



**GREATER ROCHESTER
COMMUNITY REINVESTMENT COALITION
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ROCHESTER, NEW YORK 14614**

March 23, 2022

Robert E. Barnes
Examiner-in-Charge
Large Bank Supervision – Bank of America
Comptroller of the Currency
Charlotte, NC 28255
Via email: CRAComments@occ.treas.gov

Re: Bank of America, NA CRA Performance, 2017-2020

Dear Mr. Barnes:

We are writing to you on behalf of the Greater Rochester Community Reinvestment Coalition (GRCRC) to submit comments regarding Bank of America’s (BOA) CRA Exam conducted by the Office of the Comptroller of the Currency (OCC) for 2017 through 2020.

The Greater Rochester Community Reinvestment Coalition (GRCRC) was launched in 1993 to generate and continue discussions about lending patterns in Rochester. GRCRC, convened by Empire Justice Center, has met with numerous banks and state and federal regulators during CRA exams and mergers, and submitted dozens of data-driven comments to the appropriate state and federal regulators who have oversight of the banks. GRCRC, Empire Justice Center, and its predecessor organization the Public Interest Law Office of Rochester, have released seventeen analyses of home mortgage lending, small business lending, and access to credit over the past 28 years. The organizations use data driven analyses to identify strengths and weaknesses in lending patterns and to generate discussions with the top financial depositories in the Rochester NY MSA.¹

Bank of America, NA is the 6th largest depository institution serving the Rochester NY MSA. As of June 30, 2020, BOA had \$1.49 billion in deposits at its 12 offices in the Rochester area for 6.7% percent of the market.² (See Table 1 in Appendix.)

¹ Our most recent analyses are “#AllTogetherNow: Improving Small Business Lending in the Rochester NY Community” (found at: <https://empirejustice.org/wp-content/uploads/2018/01/alltogethernow-s.pdf>) and “Too Big to Fail...Too Poor to Bank: How Mainstream Financial Services Can Help Low-Income Working Families Succeed” (found at: <https://empirejustice.org/wp-content/uploads/2018/09/Access-to-Credit-Report-2018-FINAL.pdf>).

² From the FDIC Market Share 2020 Report, as found at: <https://www5.fdic.gov/sod/sodMarketBank.asp?barItem=2>

The Rochester Market President of Bank of America responded to our contacts and shared the bank's community development lending and investments and philanthropy for the Rochester area. This information is included in the CDLI section below. We shared a draft of this letter with BOA, which the bank has reviewed. We are coordinating with the local bank staff to meet with them soon.

These comments focus on three areas:

- BOA's HMDA/Mortgage Lending
- BOA's CRA Small Business Lending
- CDLI and Opportunities for Investment in the Rochester Community

BOA'S HMDA LENDING IN MSA and UNDERSERVED COMMUNITIES

Our lending analysis focuses on originated loans. We examine lending from 2016-2020 to align with the lending exam period with a baseline of 2016 before the exam period.

This section on BOA's HMDA lending is divided into the following categories:

- Total number loans and total dollar volume mortgage lending
- Home purchase loans
- BOA's lending compared to its peers

BOA's Total Mortgage Lending

Total Loans

In 2020, BOA originated 285 mortgage loans (1st lien loans on owner-occupied (principal and secondary), 1-4 family site-built units) in the Rochester MSA compared to 200 loans in 2016, an increase of 85 loans or 31 percent.³ (See Table 2 in Appendix). In comparison, BOA originated 1,106 mortgage loans in 2010, so **even though the bank's total lending increased during the exam period, it is one-third of what it was a decade earlier.**

As seen in Table 2, while there was a **31 percent increase** in the total number of mortgage loans made by BOA in the Rochester NY MSA between 2016 and 2020, its lending increased at much higher rates in the city and other Rochester communities. Between 2016 and 2020, BOA's lending:

³ Empire Justice Center uses the Static HMDA LAR data from the CFPB website, at: <https://ffiec.cfpb.gov/data-publication/>.

- Increased by 295% in the city.
- Increased by 350% among Black/Latino households.
- Increased by 55% among low-moderate income households.
- Increased by 400% in low-moderate income census tracts
- Increased by 578% in majority nonwhite census tracts (50% or more nonwhite residents).

As a result of its increased lending in these categories, BOA's distribution of its loans to areas and populations in the Rochester community that have been historically redlined or underserved also showed dramatic improvement since 2016 (see the bottom section of Table 2). Its distribution in 2020 exceeded the average for all financial institutions (AFI) in all categories. Of the 285 loans BOA made in 2020,

- 26% were in the city, compared to 8% in 2016, and 8% for AFI
- 29% were to Black and Latinx households, compared to 10% in 2016, and 8% for AFI
- 42% were to low-moderate income households, compared to 36% in 2016, and 30% for AFI
- 27% were in low-moderate income census tracts, compared to 8% in 2016, and 10% for AFI
- 21% were in nonwhite census tracts, compared to 4% in 2016, and 4% for AFI

Total Dollar Volume Lending

In 2020, BOA originated an aggregate of \$47.4 million in total mortgage lending (1st lien loans on owner-occupied (principal and secondary), 1-4 family site-built units). As seen by Table 3 in the Appendix, this was \$11.6 million or 23% more than the bank's dollar volume of lending in 2016. However, it is lower than its peak dollar volume of lending of \$50.9 million in 2018.

BOA's total dollar volume of lending increased in every other category as well, at rates exceeding the increase in the Rochester MSA as a whole. Between 2016 and 2020, BOA's dollar volume of lending **increased by:**

- 307% in the city
- 403% among Black and Latinx households
- 66% among low-moderate income households
- 538% in low-moderate income census tracts
- 872% in nonwhite census tracts.

As a result of these dramatic increases, the proportions of BOA's dollar volume of lending going to other areas of the Rochester community were larger in 2020 than in 2016 (see bottom section of Table 3), and they were greater than the average proportions of all financial institutions (AFI).

Of the \$47.4 million BOA originated in the Rochester MSA in 2020,

- 18% went to the city, compared to 5% in 2016, and 6% for AFI
- 21% went to Black and Latinx households, compared to 6% in 2016, and 7% for AFI
- 27% went to low-moderate income households, compared to 21% in 2016, and 20% for AFI
- 18% went to low-moderate income census tracts, compared to 4% in 2016, and 6% for AFI
- 13% went to nonwhite census tracts, compared to 1% in 2016, and 2% for AFI

BOA's Home Purchase Lending

Home Purchase Loan Originations

We also analyzed BOA's home purchase originations (1st lien loans on owner-occupied, (principal and secondary) 1-4 family site-built units). As can be seen by Table 4 in Appendix, BOA originated only 160 home purchase loans in the Rochester NY MSA in 2020, a slight increase of 11 loans or 8% compared to 2016.

BOA's home purchase lending in every area of the Rochester community increased at rates substantially greater than its 8% increase in the MSA. Between 2016 and 2020, the number of home purchase loans originated by BOA **increased** by:

- 622% in the city.
- 427% among Black and Latino households.
- 94% among low-moderate income households.
- 656% in low-moderate income census tracts.
- 1040% in nonwhite census tracts.

BOA's large increases its home purchase lending among all categories of the Rochester community resulted in increases in the proportions of its loans going to borrowers in those categories (see bottom section of Table 4). Of the 160 home purchase loans made by BOA in 2020,

- 41% were in the city, compared to 8% in 2016, and 11% for AFI
- 48% were to Black and Latinx households, compared to 9% in 2016, and 11% for AFI

- 58% were to low-moderate income households, compared to 41% in 2016, and 39% for AFI
- 43% were in low-moderate income census tracts, compared to 7% in 2016, and 14% for AFI
- 34% were in nonwhite census tracts, compared to 3% in 2017, and 6% for AFI

BOA’s Mortgage Lending Compared to Its Peers

GRCRC believes in the importance of comparing the lending of a bank to its peers. As BOA is the 6th largest bank in the Rochester area, we compare its lending to the eight largest banks in the Rochester MSA. In 2020 BOA **ranked 6th in deposits** in the Rochester MSA, with **6.7 percent of the market**, so these might be considered benchmarks as well.

