively Furthering Fair Housing rule that would require communities requesting block grants from HUD to analyze housing and lending obstacles faced by minority residents and propose plans to address them.<sup>5</sup> It put a hold on several fair housing investigations that the Obama administration prioritized.<sup>6</sup> It also attempted to delay the implementation of the Small Area Fair Market Rent rule, which makes it easier for people receiving housing subsidies to live in high-opportunity neighborhoods, relenting only after a judge’s ruling requiring the Department to implement the rule immediately.<sup>7</sup> Furthermore, recent reports indicate that you have proposed removing language from HUD’s mission statement referring to HUD’s commitment to anti-discrimination.<sup>8</sup>

This is a disturbing pattern of undermining and failing to enforce housing and lending laws. In order to better understand how HUD under your direction has fulfilled and will continue to fulfill the President’s vow to “deliver on the promise outlined by the Fair Housing Act,” I ask that you provide answers to the following questions no later than May 8, 2018:

1. In your most recent appearance before the Senate Banking Committee, you stated that HUD is “constantly involved in lawsuits that [it has] brought against people for housing discrimination”<sup>9</sup> and promised to follow up on how many lawsuits HUD has initiated since your confirmation. How many lawsuits, specifically dealing with housing discrimination, has HUD initiated since your confirmation? Please provide a list of these lawsuits and any resolution.
2. The FY 2019 budget proposal from the White House reduced funding for HUD by “\$8.8 billion or 18.3-percent decrease from the 2017 enacted level.”<sup>10</sup> How would this significant reduction in HUD’s budget affect the Department’s efforts in combating housing discrimination?

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<sup>4</sup> Executive Order 12892 “Leadership and coordination of fair housing in federal programs: affirmatively furthering fair housing,” *Housing and Urban Development* (January 17, 1994) (Online at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/FHLaws/EXO12892](https://www.hud.gov/program_offices/fair_housing_equal_opp/FHLaws/EXO12892)).

<sup>5</sup> Emily Badger and John Eligon, “Trump Administration Postpones an Obama Fair-Housing Rule,” *The New York Times* (January 4, 2018) (Online at: <https://www.nytimes.com/2018/01/04/upshot/trump-delays-hud-fair-housing-obama-rule.html>).

<sup>6</sup> Glenn Thrush, “Under Ben Carson, HUD Scales Back Fair Housing Enforcement,” *The New York Times* (March 28, 2018) (Online at: <https://www.nytimes.com/2018/03/28/us/ben-carson-hud-fair-housing-discrimination.html>).

<sup>7</sup> Amanda Michelle Gomez, “Federal judge green-lights desegregation housing rule after Carson tries to block it,” *ThinkProgress*, (December 14, 2017) (Online at: <https://thinkprogress.org/federal-judge-green-lights-desegregation-housing-rule-after-carson-tries-to-block-it-58f03e55f20e/>).

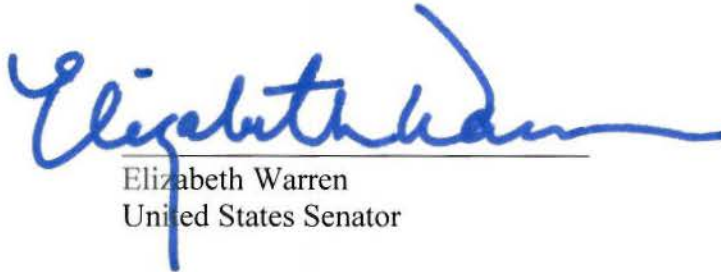
<sup>8</sup> Amanda Terkel, “Ben Carson Removes Anti-Discrimination Language From HUD Mission Statement,” *Huffington Post* (March 06, 2018) (Online at: [https://www.huffingtonpost.com/entry/hud-mission-statement\\_us\\_5a9f5db0e4b002df2c5ec617](https://www.huffingtonpost.com/entry/hud-mission-statement_us_5a9f5db0e4b002df2c5ec617)).

<sup>9</sup> C-span “Oversight of Housing and Urban Development,” (March 22, 2018) (Online at: <https://www.c-span.org/video/?442747-1/hud-secretary-ben-carson-testifies-oversight-hearing>).

<sup>10</sup> The White House “An American Budget,” *Office of Management and Budget*, (Online at: <https://www.whitehouse.gov/wp-content/uploads/2018/02/budget-fy2019.pdf>), Pg. 63.

