

Proposal: 1769(AG29) Regulation BB: Community Reinvestment Act

Description:

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From: Heirs Property

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Comments:

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Proposal: Regulation BB: Community Reinvestment Act [R-1769]

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Thank you for the opportunity to comment on the Notice of Proposed Rulemaking (NPR) regarding updating the Community Reinvestment Act (CRA) on behalf of the constituencies (I/WE/ORG NAME) represent(s). This NPR represents the most significant changes to the CRA regulation and exams in 27 years, and a unique opportunity to leverage the CRA to address long-standing concerns regarding involuntary land loss. We believe that the CRA can be helpful in preventing involuntary land loss by rewarding financial institutions that provide innovation financial products that help to support landowning families who currently hold land assets in unclear title, colloquially known as "heirs property". As you know, land is a tangible, wealth generating asset, but land held in heirs property status is fundamentally vulnerable to involuntary loss. Through clear guidance in a modernized CRA that establishes that financial products designed to prevent involuntary land loss would be considered CRA-qualified investments, financial institutions can play a more active role in being positive forces for good in keeping land in the hands of its rightful owners. The following is an illustrative list of the kinds of actions and products that we would like financial institutions to be able to undertake to support landowning families, particularly those holding heirs property, to be able to retain their assets and clearly receive CRA consideration for:

- Designate as CRA-qualified activity resources that financial institutions provide to offer educational opportunities on heirs property issues similar to the current CRA qualifying program "Money Smarts" for financial literacy. The heirs property program could educate on topics such as:
 - o What heirs property is;
 - o The risks/benefits of using various forms of ownership structures to retain land;
 - o Alternative ownership structures offering similar benefits;
 - o Typical ways land enters heirs property;
 - o The typical process to remove a property from heirs property status;
 - o How to prevent a property from entering into heirs property status; and,
 - o The relevant state law governing heirs property (tax purposes, etc.)
- Clarity in a modernized CRA rule that provides clear consideration and CRA credit for such activity would encourage rural financial institutions and many existing Minority Depository Institutions (MDIs) acting as trusted community resources on an issue like this if they knew that they would receive CRA credit for providing this kind of financial literacy.
- Include loans made for heirs property resolution purposes to count towards CRA credits, much like how small business loans or retail loans made to qualifying lower and moderate-income consumers and/or

small businesses count as CRA-qualified investment activity. • Given the overwhelmingly rural nature of heirs property issues, and the substantial banking and CRA "deserts" in many of these rural communities with the most acute heirs property challenges, we ask that the rulemaking provide for flexibility in assessment areas where banks should be able to support and finance these kinds of programs and products, even if they occur used outside of the bank's traditional CRA assessment areas. Additional CRA consideration for investing in bank and CRA deserts in ways that address long-standing issue of land loss and heirs property is consistent with the intent of the CRA. • We ask that rulemaking would consider the creation of financial products akin to mortgage escrow accounts for families seeking to address heirs property issues that would go towards the payment of property taxes and special assessments be considered CRA qualified investments. Such a product could provide a mechanism for low resource landowners to manage this tax liability in a way that prevents threats of loss to tax foreclosure. In short, financial institutions can greatly assist rural communities that have been beset with heirs property issues, and at the same time, aid in growing land ownership rates by providing more clarity and in some cases, additional CRA credit - to banks that work with small family landowners and farms to build communities where capital deserts would otherwise make wealth capture and sustainability from land assets nearly impossible. Since CRA requires banks to meet the needs of communities, the agencies must also elevate the importance of public comments regarding the extent to which banks meet needs. The agencies proposed to continue the current practice of sending any comments on CRA performance to banks and are also considering publishing comments received on agency websites. We urge the agencies to post comments on their websites and also to establish a public registry for community organizations to sign up if they wish to comment on CRA performance. In addition, we ask that the agencies publish a list of organizations that comment and that the agencies identify those led by people of color and women in an effort to seek input from a diverse range of organizations. The current NPR is a good start, and we applaud the Administration for reexamining the CRA. If CRA is improved to consider heirs property issues while maintaining public input and accountability, we believe the proposed rule could help American families end involuntarily land loss for good.