Total Mortgage Lending Compared to Peers

Our first comparison is of the total number of mortgage originations by the top 8 banks (1st lien loans on owner-occupied (principal and secondary), 1-4 family site-built units). As seen on Table 5 in Appendix, BOA originated 285 mortgage loans in 2020, putting BOA 7th place among the top 8 banks. BOA’s 1% Rochester MSA mortgage loan market share is substantially lower than its 6.7 percent depository market share, and the bank’s 7th place ranking among the top 8 banks is lower than its 6th place depository market share ranking.

One way a depository can demonstrate its CRA commitment to a community is by maintaining market shares in the various target communities similar to or greater than its overall MSA market share (middle part of table). BOA exceeded its MSA total lending market share of 1% in every category. In 2020, BOA had:

- 4% of the market in the city
- 4% of the market among Black and Latinx households
- 2% of the market among low-moderate income households
- 3% of the market in low-moderate income census tracts
- 6% of the market in nonwhite census tracts

BOA’s distribution of its total lending to the various communities substantially exceeded the averages for AFI and the top 8 banks in every category (bottom part of table).

Dollar Volume Lending Compared to Peers

In 2020, BOA made \$47.4 million in mortgage lending in the Rochester MSA, capturing 1% of the market and ranking 7th among the top 8 depositories in the Rochester MSA. (See Table 6 in

Appendix.) Again, this is substantially less than its depository market share and below its 6th place depository market share ranking.

BOA performed better among Rochester's various markets where it had a dollar volume lending market share of:

- 3% in the city
- 3% among Black and Latino households
- 1% among low-moderate income households
- 3% in low-moderate income census tracts
- 6% in nonwhite census tracts

Again, BOA's distribution of its dollar volume of lending among the various Rochester community categories substantially exceeded the average distributions of the area's top 8 banks and of all financial institutions.

Home Purchase Lending Compared to Peers

BOA made 160 home purchase loans (1st lien loans on owner-occupied (principal and secondary), 1-4 family site-built units) in the Rochester MSA in 2020. This corresponds to 1% of the market, putting BOA in 6th place among the top 8 banks in the Rochester area (See Table 7 in Appendix). BOA's 1% of the MSA market is substantially less than its depository market share, but its 6th place ranking is the same as its depository market share ranking.

BOA's home purchase loan market shares in all the community categories substantially exceeded its Rochester MSA market share. BOA had a home purchase lending market share of:

- 5% in the city
- 6% among Black and Latinx households
- 2% among low-moderate income households
- 4% in low-moderate income census tracts
- 8% in minority census tracts

As with its total lending, BOA's distribution of its home purchase loans to the above categories substantially exceeded the top 8 average distributions in every category as well as the averages for all financial institutions.

Conclusion: BOA's Mortgage Lending

GRCRC believes that our nation's biggest banks have an obligation to serve every community in which they are located, including relatively smaller MSAs, like Rochester. Clearly, Bank of America's strong lending numbers in the city of Rochester, among Black and Latino and low-moderate income households, and in low-moderate income areas and communities of color indicates that BOA has connections in, or mortgage products for, the various communities that work. It's too bad that the bank's mortgage lending is so low. **GRCRC urges Bank of America to find ways to increase its mortgage lending market share in the Rochester MSA, while maintaining high proportions of its lending going to our historically underserved and redlined communities.**

BOA SMALL BUSINESS LENDING

CRA Small Business Lending

Table 8 in Appendix shows BOA's CRA small business loans and dollar volume of lending from 2016 to 2020. As the bank has not responded to our emails, we do not know if the bank's Paycheck Protection Program (PPP) loans are included in the numbers it reported in 2020. However, given that the number of loans in 2020 are in-line with those from earlier, it is likely that the bank's PPP loans are not included here.

Number of Small Business Loans

BOA made 926 small business loans in the Rochester MSA in 2020, 14% fewer than in 2016 (see Table 8). While BOA increased its number of small business loans to businesses in low-moderate income census tracts in 2020 compared to 2016, it decreased the number of loans of \$100,000 or less, loans of \$100,000 or less to businesses in low-moderate income census tracts, loans to businesses with gross annual revenues under \$1 million.

In 2020, BOA made:

- 196 loans to businesses in low-moderate income census tracts, an increase of 7% from 2016
- 854 loans of \$100,000 or less, a decrease of 17% from 2016
- 175 loans of \$100,000 or less to businesses in low-moderate income census tracts, a slight decrease of 2% from 2016
- 482 loans to businesses with gross annual revenues under \$1 million, a decrease of 9% from 2016

- 104 loans to businesses with gross annual revenues under \$1 million in low-moderate income census tracts, a slight increase of 3% from 2016

BOA increased the proportion of its small business loans going to businesses in low-moderate income tracts, to businesses with gross annual revenues under \$1 million, and to businesses with gross annual revenues under \$1 million in low-moderate income census tracts. The bank also compared favorably to all financial institutions (AFI) in its distribution of small business loans to these categories in 2020. Its slight decrease in the percentage of loans of \$100,000 or less, as well as its increase in average loan size, indicates that BOA may have done fewer credit card loans in 2020 than in 2016.

Dollar Volume of Small Business Lending

In 2020, BOA did \$40.2 million in small business lending in the Rochester MSA. As seen at the bottom half of Table 8, this was 19% more than in 2016. BOA's dollar volume of small business lending was substantially higher for loans to businesses in low-moderate income neighborhoods, for loans to businesses with gross annual revenues under \$1 million, and for loans to these businesses in low-moderate income neighborhoods.

In 2020, BOA made:

- \$8.9 million in loans to businesses in low-moderate income census tracts, an increase of 78% from 2016
- \$17.1 million in loans of \$100,000 or less, an increase of 9% from 2016
- \$3.3 million in loans of \$100,000 or less to businesses in low-moderate income census tracts, an increase of 28% from 2016
- \$12.3 million in loans to businesses with gross annual revenues under \$1 million, an increase of 45% from 2016
- \$2.7 million in loans to businesses with gross annual revenues under \$1 million in low-moderate income census tracts, an increase of 56% from 2016

Compared to 2016, in 2020 BOA had higher proportions of its dollar volume of small business loans going to businesses in low-moderate income tracts, to businesses with gross annual revenues under \$1 million, and to businesses with gross annual revenues under \$1 million in low-moderate income census tracts. BOA matched or exceeded all financial institutions in 2020 in these categories of lending with respect to its distribution of its dollar volume of lending.

BOA's Small Business Lending Compared to Peers

As with the mortgage lending, we compare a bank's small business lending to its peers, the other depositories with the greatest market shares in the Rochester NY MSA. We compare their market shares for 2020, the most recent year of the exam and the public data. Table 9 in the Appendix compares the small business loans, dollar volume lending and market shares for the Rochester MSA's top 8 banks for 2020.

Number of Loans Market Share

In 2020, with 926 loans, BOA captured 4.2% of the small business loan market in the Rochester MSA, making BOA the 6th largest small business lender among the top 8 banks in terms of number of loans (see top part of Table 9.) BOA met or exceeded its overall MSA market share of 4.2% in loans to businesses in low-moderate income tracts, in loans to businesses with gross annual revenues under \$1 million, and in loans to these smaller businesses in low-moderate income tracts. In 2020, BOA had a market share of:

- 4.8% among businesses in low-moderate income census tracts
- 4.5% in loans of \$100,000 or less
- 5.1% in loans of \$100,000 or less to businesses in low-moderate income census tracts
- 6.5% among businesses with gross annual revenues under \$1 million
- 7.1% among businesses with gross annual revenues under \$1 million in low-moderate income census tracts

Dollar Volume Lending Market Share

In 2019, with \$40.2 million in lending, BOA captured 3.1% of the dollar volume of small business lending in the Rochester MSA, putting it in 6th place with respect to the dollar volume of lending among the top 8 banks after M&T. (See the bottom half of Table 9.) While BOA's dollar volume market share is half of its depository market share, its rank is the same as its depository market share rank.