3. On January 5, 2018, you delayed the 2015 Affirmatively Furthering Fair Housing rule to October 2020.<sup>11</sup> Has this helped reduce housing discrimination? If so, how?
4. Before the Court's ruling, you had delayed the implementation of the Small Area Fair Market Rent Rule for two years.<sup>12</sup> Has this helped reduce housing discrimination? If so, how?
5. How does HUD measure the effectiveness of the department's efforts to reduce housing discrimination? Please provide an analysis of the agency's performance over the last two years.
6. Please describe any HUD initiatives in place, beyond the ones discussed in this letter, to address housing discrimination.

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>11</sup>“Affirmatively Furthering Fair Housing: Extension of Deadline for Submission of Assessment of Fair Housing for Consolidated Plan Participants,” *Federal Register*, (January 5, 2018) (Online at: <https://www.federalregister.gov/documents/2018/01/05/2018-00106/affirmatively-furthering-fair-housing-extension-of-deadline-for-submission-of-assessment-of-fair>).

<sup>12</sup> Amanda Michelle Gomez, “Federal judge green-lights desegregation housing rule after Carson tries to block it,” *ThinkProgress*, (December 14, 2017) (Online at: <https://thinkprogress.org/federal-judge-green-lights-desegregation-housing-rule-after-carson-tries-to-block-it-58f03e55f20e/>).

April 24, 2018

The Honorable Jerome Powell  
Board of Governors  
Federal Reserve System  
20<sup>th</sup> Street and Constitution Avenue, NW  
Washington, D.C. 20551

Dear Chairman Powell,

On March 30, in recognition of the Fair Housing Act's fiftieth anniversary, President Trump declared April 2018 as National Fair Housing Month and announced that his Administration "intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices in the sale, lease, and financing of housing."<sup>1</sup> As one of the agencies charged with ensuring compliance with the Community Reinvestment Act (CRA), a law designed to address the disgraceful historical practice of redlining,<sup>2</sup> the Federal Reserve has a critical role in making sure that the institutions it supervises are serving their customers fairly. I am writing to request information about how the Federal Reserve is executing this mission.

Fifty years after the Fair Housing Act became law, housing discrimination remains a serious problem in the United States. According to a recent study by the Center for Investigative Reporting and Reveal, minority borrowers are more likely to be denied a mortgage than similar white borrowers in 61 metropolitan areas—even after controlling for loan amounts, neighborhoods, and applicants' income.<sup>3</sup> To combat housing and lending discrimination, it is critical that federal regulators uphold and enforce the rules put in place to protect American communities.

The CRA was enacted to curb lending discrimination and to ensure that banks help meet the credit "needs of the communities in which they are chartered to do business."<sup>4</sup> The Federal Reserve, along with the Office of the Comptroller of the Currency (OCC) and the Federal Deposit Insurance Corporation (FDIC), is tasked with developing regulations and evaluating

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<sup>1</sup> President Donald J. Trump, "President Donald J. Trump Proclaims April 2018 as National Fair Housing Month," *The White House* (March 30, 2018) (Online at: <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-proclaims-april-2018-national-fair-housing-month/>).

<sup>2</sup> "History of the CRA," *Federal Reserve Bank of Minneapolis* (Online at: <https://www.minneapolisfed.org/community/cra-resources/history-of-the-cra-new>).

<sup>3</sup> Aaron Glantz and Emmanuel Martinez, "For people of color, banks are shutting the door to homeownership," *Reveal* (February 15, 2018) (Online at: <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>).

<sup>4</sup> 12 U.S.C. § 2901

banks' compliance with the CRA as part of its examination program.<sup>5</sup> Any institution regulated by these three agencies with assets valued at \$1.252 billion or more is subject to data collection that allows the Federal Reserve (Fed), OCC, and FDIC to evaluate these banks' compliance with the CRA.<sup>6</sup> The three regulatory agencies conduct comprehensive tests and determine if a bank has one of four ratings: Outstanding, Satisfactory, Needs to Improve, or Substantial Noncompliance.<sup>7</sup>