BOA's market share in dollar volume of lending in low-moderate income tracts met its overall MSA market share, while its dollar volume of lending market share to businesses with gross annual revenues under \$1 million and among businesses with gross annual revenues under \$1 million in low-moderate income tracts exceeded its overall MSA market share. In 2020, BOA captured:

- 3.2% of the dollar volume of lending to businesses located in low-moderate income census tracts

- 4.1% of the dollar volume of lending for loans of \$100,000 or less
- 4.2% of the dollar volume of lending for loans of \$100,000 or less to businesses in low-moderate income tracts
- 4.7% of the dollar volume of lending to businesses with gross annual revenues under \$1 million
- 5.4% of the dollar volume of lending to businesses with gross annual revenues under \$1 million located in low-moderate income census tracts

In 2020 BOA’s average small business loan size was \$43 thousand, the third smallest average loan size among the top 8 banks. BOA, JPMC and Citizens are the only banks among the top 8 that have more than 90% of their loans at \$100,000 or less.

With respect to the distribution of its dollar volume of lending to businesses in low-moderate income communities, to businesses with gross annual revenues under \$1 million, and to such businesses located in low-moderate income tracts, the percentages for BOA were similar to or exceeded the averages for the top 8 banks (bottom of Table 9).

Small Business Lending Summary

In order to stabilize the economy, create jobs and build wealth in the Rochester community, area businesses need access to affordable, responsible credit. The increase in the dollar volume of lending, the larger average loan size, and the decrease in number of loans of \$100,000 or less indicate that Bank of America did slightly fewer credit card loans in 2020 than in previous years. However, this may have been the result of an overall decrease in the bank’s number of small business loans. GRCRC would like to see BOA increase the number of loans it makes to businesses located in low-moderate income neighborhoods and to Rochester’s smaller businesses such as sole proprietorships and other micro-businesses, particularly Black and Brown-owned businesses, as they continue to recover from the pandemic.

COMMUNITY DEVELOPMENT LENDING AND INVESTMENTS AND CRA OPPORTUNITIES IN THE ROCHESTER COMMUNITY

BOA shared the following information about its local community development investments and lending and CRA-eligible grants for 2017 through 2020.

CD Loans:

1. \$27,160,770 - Construction LOC enhances tax-exempt bonds issued by NYC Housing and Community Renewal to finance an apartment project acquisition/ renovation – 320 AHU – Rochester, NY

2. \$22,383,867 - Construction period letter of credit to enhance tax-exempt bonds issued by New York State Housing Finance Agency to finance a portion of the acquisition and construction of a public housing development – 215 AHU – Geneva NY
3. \$13,800,000 - Construction financing for new construction of an affordable housing development – 64 AHU – Farmington NY
4. \$15,338,675 - Credit-enhancing standby letter of credit issued to the New York State Housing Finance Agency to ensure timely payment of principal and interest on tax-exempt bonds to finance affordable lofts project in downtown – 53 AHU – Rochester, NY
5. \$1,083,617 - CDFI affordable housing construction lending facility to provide loans in support of the acquisition, construction, rehabilitation, and preservation of affordable housing for low- to moderate-income families – Rochester NY
6. \$24,224,406 - 5-year Standby Bond Purchase Agreement issued to New York State Housing Finance Agency ("HFA") to finance low- and moderate-income rental housing for veterans – 647 AHU – Rochester NY
7. \$24,705,482 - Standby letter of credit to the New York State Housing Finance Agency as a credit enhancement for bond financing of new construction apartments in a mixed-use development – 164 AHU – Rochester NY
8. \$1,270,000 - term loan portion of construction-to-permanent financing for affordable housing development – 64 AHU – Farmington NY

CD Investments:

1. \$20,294,609 - Low Income Housing Tax Credit and State Historic Tax Credit equity investment for construction/rehabilitation of the substantial rehabilitation of two public housing developments including the renovation of an existing elementary school building – 215 AHU – Geneva, NY
2. \$13,838,996 - Low Income Housing Tax Credit equity investment for new construction of an affordable housing development – 64 AHU – Farmington NY
3. \$10,003,816 - Low Income Housing Tax Credit and historic tax credit equity investment to finance affordable lofts project in downtown – 53 AHU – Rochester, NY
4. \$18,651,017 - Low Income Housing Tax Credit equity investment to finance the new construction of apartments in a mixed-use development – 164 – Rochester NY
5. \$60,000 - CDFI Program Related Investment, the CDFI provides long-term working capital, equipment financing, and real estate loans supported by a guarantee under the SBA 7(a) program. These proceeds used to fund small business loans originated as well as special programs for veterans and veteran-focused loans – Rochester NY
6. \$16,370,319 & \$5,984,670 - direct purchase of "New York State Housing Finance Agency Affordable Housing Revenue Bonds to finance construction of multifamily

housing developments including this affordable Senior Housing development – 157 AHU
– Irondequoit, NY

CRA Grants

21 CRA-qualified grants totaling \$512,487.

Using this information provided by Bank of America, we prepared the table below. It shows that BOA provided almost \$215.2 million in community development lending and investments in support of 1620 affordable housing units, homes for low-moderate income families and small business lending and investments. Of these loans and investments, \$121.1 million was for projects in Rochester, including 1184 affordable housing units. Including its 21 CRA-qualified grants brings the total to almost \$215.7 million.

Bank of America Community Development Lending & Investments, 2017-2020			
CD Loans:			
Location	Amount	No AHU*	Type
Rochester	\$27,160,770	320	apartment project
Rochester	\$15,338,675	53	affordable lofts downtown
Rochester	\$1,083,617	NA	NA
Rochester	\$24,224,406	647	LMI housing for veterans
Rochester	\$24,705,482	164	In mixed use
Farmington	\$1,270,000	64	affordable housing
Farmington	\$13,800,000	64	affordable housing
Geneva	\$22,383,867	215	public housing
Total ROC	\$92,512,950	1184	
Total MSA	\$129,966,817	1463	
CD Investments:			
Location	Amount	No AHU*	Type
Rochester	\$10,003,816	53	affordable lofts downtown
Rochester	\$18,651,017	164	In mixed use
Rochester	\$60,000		Small biz & veterans
Irondequoit	\$16,370,319	157	Senior housing
Irondequoit	\$5,984,670	157	Senior housing
Geneva	\$20,294,609	215	public housing & school
Farmington	\$13,838,996	64	affordable housing
Total ROC	\$28,714,833	0	
Total MSA	\$85,203,427	157	
Total CD Loans & Investments			
	Amount	No AHU*	
Total ROC	\$121,227,783	1184	
Total MSA	\$215,170,244	1620	
Note: *This is the number of affordable housing units affected by either/both, so they are not double-counted.			

Several GRCRC members shared information with us on local community development needs, how BOA has worked with their organizations to address them, and suggestions on how BOA might help address emerging and ongoing needs.

Specific Community Development Activities

GRCRC members shared with us the following community development activities that BOA is currently supporting.

In 2020 **Consumer Credit Counseling Service of Rochester** received \$10,000 from BOA to support its foreclosure prevention counseling.

The **PathStone Enterprise Center, Inc. (PECI)** is a non-profit, 501(c)(3) regional Community Development Corporation organized in 1997 and certified as a Community Development Financial Institution (CDFI) in 1998. PEGI is the economic development and lending arm of PathStone Corporation with a service area that includes upstate New York between Buffalo and Syracuse and the western half of Puerto Rico.