Earlier this month, the Treasury Department released a set of recommendations to the primary CRA regulators, on how to "modernize" that law.<sup>8</sup> Recent reports also indicate that the Federal Reserve has been working with the OCC and FDIC on "an interagency redo" of CRA rules, and is close to releasing those changes.<sup>9</sup> The OCC has already taken action – in October 2017 it issued a new Policies and Procedures Manual that weakened its ability to penalize "banks suspected of discriminatory lending"<sup>10</sup> by allowing lenders to avoid double downgrades and penalties if they promise to take action. In a recent appearance before the House Financial Services Committee, you stated that the Fed "take[s] a very serious view of any kind of racial discrimination in lending and... look[s] at it through a variety of ... consumer affairs tools."<sup>11</sup>

In order to better understand the Federal Reserve's approach to the CRA and how the agency intends to fulfill the President's vow to "deliver on the promise outlined by the Fair Housing Act," I ask that you provide answers to the following questions no later than May 8, 2018.

1. How many CRA examinations has the Federal Reserve conducted in each of the last five years?
  - a. What percentage of banks received each of the four ratings in each year?
  - b. How often on average elapses between CRA examinations?

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<sup>5</sup> 12 U.S.C. § 2902

<sup>6</sup> Community Reinvestment Act "2018 Reporting Criteria" *Federal Financial Institutions Examination Council* (Online at: <https://www.ffiec.gov/cra/reporter18.htm>).

<sup>7</sup> 12 U.S.C. § 2906

<sup>8</sup> Treasury Department Press Release, "Treasury Releases Community Reinvestment Act Modernization Recommendations," *Department of the Treasury* (April 3, 2018) (Online at: <https://home.treasury.gov/news/press-releases/sm0336>).

<sup>9</sup> Allison Bisbey "New CRA proposal scheduled for release in March: OCC's Otting" *American Banker* (February 27, 2018) (Online at: <https://www.americanbanker.com/news/new-cra-proposal-scheduled-for-release-next-month-occs-otting>).

<sup>10</sup> Ben Protess and Jessica Silver-Greenberg, "Under Trump, Banking Watchdog Trades Its Bite for a Tamer Stance," *The New York Times* (November 15, 2017) (Online at: <https://www.nytimes.com/2017/11/15/business/bank-regulation.html>); Policies and Procedures Manual, "Impact of Evidence Discriminatory or Other Illegal Credit Practices on Community Reinvestment Act Ratings," *Office of the Comptroller of the Currency* (October 12, 2017) (Online at: <https://www.occ.gov/publications/publications-by-type/other-publications-reports/ppms/ppm-5000-43.pdf>).

<sup>11</sup> C-Span "Monetary Policy and the Economy Federal Reserve Chair Jerome Powell appeared before the House Financial Services Committee" (February 27, 2018) (online at: <https://www.c-span.org/video/?440903-1/federal-reserve-chair-powell-testifies-monetary-policy-economy&start=3554>).

2. Please list any and all changes the Federal Reserve plans on making to regulations or procedures governing CRA enforcement, and how those changes allow the agency to better regulate “unlawful discriminatory practices in the sale, lease, and financing of housing.”
  - a. Does the Federal Reserve plan to incorporate any of the recommendations from the Treasury Department into its reforms?
3. Are you, or any other Federal Reserve employees, consulting with or discussing changes to CRA enforcement policies with any outside entities – including lobbyists or representatives of the banking or financial services industry – in revising the CRA enforcement rules? If so, please provide a list of any and all meetings where these changes were discussed, and a list of all participants.
4. Please provide a list of all meetings that have taken place as a result of the “interagency redo,” including topics of the meetings and the participants.
5. How does the Federal Reserve measure the effectiveness of the agency’s efforts to reduce housing discrimination? Please provide an analysis of the agency’s performance over the last two years.
6. Please describe any Federal Reserve initiatives in place, beyond CRA enforcement, to address housing discrimination.

Sincerely,



Elizabeth Warren  
United States Senator

ELIZABETH WARREN  
MASSACHUSETTS

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April 24, 2018

The Honorable Joseph M. Otting  
Office of the Comptroller of the Currency  
400 7<sup>th</sup> Street, SW  
Washington DC, 20219

Dear Comptroller Otting,

On March 30, President Trump declared April 2018 as National Fair Housing Month and announced that his Administration “intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices in the sale, lease, and financing of housing.”<sup>1</sup> As one of the agencies charged with ensuring compliance with the Community Reinvestment Act (CRA), a law designed to address the disgraceful historical practice of redlining,<sup>2</sup> the Office of Comptroller of the Currency (OCC) has a critical role in making sure that the institutions it supervises are serving their customers fairly. I am writing to request information about how the OCC is executing this mission.

Fifty years after the Fair Housing Act became law, housing discrimination remains a serious problem in the United States. According to a recent study by the Center for Investigative Reporting and Reveal, minority borrowers are more likely to be denied a mortgage than similar white borrowers in 61 metropolitan areas—even after controlling for loan amounts, neighborhoods, and applicants’ income.<sup>3</sup> To combat housing and lending discrimination, it is critical that federal regulators uphold and enforce the rules put in place to protect American communities.

However, in spite of the nation’s ongoing problem of housing discrimination, there are efforts underway to weaken, rather than strengthen, key federal housing statutes. The OCC has taken steps to undermine the CRA, a law enacted to curb lending discrimination and to ensure that banks help meet the credit “needs of the communities in which they are chartered to do business.”<sup>4</sup> The OCC, one of three primary regulators tasked with developing regulations and

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<sup>1</sup> President Donald J. Trump, “President Donald J. Trump Proclaims April 2018 as National Fair Housing Month,” *The White House* (March 30, 2018) (Online at: <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-proclaims-april-2018-national-fair-housing-month/>).

<sup>2</sup> “History of the CRA,” *Federal Reserve Bank of Minneapolis* (Online at: <https://www.minneapolisfed.org/community/cra-resources/history-of-the-cra-new>).

<sup>3</sup> Aaron Glantz and Emmanuel Martinez, “For people of color, banks are shutting the door to homeownership,” *Reveal* (February 15, 2018) (Online at: <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>).

<sup>4</sup> 12 U.S.C. § 2901

evaluating banks' compliance with the CRA,<sup>5</sup> issued a new Policies and Procedures Manual (PPM) in October 2017 "soften[ing] a policy for punishing banks suspected of discriminatory lending."<sup>6</sup> Under this new policy, OCC would not be able to downgrade a bank's rating by "more than one rating level," regardless of the severity or magnitude of its discriminatory or illegal practice, and would not be able to downgrade a bank until "full consideration is given to the remedial actions taken by the bank."<sup>7</sup> This means that if a bank "has taken or has committed to take" corrective action, "including voluntary corrective action resulting from self-assessment,"<sup>8</sup> it could potentially be exempt from a downgrade. It is dangerous and wrong to let institutions that have been accused of discrimination avoid penalization because they promise to take remedial action.

Given the OCC's recent efforts to weaken the enforcement of federal housing statutes, I am concerned about the agency's ability to fulfill the President's vow to "deliver on the promise outlined by the Fair Housing Act." In order to better understand the OCC's commitment to combating housing discrimination I ask that you provide answers to the following questions no later than May 8, 2018:

1. Recent reports indicate that OCC is close to releasing "an interagency redo" of the CRA in coordination with the Federal Reserve and the Federal Deposit Insurance Corporation.<sup>9</sup> Please list any and all changes OCC plans on making to rules and regulations governing CRA enforcement, and explain how those changes improve the agency's ability to stop "unlawful discriminatory practices in the sale, lease, and financing of housing."
2. Please provide a list of all meetings that have taken place as a result of the "interagency redo," including topics of the meetings and the participants.
3. The Treasury Department recently released a set of recommendations to the primary CRA regulators on how to "modernize" the CRA.<sup>10</sup> As the OCC works on changes to the CRA, what, if any, of the recommendations from the Treasury Department will you incorporate in your reform?

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<sup>5</sup> 12 U.S.C. § 2902

<sup>6</sup> Ben Protess and Jessica Silver-Greenberg, "Under Trump, Banking Watchdog Trades Its Bite for a Tamer Stance," *The New York Times* (November 15, 2017) (Online at: <https://www.nytimes.com/2017/11/15/business/bank-regulation.html>).

<sup>7</sup> "Policies and Procedures Manual "Impact of Evidence Discriminatory or Other Illegal Credit Practices on Community Reinvestment Act Ratings," *Office of the Comptroller of the Currency* (October 12, 2017) (Online at: <https://www.occ.gov/publications/publications-by-type/other-publications-reports/ppms/ppm-5000-43.pdf>).