PECI has made an aggregate of 1,348 loans totaling \$30.6 million, while leveraging an additional \$26.2 million in private funding, and PEGI currently has assets of approximately \$13,000,000. The small business loan segment of the portfolio has resulted in over 2,600 jobs created or retained in New York and Puerto Rico. PEGI services all of its own loans and PEGI's current small business portfolio includes over 175 loans with outstanding balances totaling over \$7,200,000.

PECI is capitalized by a variety of government and private funds. PEGI is a Micro Lender for the SBA and USDA. PEGI has received loan and grant capital from New York's Empire State Development that it uses for relending. In addition, PEGI has received Program Related Investments (long term low interest loans or grants) from six financial institutions and three foundations for the purpose of making loans that they are unable to make in their service areas. These capital funds in the form of long-term, low interest rate loans as well as operating grants are critical for CDFIs that are providing loans and technical assistance to businesses that are unable to get funded through traditional lenders.

PECI has received grants between \$40,000 and \$50,000 a year from Bank of America to be used to support its technical assistance for small business loans and some operational capacity. PEGI currently has one of those awards for \$50,000 for 2021-2022. BOA has also provided PEGI a \$2 million loan that the organization relends to small businesses across Upstate NY.

GRCRC thanks BOA for its contributions and work on these initiatives.

GRCRC appreciates that BOA recently announced that it plans to eliminate non-sufficient funds (NSF) fees beginning in February, and to reduce overdraft fees from \$35 to \$10 beginning in May.⁴ Previously, Bank of America had an overdraft/NSF reliance of 55.4 percent in 2015 which reduced to 51.6 percent in 2019, meaning of the three main types of account fees collected,⁵ at least one half were overdraft/NSF fees. We urge the bank to refrain from replacing the income from NSF and overdraft fees with another income source that extracts wealth from low-moderate income and Black and Brown people or their communities.

Community Development Opportunities

GRCRC members share with us the needs in the Rochester community and initiatives, programs and needs of the member organizations. We then include these as opportunities in our comment letters as possible investment opportunities for the banks. We understand that each bank will not be able to invest in all these opportunities. At the least, we ask that banks consider these on-the-ground perspectives when making decisions about products, investments and contributions so they can more effectively address the needs of the Rochester community and support low-moderate income and BIPOC communities.

Structural Racial and Income Inequality in Upstate New York

The CRA was passed in 1977 to address the decades of redlining that had been happening in our communities. While the law says banks should serve the entire community in which they do business, including low- and moderate- income (LMI) communities, redlining mainly happened in, and continues to happen in and impact, Black and Brown communities. This is why banks must make decisions about their CRA-related lending, investments and grants through the lens of racial equity, as well as economic equity.

As in the rest of the nation, there is much work to be done in New York to come to terms with our history and to address the structural racial and income inequality. We need to look at the laws and economic policies that perpetuate structural racism and keep communities segregated. We also need structural change to ensure that jobs pay a living wage. New York State must develop and foster an environment where affordable housing, health care, and quality childcare are a reality for all people.

⁴ <https://newsroom.bankofamerica.com/content/newsroom/press-releases/2022/01/bank-of-america-announces-sweeping-changes-to-overdraft-services.html>

⁵ The three largest categories of fees on consumer deposit accounts: 1) overdraft and NSF fees, 2) periodic maintenance fees, and 3) automated teller machine (ATM) fees (which we refer to collectively as “listed fees”). https://files.consumerfinance.gov/f/documents/cfpb_overdraft-call_report_2021-12.pdf

At the institutional level, banks must shift policies, practices and culture to align with racial equity, anti-oppression, and cultural humility. While we appreciate that BOA has a DEI Committee and is working to recruit people of color, the bank will not be able to retain BIPOC staff unless it does the deeper cultural change work. This includes work to:

- Become welcoming for all people particularly those who have been historically, and continue to be, marginalized
- Assure employees, from the CEO down to staff underwriting loans, and those working with the public, are doing internal and interpersonal work (including implicit bias training) to address internalized racism and other forms of oppression
- Find ways to go into the community to create ease/support for BIPOC and Black and Brown-owned businesses.

A Brookings' paper shares how private sector leaders can significantly move the needle towards racial equity and an equitable economy via a 3-part framework:⁶

- Adopt internal changes within individual companies to promote diversity, equity, and inclusion.
- Act collectively with other CEOs to make regionwide progress on racial equity and equitable growth, including improving key regional performance indicators.
- Encourage business-led civic organizations to adopt their own changes toward equity and inclusive economic growth.

The paper also includes links to data metrics to measure progress at the MSA level. We urge BOA's leaders to work with other local private sector leaders and groups from the **RASE Commission** by bringing them together to implement this or a similar framework in the Rochester community.

In addition to this internal and collaborative racial equity work, BOA can take other constructive actions to support BIPOC people, businesses, and communities. BOA can:

- Start tracking how much of its CRA related activities and support (lending, philanthropy, and community development loans and investments) goes to BIPOC people, businesses and organizations led by people of color, and BIPOC communities, and create specific goals to increase these levels of support over time.

⁶ <https://www.brookings.edu/essay/from-commitments-to-action-how-ceos-can-advance-racial-equity-in-their-regional-economies/>.

- Partner with and/or support BIPOC-led organizations, particularly smaller/micro organizations, that BOA has not worked with in the past, including through investments, grants, and hiring local BIPOC-led vendors for supplies and services.
- Learn about the history of redlining in the Rochester area⁷ and work with the Black and Brown residents of the impacted neighborhoods to address the vestiges of redlining and to build wealth and equity in ways that do not push-out lower income residents.

New research from the University of Houston highlights the intersections of race and advertising. The results underscore the power of advertising and access on behavior.⁸ We hope BOA will find this research helpful as the bank continues its work in Black and Brown communities.

Responding to the COVID-19 Pandemic

Upstate New York had still not fully recovered from the financial crisis of 2008 when COVID-19 struck. It is now clear that Black and Brown and lower-income communities are disproportionately suffering from the pandemic and its economic impacts. Empire Justice published an article in October 2020 showing that systemic racism, of which redlining is just one manifestation, created the conditions that lead to today’s racial inequities in health outcomes, including the higher rates of COVID-19 cases and deaths of African-American and Latinx people and in Black and Brown communities.⁹

It is also clear as we come out of this pandemic that homeowners, renters and small businesses will continue to be negatively impacted from the economic fallout of pandemic shutdowns, unemployment and reopening restrictions.

Evictions

In January 2022, the New York State eviction moratorium came to an end. This will be followed by a wave of evictions, in which a large percentage of people who rent may become homeless or lose their housing stability. Evictions have been on hold for months during the COVID-19 pandemic, but rental payments have not.

⁷ For an excellent overview of the local history see: Shane Wiegand, “Racist Policy and Resistance in Rochester,” at: <https://www.youtube.com/watch?v=1ivgX0AXrPs>.

⁸ Hawkins, Jim and Penner, Tiffany, “Advertising Injustices: Marketing Race and Credit in America,” (September 15, 2021). *Emory Law Journal*, Vol. 70, No. 1619, 2021, Available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3924970.

⁹ <https://empirejustice.org/news/covid-19-disparities-rochester-ny-legacy-redlining-city-frederick-douglass-susan-b-anthony/>

An average of more than 8,000 evictions are filed in Rochester each year – six times the national rate.¹⁰ Historically, fewer than 10% of tenants have access to an attorney during disputes with their landlords,¹¹ but the horizon is more hopeful today than it was earlier in the pandemic. The NYS Legislature approved in 2021 a \$3.5 million tenant defense fund for upstate cities, of which over \$800,000 will be for the **Tenant Defense Project**, jointly run by **Rochester’s legal services community in the Telesca Center for Justice** to provide tenants free access to attorneys in eviction cases. We ask BOA to work with Tenant Defense Project to determine how the bank might best support the project to keep tenants in safe, affordable housing.

Debt Collection

Debt collection activities and cases are on the rise. While the composition of debt over the years has generally stayed the same, overall debt has increased. Mortgage debt has increased each year since 2015, as have auto loan, credit card and student loan debt, which are the largest sources of debt.¹² Debt collection judgments have long-term negative impacts on credit and wealth building.

In addition to helping consumers with predatory auto loans (see below), **LawNY** also handles debt collection cases. The organization is averaging 13 new collection lawsuit intakes a week, which is more than double what is typically seen. LawNY is also getting more and more calls from people the organization has had to turn away for help because they are a few hundred dollars over the income limits. LawNY needs more unrestricted funding sources, so it can represent more individuals in these cases. We urge BOA to also consider supporting this work of LawNY.

Abusive Auto Lending

In Rochester, working families need cars to get to work. Work schedules are not fixed and change at the last minute. Entry level jobs are in locations that don’t have reliable public transportation or affordable housing.

For individuals in rural areas, public transit is not even an option. This makes Upstate New York a haven for subprime auto lenders and unscrupulous “Buy Here Pay Here” dealers who know that most of these individuals would not be able to get an affordable loan from a bank.

Car loans have abusive and discriminatory interest rates, so that loans have high loan-to-value ratios ranging from 125-175%. Long loan terms mean that the car stops running before the loan

¹⁰ <https://13wham.com/news/local/additional-state-funds-coming-upstate-for-tenant-defense-program>.

¹¹ <https://wskg.org/news/3-5-million-tenant-defense-fund-announced/>.

¹² <https://www.abajournal.com/web/article/pandemic-worsens-already-growing-debt-problem-with-many-legal-remedies-on-hold>.

is paid. The dealer then refinances the amount of the unpaid loan into a new loan. That leads to higher and higher loan-to-value ratios.

Legal Assistance of Western New York (LawNY) is the primary free legal service provider in 13 of the 14 counties in the Rochester MSA and the rural counties in the Finger Lakes. LawNY turns away hundreds of callers each year seeking help with consumer legal problems. Staff members see hidden fees for the dealership, and costly, yet worthless, extended warranties added to the contracts without the consumer's knowledge. It is not uncommon for a consumer to buy a used car with over 100,000 miles on it that was advertised at a number around \$5,000. That consumer will end up with a loan that will cost them more than three times that amount by the time they are done making payments.

The pattern LawNy has observed is that most consumers are not even made aware of the terms of the loan at the time they purchase the car. The majority of documents are signed on a computer, by clicking a button that is often controlled by the salesperson. Frequently consumers leave the lot with their car but not their contract. When they finally do receive the contract, they are shocked to learn that the car they purchased will cost them more than twice what they were told by the dealer. Because there is no cooling-off period for car sales, consumers are left with no recourse to return the car after learning it is unaffordable, and dealers will often direct consumers to the company that indirectly financed their loan, even though the consumers have only ever interacted with the dealer.

All of this results in extremely high default rates--25% for subprime auto loans made at "Buy Here Pay Here" dealerships, compared to only 1% default rates for low-interest auto loans made by traditional banks. When individuals default on their auto loans, the lender will repossess the vehicle and auction it off for a fraction of the fair market value. In most instances, this leaves a large deficiency balance on the loan that the lenders will pursue in the courts by filing lawsuits against the consumers, again increasing what the loan costs by adding attorney's fees, court costs, and post-judgment interest. Without access to legal representation, many of these lawsuits result in default judgments against the consumers, even when there are legal defenses. Consumers will then end up paying for these cars for years after they surrendered them and for thousands of dollars more than they were ever worth. This results in a cycle of subprime credit that is almost impossible to break.

Subprime used auto credit makes it virtually impossible to become a homeowner and take the first step into saving to build assets and wealth. The previous administration eroded protections for consumers, and until the new administration gets its appointees in place, we need continue to find ways to shut down predatory and abusive used car loans.

Some state regulators have acted, such as Massachusetts Attorney General suing one of the largest subprime lenders, Credit Acceptance Corp (CAC).¹³ Still an August 2020 Wall Street Journal article that describes the problems with securitized subprime auto loans suggests that the investors will not lose out.¹⁴

If not doing so already, we urge BOA to offer safer, affordable auto loans, both through the direct and indirect markets to give consumers, especially those with subprime credit, quality nonpredatory options when purchasing much-needed autos for transportation. In addition, we ask that BOA also consider funding LawNY and/or other legal services programs to assist borrowers deceived by predatory lenders.

Economic Development and Work Force Development

Ibero-American Investors Corporation DBA **Ibero Business Center (IBC)**, a subsidiary of IAAL, has been around since 1979 providing micro-loans to minority and women owned enterprises. Today IBC manages offices in Buffalo and Geneva providing business courses and technical assistance for start-ups and businesses seeking to go on to the next level of their enterprises. In Rochester, IBC handles a pool of available loan money for micro financing in economically depressed regions such as the North Clinton Ave Corridor. La Avenida, as it is often referred by the Latino(a) population, is home to the La Marketa at the International Plaza. IBC currently supports vendors in this small marketplace with financing and technical assistance to increase the chances of success and eventual growth even outside of La Marketa. BOA can partner with IBC in providing financing (through low interest loans or grants) for helping start-up businesses in La Marketa.

IBC also partners with the main Spanish speaking radio station, Poder 97.1, a division of IAAL, by providing radio ad space and promoting new businesses to a Spanish speaking audience. BOA can partner with IAAL in providing funding to expand the Poder 97.1 radio signal to reach Latinos(as) outside of the City of Rochester and into the suburbs of Rochester.

BOA can also partner with the City of Rochester and **Ibero-American Development Corp**, a subsidiary of IAAL, in providing funding for expansion of La Marketa renovations to include more spaces for vendors for the coming season of La Marketa starting in April 2022. GRCRC urges BOA to consider these opportunities to invest in small business development with these subsidiaries of Ibero.

¹³ <https://www.mass.gov/news/ag-healey-sues-major-subprime-auto-lender-for-unfair-and-deceptive-practices-in-its-subprime#:~:text=Boston%20%E2%80%94%20A%20lawsuit%20has%20been,and%20engaging%20in%20unfair%20debt>

¹⁴ https://www.wsj.com/articles/auto-lending-binge-threatens-to-unwind-when-stimulus-measures-ease-11596798003?mod=hp_lead_pos3

The **Southwest Quadrant Street Liaison Office of the 19th Ward Community Association** has been promoting COVID-19 financial assistance programs since the beginning of the pandemic to small businesses in southwest Rochester, most of which are Black and Brown. The SW Street Liaison Office is deeply connected to, is trusted by, and understands the small business community in this neighborhood. Staff know that working with Black and Brown-owned businesses is more than altruism; it is about building relationships and acting from the perspective of opportunity. The office has relationships with about 400 small businesses in the neighborhood, very few of which have closed permanently due to the pandemic.

The great majority of businesses in the SW Quadrant are surviving the pandemic financial stress due to a combination of grants administered by the City of Rochester, grants administered by nonprofits, and Paycheck Protection Program (PPP) loans from a few banks that were fully compensated for their administrative costs. More recently a few entities, including Monroe County Fast-Forward and ESL FCU, have stepped up with grants for businesses that showed a 20 to 25% reduction in revenue for 2020 vs 2019.

GRCRC urges BOA to partner with the SW Street Liaison Office to find out how best to support its work and the businesses in the area, particularly Black and Brown-owned businesses, and the area's smallest businesses.