<sup>8</sup> 12 CFR 25.28(c)(2)


<sup>9</sup> Allison Bisbey "New CRA proposal scheduled for release in March; OCC's Otting" *American Banker* (February 27, 2018) (Online at: <https://www.americanbanker.com/news/new-cra-proposal-scheduled-for-release-next-month-occs-otting>).

<sup>10</sup> Department of the Treasury Press Release, "Treasury Releases Community Reinvestment Act Modernization Recommendations," *Department of the Treasury* (April 3, 2018) (Online at: <https://home.treasury.gov/news/press-releases/sm0336>).



4. The PPM issued in October 2017 by your predecessor, Acting Comptroller Keith Noreika, weakened the OCC's ability to impose penalties on banks under the CRA - allowing banks to avoid double downgrades and penalties if they promise to take action to address problems.
  - a. What analysis did the OCC conduct to determine how the changes outlined in the October PPM would hinder the agency's ability to carry out its mission to ensure "fair access and equal treatment to national banks customers"?<sup>11</sup>
  - b. Please list any meetings that former Acting Comptroller Noreika, and any other OCC employees, had with outside entities – including lobbyists or representatives of the banking or financial services industry – to discuss changes to CRA supervision policies prior to the release of the October PPM.
5. Are you, or are any other OCC employees, consulting with or discussing changes to CRA enforcement policies with any outside entities – including lobbyists or representatives of the banking or financial services industry – in revising the CRA enforcement rules? If so, please provide a list of all meetings and all participants in these meetings where these changes were discussed.
6. How does the OCC measure the effectiveness of the agency's efforts to reduce housing discrimination? Please provide a detailed analysis of the agency's performance over the last two years.
7. Please describe any initiatives the OCC has in place, beyond CRA enforcement, to address housing discrimination.

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>11</sup> "Consumer Protection," *Office of the Comptroller of the Currency* (Online at: <https://www.occ.treas.gov/topics/consumer-protection/index-consumer-protection.html>).

April 24, 2018

The Honorable Martin Gruenberg  
Chairman  
Federal Deposit Insurance Corporation  
550 17<sup>th</sup> Street, NW  
Washington, DC 20429

Dear Chairman Gruenberg,

On March 30, in recognition of the Fair Housing Act's fiftieth anniversary, President Trump declared April 2018 as National Fair Housing Month and announced that his "Administration intends to deliver on the promise outlined by the Fair Housing Act, by ending prejudice and unlawful discriminatory practices in the sale, lease, and financing of housing."<sup>1</sup> As one of the agencies charged with ensuring compliance with the Community Reinvestment Act (CRA), a law designed to address the disgraceful historical practice of redlining,<sup>2</sup> the Federal Deposit Insurance Corporation (FDIC) has a critical role in making sure that the institutions it supervises are serving their customers fairly. I am writing to request information about how the FDIC is executing this mission.

Fifty years after the Fair Housing Act became law, housing discrimination remains a serious problem in the United States. According to a recent study by the Center for Investigative Reporting and Reveal, minority borrowers are more likely to be denied a mortgage than similar white borrowers in 61 metropolitan areas—even after controlling for loan amounts, neighborhoods, and applicants' income.<sup>3</sup> To combat housing and lending discrimination, it is critical that federal regulators uphold and enforce the rules put in place to protect American communities.

The CRA was enacted to curb lending discrimination and to ensure that banks help meet the credit "needs of the communities in which they are chartered to do business."<sup>4</sup> The FDIC, along with the Office of the Comptroller of the Currency (OCC) and the Federal Reserve (the Fed), is tasked with developing regulations and evaluating banks' compliance with the CRA as

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<sup>1</sup> President Donald J. Trump, "President Donald J. Trump Proclaims April 2018 as National Fair Housing Month," *The White House* (March 30, 2018) (Online at: <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-proclaims-april-2018-national-fair-housing-month/>).

<sup>2</sup> <https://www.minneapolisfed.org/community/cra-resources/history-of-the-cra-new>

<sup>3</sup> Aaron Glantz and Emmanuel Martinez, "For people of color, banks are shutting the door to homeownership," *Reveal* (February 15, 2018) (Online at: <https://www.revealnews.org/article/for-people-of-color-banks-are-shutting-the-door-to-homeownership/>).