The mission of the **Urban League of Rochester, Inc. (ULR)** is to enable African Americans, Latinos, the poor and other disadvantaged to secure economic self-reliance, parity and power, and civil rights. ULR has been providing workforce development programs since 1967 and serves individuals with intersectional needs who face multiple barriers to employment and self-sufficiency such as substance abuse, involvement with the criminal justice system, low literacy levels, absence of a high school diploma, lack of adequate child care and transportation, and other issues associated with systemic and concentrated urban poverty. Many of these challenges disproportionately affect people of color and low-income individuals due to historical inequities and racial discrimination such as but not limited to, racial profiling, poor distribution of resources and capital investment, and redlining and housing segregation. These disparities affect the individuals in ULR's workforce development programs and emphasize the importance of basic needs being met as well as service provision including direct assistance, referrals, and connection to resources, that is also intersectional.

ULR currently has four workforce development programs. YouthBuild provides comprehensive services to disadvantaged youth ages 18-24. The program is recognized by the NYS Department of Labor as a Direct Entry Provider for apprenticeship programs. It provides hands-on construction and advanced manufacturing training using the Pre-Apprentice Certificate Training (PACT), Certified Production Technician Training, TASC (high school equivalency) preparation, case management, job readiness training, job placement, personal development, and

follow-up activities. ULR's Navigator program provides disconnected youth aged 17-21 with support and advocacy services to help them successfully attain a high school degree or equivalent, improve educational and occupational skills, and transition to post-secondary education or employment. In addition, ULR operates two U.S. Department of Labor funded programs – Project BEAM, a reentry program for adults aged 25 and older and Project Steps to Success, a reentry program for justice system involved young adults aged 18 to 24. Both programs help individuals successfully re-enter society by addressing their barriers and helping them attain the employment skills required to enter current in-demand occupations. GRCRC asks BOA to work with ULR to find the most effective ways to support its workforce development programs.

Language Access

Over 5.7 million people living in New York speak a language other than English. Of these, 2.5 million speak English less than well (i.e., they have Limited English Proficiency (“LEP”)). Monroe County has a population of 741,770, of which 103,800 or 14% speak a language other than English at home (US Census Population Estimate, 2015-2019). This includes many Spanish-speaking American citizens who relocated from Puerto Rico to Monroe County after Hurricane Maria in 2017. Rochester also has a significant population of refugees who speak Arabic, Nepali, Somali, and Swahili. And Rochester has the largest concentration of Deaf and hard of hearing residents in the country.

The need for language access for bank customers in our community is great, including the need for in-language access to products such as mortgages and consumer loans, as well as language access for consumers with mortgage delinquencies and facing foreclosure who need forbearances or loan modifications. Perhaps no population faces greater challenges in obtaining information about available mortgage relief than LEP borrowers. Without access to better banking options, individuals in the LEP and the Deaf or hard of hearing communities also are at greater risk of predatory lending.

Since the last recession **Empire Justice Center** has represented homeowners with foreclosure prevention and supported not-for-profit organizations throughout New York State. Based on its statewide and national work, Empire Justice identified patterns where foreclosure support organizations took advantage of unsophisticated homeowners in default. Many LEP borrowers who spoke no English and were new Americans were vulnerable to organizations that targeted them. Banks must serve LEP borrowers in-language to help them protect their scarce assets and wealth.

Marlene Cortés of Empire Justice and the **Monroe County Language Access Coalition** noted that drive-throughs are not accessible for people who are Deaf and hard of hearing.

We urge BOA to continue improving language access by:

- Providing live interpretation, either in-person or via a service for customers who call or walk into branches.
- Including Spanish and other languages on its website, with in-language pointers on its home page to those translated pages
- Finding a way to increase accessibility of its branch drive-throughs.
- Providing cultural sensitivity training with respect to people who are Deaf and hard of hearing, speakers of other languages, and immigrants/refugees.
- Providing in-language product information for mortgages, auto loans, other consumer loans, and checking accounts.
- Supporting the **Monroe County Language Access Coalition**, a group of not-for-profits that serve LEP and Deaf and hard of hearing residents. The coalition is working on a community needs survey. BOA can support this survey and the other work of the coalition.

Climate Change and a Just Transition

In 2019, NYS adopted the country's most ambitious climate targets--to have 100 percent carbon free electricity by 2040 and have economy-wide, net-zero carbon emissions by 2050. We need massive investments to make this happen, and we need to make sure it is a just transition, where, at a minimum, poor communities and communities of color are not disproportionately burdened or harmed.

The Climate Solutions Accelerator of the Genesee-Finger Lakes Region has ideas for how banks can support this very heavy lift. BOA can:

- Provide low-cost home improvement or refinance loans and other innovative financing products to people of color and low-moderate income households and tenant occupied buildings to make home energy efficiency projects more affordable and feasible. This will allow owners to weatherize, get heat pumps and electric furnaces and hot water heaters, to put in electric car chargers, and to install solar panels, which will reduce energy costs, decrease families' carbon footprints and improve indoor air quality.
- Provide affordable financing for small businesses, particularly micro-businesses and Black and Brown-owned businesses, that want to improve their energy efficiency and reduce their reliance on fossil fuels.
- Develop community development financing goals and products to support projects that provide substantive opportunities for low-moderate income communities to benefit from the transition to renewable energy and reduce their use of fossil fuels, e.g. community solar, district geothermal.

- Invest in renewable energy, including geothermal, solar, wind, battery storage and other building energy efficiency investments, along with clean energy workforce development to support the growing demand of this transition.
- Require or strongly encourage borrowers to include energy upgrades in their renovation projects, especially for multifamily buildings that require major renovations.
- Include information about energy upgrades (and corresponding energy bill savings) and/or referrals to relevant energy programs as part of homebuyer/financial education programs.
- Provide philanthropic support to nonprofit organizations that are working to address environmental justice/climate justice and climate change.
- Reduce the bank's own carbon footprint.

GRCRC urges BOA to work with Climate Solutions Accelerator on implementing these much-needed initiatives.

Other Opportunities

As a partnership between the City of Rochester and **CCCS of Rochester**, the **Rochester Financial Empowerment Center (FEC) Program** officially launched in February of 2020 shortly before the COVID pandemic lockdown. Through support from various funders, the program offers free, professional, one-on-one financial counseling as a public service. The FEC is an evidence-based model that was established by the Cities for Financial Empowerment Fund and has been replicated successfully in more than a dozen cities across the U.S. By integrating financial counseling into existing community services, the FEC connects with clients as they navigate existing programs. This has shown to produce increased outcomes for clients who are working towards economic independence including improved credit scores, decreased debt, and increased savings. Additionally, the integration of FEC counseling has bolstered other outcomes that partner organizations are seeking to achieve for their clients such as reducing recidivism.

Even amidst the COVID crisis, the existence of the program has demonstrated both a deep need for financial counseling as well as demonstrable outcomes that participants achieve. To date the Rochester FEC has engaged over 2,000 clients providing over 4,400 counseling sessions while achieving 1,092 outcomes. In total, participants have worked to increase savings by \$1,057,337 and reduce their debt by \$879,565. This is incredibly telling given the average FEC client has a median household income of \$29,115 and non-mortgage debt of \$35,000 while possessing savings of only \$200. As the FEC program heads toward its third year of operation beginning February 2022, attention is being given to the development of sustainability for year four and beyond. As with most FECs, the vision is to build a foundation of both public and private funds to diversify opportunities. Given that the FEC delivers so strongly in areas that are crucial for

financial institutions to meet CRA requirements (i.e. improved access to credit and banking products), we ask that BOA financially support the FEC program year four and beyond.

We also urge BOA to have a system for looking at credit reports with Covid problems as well as medical debt,¹⁵ and that the bank have a program to work with the FEC to fix that debt, rather than just not making the loan.