<sup>4</sup> 12 U.S.C. § 2901

part of its examination program.<sup>5</sup> Any institution regulated by these three agencies with assets valued at \$1.252 billion or more is subject to data collection that allows FDIC, OCC, and the Fed to evaluate these banks' compliance with the CRA.<sup>6</sup> The three regulatory agencies conduct comprehensive tests and determine if a bank has one of four ratings: Outstanding, Satisfactory, Needs to Improve, or Substantial Noncompliance.<sup>7</sup>

Earlier this month, the Treasury Department released a set of recommendations to the primary CRA regulators, on how to "modernize" that law.<sup>8</sup> Recent reports also indicate that the FDIC has been working with the OCC and the Federal Reserve on "an interagency redo" of CRA rules, and is close to releasing those changes.<sup>9</sup> The OCC has already taken action – in October 2017 it issued a new Policies and Procedures Manual that weakened its ability to penalize "banks suspected of discriminatory lending"<sup>10</sup> by allowing lenders to avoid double downgrades and penalties if they promise to take action. You recently warned that "the danger is that changes to regulations could cross the line into substantial weakening of requirements."<sup>11</sup> I agree.

In order to better understand the FDIC's approach to the CRA and how the agency intends to fulfill the President's vow to "deliver on the promise outlined by the Fair Housing Act," I ask that you provide answers to the following questions no later than May 8, 2018:

1. How many the CRA examinations has the FDIC conducted in each of the last five years?
  - a. What percentage of banks received each of the four ratings in each year?
  - b. How often on average elapses between CRA examinations?
  
2. Please list any and all changes the FDIC plans on making to regulations or procedures governing CRA enforcement, and how those changes allow the agency to better regulate "unlawful discriminatory practices in the sale, lease, and financing of housing."
  - a. Does the FDIC plan to incorporate any of the recommendations from the Treasury Department in to its reforms?

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<sup>5</sup> 12 U.S.C. § 2902

<sup>6</sup> Community Reinvestment Act "2018 Reporting Criteria" *Federal Financial Institutions Examination Council* (Online at: <https://www.ffiec.gov/cra/reporter18.htm>).

<sup>7</sup> 12 U.S.C. § 2906

<sup>8</sup> Treasury Department Press Release, "Treasury Releases Community Reinvestment Act Modernization Recommendations," *Department of the Treasury* (April 03, 2018) (Online at: <https://home.treasury.gov/news/press-releases/sm0336>).


<sup>9</sup> Allison Bisbey "New CRA proposal scheduled for release in March: OCC's Otting" (February 27, 2018) (Online at: <https://www.americanbanker.com/news/new-cra-proposal-scheduled-for-release-next-month-occs-otting>).

<sup>10</sup> Ben Protess and Jessica Silver-Greenberg, "Under Trump, Banking Watchdog Trades Its Bite for a Tamer Stance," *The New York Times* (November 15, 2017) (Online at: <https://www.nytimes.com/2017/11/15/business/bank-regulation.html>) ; "Policies and Procedures Manual "Impact of Evidence Discriminatory or Other Illegal Credit Practices on Community Reinvestment Act Ratings," *Office of the Comptroller of the Currency* (October 12, 2017) (Online at: <https://www.occ.gov/publications/publications-by-type/other-publications-reports/ppms/ppm-5000-43.pdf>).

<sup>11</sup> "Remarks by Martin J. Gruenberg, Chairman, Federal Deposit Insurance Corporation on Financial Regulation: A Post-Crisis Perspective; Brookings Institution; Washington, D.C," *Federal Deposit Insurance Corporation* (November 14, 2017) (Online at: <https://www.fdic.gov/news/news/speeches/spnov1417.html>).

3. Are you, or any other FDIC employees, consulting with or discussing changes to CRA enforcement policies with any outside entities – including lobbyists or representatives of the banking or financial services industry – in revising the CRA enforcement rules? If so, please provide a list of any and all meetings where these changes were discussed, and a list of all participants.
4. Please provide a list of all meetings that have taken place as a result of the “interagency redo,” including topics of the meetings and the participants.
5. How does the FDIC measure the effectiveness of the agency’s efforts to reduce housing discrimination? Please provide an analysis of the agency’s performance over the last two years.
6. Please describe any FDIC initiatives in place, beyond CRA enforcement, to address housing discrimination.

Sincerely,



Elizabeth Warren  
United States Senator