As seen on their website,¹⁶

Flower City Noire Collective was founded in Rochester in 2016 by Tonya Noel Stevens and Kristen Walker. They founded FCNC specifically as a corrective to the transphobia, classism, and elitism they witnessed in existing mainstream activist movements, and to cultivate practices of self-care, accountability, and radical honesty. Stevens has formal training in Agriculture and Food Studies, while Walker has formal training in African American Studies and English. In addition, they have both developed extensive expertise in Black feminism and community-organizing through their work together since meeting in 2014. FCNC’s mission is to “elevate womxn of color,” and to center the experiences of Black queer folks in particular. According to their mission statement: “FCNC seeks to fill the void of safe, black centered spaces in Rochester, NY that center around black joy, black love, and understanding.” In the words of Walker, the work is fundamentally about “space-making.” Rooted in Black feminist politics and the Black radical tradition, FCNC emphasizes “the values of collective leadership, collective work and responsibility, collective education, and sustainability through skill-sharing.” Their interventions include a free Black feminist mentoring program for local youth called “Petals,” cultivation of green space for and with Black urban growers (B.U.G.S.), regular reading groups and other consciousness-raising efforts including a reading and discussion group, and most recently the founding of NOIRE House at the corner of Flower City and Dewey Avenue on the city’s predominantly Black west side in 2019. NOIRE stands for Neighbors Organized with Imagination for Resilient Emergence and is based on the model of Hope House in Detroit, which Stevens and Walker visited in 2017. NOIRE House is actually two houses, acquired by FCNC as “legacy properties.”

In Fall 2021 FCNC acquired a property on West Ave in the City of Rochester. Stevens and Walker are currently seeking grant funding--to update the property, to create a community of change makers, and to serve the young adults and families they work with. GRCRC urges BOA to consider providing unrestricted financial support to this transformative initiative.

¹⁵ <https://uspirg.org/blogs/eds-blog/usp/cfpb-slams-big-3-credit-bureaus-excuses-%E2%80%9Cdeficiencies%E2%80%9D-and-failures>

¹⁶ <http://flowercitynoirecollective.org/aboutus/>

M&T Bank has opened a multicultural branch in Buffalo.¹⁷ We encourage BOA to work with GRCRC and the **Monroe County Language Access Coalition** to explore this concept for one of BOA's Rochester branches.

As reported by the media, the “Office of the Comptroller of the Currency and the Consumer Financial Protection Bureau have been scrutinizing **BofA’s actions related to benefits fraud** as [California’s] exclusive provider of prepaid debit cards to unemployment, disability and pandemic-relief beneficiaries....Regulators are looking into whether BofA responded promptly, as required by statute, to consumers who alleged errors or fraud on their accounts.”¹⁸ We ask that the finding of this inquiry be included in the bank’s performance evaluation, as this issue affects low-moderate income people.

CONCLUSION

The COVID-19 pandemic and its impact on the economy have revealed economic and racial disparities in the Rochester community that those with structural power have hidden or refused to acknowledge for decades. Like many other cities across the country, we are starting to understand how structural racism and economic inequality have divided our community and disproportionately harmed Black and Brown communities, while ultimately harming us all.¹⁹ As one of the largest financial institutions in this country, BOA is part of and has benefitted from these systems.²⁰

In addition to understanding structural racism and economic inequality and working to create more equitable systems, it is critical that BOA, and all financial institutions, focus reinvestments on the reduction of greenhouse gas emissions and addressing the disparate impacts of climate change on BIPOC and lower-income communities. The Intergovernmental Panel on Climate Change concluded from a recent report that “unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5°C or even 2°C will be beyond reach.”²¹

GRCRC urges BOA to focus more of its reinvestments on addressing these critical issues of our time; in particular, we ask that BOA increase the level of its grants to support organizations already in the community working on racial and economic justice and climate change.

¹⁷ <https://spectrumlocalnews.com/nys/buffalo/news/2021/10/10/m-t-opens-buffalo-s-first-multicultural-branch>

¹⁸ <https://www.americanbanker.com/news/federal-regulators-scrutinize-bofa-for-its-response-to-california-benefits-fraud>

¹⁹ See Heather McGhee. 2021. **The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together.**

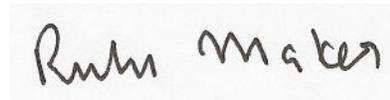
²⁰ For more on how the financial system has benefitted from structural racism and other forms of oppression, see: Take on Wall Street, “To What Extent Was Our Economy Designed to Be Fair?” at: <https://isoureconomyfair.org/>.

²¹ <https://www.ipcc.ch/2021/08/09/ar6-wg1-20210809-pr/>.

GRCRC is committed to fostering productive relationships with all financial institutions in the belief that the goal of meeting the credit needs of communities harmed by structural racism and economic inequality is compatible with safe, sound, and profitable lending practices. That is why we have provided a variety of opportunities and strategies in this letter for BOA to consider.

GRCRC members look forward to continuing to work with BOA to find ways to invest in the Rochester community that will have the most benefit on community members and businesses that have historically been redlined and continue to be harmed.

Sincerely,

A handwritten signature in black ink that reads "Ruhi Maker". The signature is written in a cursive style with a light grey background behind it.

Ruhi Maker, Esq.

A handwritten signature in black ink that reads "Barbara van Kerkhove". The signature is written in a cursive style with a light grey background behind it.

Barbara van Kerkhove, Ph.D.
Researcher/Policy Analyst

Appendix: Tables 1-9

Table 1: Offices and Deposits of all FDIC-Insured Institutions											
Deposit Market Share Report											
Deposits as of: June 30, 2020											
Selected Market											
ROCHESTER, NY MSA											
Rank	Institution Name	CERT	State	Bank	State/ Federal	Outside of Market		Inside of Market			
						No. of Offices	Deposits \$000	No. of Offices	Deposits \$000	Market Share	% US Deposits
1	Manufacturers and Traders Trust Company	588	NY	SM	State	738	110,950,729	29	4,552,148	20.30%	3.94%
2	KeyBank National Association	17534	OH	N	Federal	1,068	136,995,804	31	3,222,378	14.37%	2.30%
3	JPMorgan Chase Bank, National Association	628	OH	N	Federal	4,955	1,701,527,726	24	3,126,274	13.94%	0.18%
4	The Canandaigua National Bank and Trust Company	6985	NY	N	Federal	0	0	25	2,879,993	12.84%	100.00%
5	Citizens Bank, National Association	57957	RI	N	Federal	1,016	143,988,736	25	1,801,669	8.03%	1.24%
6	Bank Of America, National Association	3510	NC	N	Federal	4,241	1,727,608,125	12	1,492,644	6.66%	0.09%
7	Five Star Bank	659	NY	SM	State	31	2,651,527	22	1,352,143	6.03%	33.77%
8	The Lyons National Bank	7151	NY	N	Federal	4	210,401	11	1,033,175	4.61%	83.08%
9	Community Bank, National Association	6989	NY	N	Federal	226	10,323,224	20	788,726	3.52%	7.10%
10	The Bank Of Castile	13292	NY	NM	State	10	833,129	8	719,429	3.21%	46.34%
11	Genesee Regional Bank	26333	NY	NM	State	0	0	3	637,451	2.84%	100.00%
12	Evans Bank, National Association	6947	NY	N	Federal	16	1,574,461	5	237,504	1.06%	13.11%
13	Usny Bank	58541	NY	NM	State	2	194,431	2	218,400	0.97%	52.90%
14	The Upstate National Bank	13748	NY	N	Federal	2	18,548	1	123,046	0.55%	86.90%
15	Generations Bank	16040	NY	SB	Federal	5	197,578	4	109,876	0.49%	35.74%
16	Northwest Bank	28178	PA	SB	State	211	11,609,164	4	92,780	0.41%	0.79%
17	Savannah Bank National Association	14619	NY	N	Federal	4	108,530	1	31,437	0.14%	22.46%
18	Woodforest National Bank	23220	TX	N	Federal	780	7,358,195	3	6,961	0.03%	0.09%
Number of Institutions in the Market: 18					TOTALS	13,309	3,856,150,308	230	22,426,034	100	0.58%

Table 4: Bank of America Home Purchase Lending 2016-2020

Rochester, NY MSA

(1st lien loans on owner-occupied (principal and secondary), 1-4 family, site built units)

						2019-2020		2016-2020	
HMDA DATA	2016	2017	2018	2019	2020	# change	% change	# change	% change
MSA	153	140	140	170	164	-6	-4%	11	8%
City	12	19	9	42	68	26	62%	56	622%
Black/Latino HH	14	14	15	70	78	8	11%	64	427%
Low-Mod Income HH	62	33	35	84	95	11	13%	33	94%
Low-Mod Income CT	11	19	9	51	70	19	37%	59	656%
Majority Non-White CT	4	9	5	37	56	19	51%	52	1040%
						AFI			
% of loans in:	2016	2017	2018	2019	2020	2020			
City	8%	14%	6%	25%	41%	11%			
Black/Latino HH	9%	10%	11%	41%	48%	11%			
Low-Mod Income HH	41%	24%	25%	49%	58%	39%			
Low-Mod Income CT	7%	14%	6%	30%	43%	14%			
Majority Non-White CT	3%	6%	4%	22%	34%	6%			

Source: Annual HMDA LAR data from FFEIC and CFPB.

Table 5: Top 8 Banks Total Mortgage Originations 2020

Rochester, NY MSA

(1st lien loans on owner-occupied (principal and secondary), 1-4 family, site built units)

Annual HMDA data	AFI	BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
MSA	26,200	285	2,643	581	487	243	619	996	722	6,576	19,624
City	2,093	75	205	66	86	15	32	9	104	592	1,501
Black/Latino HH	1,993	83	102	51	89	19	24	30	118	516	1,477
Low-Mod Income HH	7,834	119	633	246	243	66	153	238	289	1,987	5,847
Low-Mod Income CT	2,557	76	192	78	110	14	49	111	115	745	1,812
Majority Non-White CT	1,039	59	75	45	67	5	12	3	57	323	716
MARKETSHARE											
		BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
MSA		1%	10%	2%	2%	1%	2%	4%	3%	25%	75%
City		4%	10%	3%	4%	1%	2%	0%	5%	28%	72%
Black/Latino HH		4%	5%	3%	4%	1%	1%	2%	6%	26%	74%
Low-Mod Income HH		2%	8%	3%	3%	1%	2%	3%	4%	25%	75%
Low-Mod Income CT		3%	8%	3%	4%	1%	2%	4%	4%	29%	71%
Majority Non-White CT		6%	7%	4%	6%	0%	1%	0%	5%	31%	69%
Loans as %											
of MSA TOTAL IN:	AFI	BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
City	8%	26%	8%	11%	18%	6%	5%	1%	14%	9%	8%
Black/Latino HH	8%	29%	4%	9%	18%	8%	4%	3%	16%	8%	8%
Low-Mod Income HH	30%	42%	24%	42%	50%	27%	25%	24%	40%	30%	30%
Low-Mod Income CT	10%	27%	7%	13%	23%	6%	8%	11%	16%	11%	9%
Majority Non-White CT	4%	21%	3%	8%	14%	2%	2%	0%	8%	5%	4%
Source: FFIEC Home Mortgage Disclosure Act (HMDA) 2020 Snapshot Dataset, as of 5/3/2021, downloaded from the HMDA Data Browser at: https://ffiec.cfbp.gov/data-browser/data/2020?category=states&items=NY											
Prepared by: Empire Justice Center, 585-454-4060											

Table 6: Top 8 Banks Dollar Volume HMDA Lending 2020
Rochester, NY MSA

Total Dollar Volume of Lending (000's) (1st lien loans on owner-occupied (principal and secondary), 1-4 family, site built units)

DOLLAR VOL LENDING	AFI	BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
MSA	\$4,509,530	47,385	551,385	80,385	65,445	45,005	102,645	195,630	103,860	\$1,191,740	\$3,317,790
City	\$261,185	8,365	32,265	6,090	8,920	1,775	4,270	1,045	10,700	\$73,430	\$187,755
Black/Latino HH	\$295,185	9,905	18,460	5,765	8,855	3,045	3,710	6,240	14,400	\$70,380	\$224,805
Low-Mod Income HH	\$896,220	12,835	77,485	26,030	24,075	8,300	14,355	26,340	29,215	\$218,635	\$677,585
Low-Mod Income CT	\$272,325	8,310	26,950	6,720	11,250	1,650	4,685	12,155	11,125	\$82,845	\$189,480
Majority Non-White CT	\$99,035	6,125	9,405	3,335	5,965	385	1,090	225	4,665	\$31,195	\$67,840
MARKETSHARE											
		BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
MSA		1%	12%	2%	1%	1%	2%	4%	2%	26%	74%
City		3%	12%	2%	3%	1%	2%	0%	4%	28%	72%
Black/Latino HH		3%	6%	2%	3%	1%	1%	2%	5%	24%	76%
Low-Mod Income HH		1%	9%	3%	3%	1%	2%	3%	3%	24%	76%
Low-Mod Income CT		3%	10%	2%	4%	1%	2%	4%	4%	30%	70%
Majority Non-White CT		6%	9%	3%	6%	0%	1%	0%	5%	31%	69%
Loans as %											
of MSA TOTAL IN:	AFI	BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
City	6%	18%	6%	8%	14%	4%	4%	1%	10%	6%	6%
Black/Latino HH	7%	21%	3%	7%	14%	7%	4%	3%	14%	6%	7%
Low-Mod Income HH	20%	27%	14%	32%	37%	18%	14%	13%	28%	18%	20%
Low-Mod Income CT	6%	18%	5%	8%	17%	4%	5%	6%	11%	7%	6%
Majority Non-White CT	2%	13%	2%	4%	9%	1%	1%	0%	4%	3%	2%

Source: FFIEC Home Mortgage Disclosure Act (HMDA) 2020 Snapshot Dataset, as of 5/3/2021, downloaded from the HMDA Data Browser at: <https://ffiec.cfbp.gov/data-browser/data/2020?category=states&items=NY>

Prepared by: Empire Justice Center, 585-454-4060

Table 7: Top 8 Banks Home Purchase Originations 2020

Rochester, NY MSA

(1st lien home purchase loans on owner-occupied (principal and secondary), 1-4 family, site built units)

Annual HMDA data	AFI	BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
MSA	11,315	164	1,060	108	230	80	147	350	295	2,434	8,881
City	1,253	68	112	23	81	5	8	3	71	371	882
Black/Latino HH	1,288	78	58	25	76	9	8	15	89	358	930
Low-Mod Income HH	4,388	95	380	48	166	33	31	114	161	1,028	3,360
Low-Mod Income CT	1,577	70	119	30	89	8	14	50	84	464	1,113
Majority Non-White CT	698	56	48	18	64	3	2	2	42	235	463
MARKETSHARE											
		BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
MSA		1%	9%	1%	2%	1%	1%	3%	3%	22%	78%
City		5%	9%	2%	6%	0%	1%	0%	6%	30%	70%
Black/Latino HH		6%	5%	2%	6%	1%	1%	1%	7%	28%	72%
Low-Mod Income HH		2%	9%	1%	4%	1%	1%	3%	4%	23%	77%
Low-Mod Income CT		4%	8%	2%	6%	1%	1%	3%	5%	29%	71%
Majority Non-White CT		8%	7%	3%	9%	0%	0%	0%	6%	34%	66%
Loans as %											
of MSA TOTAL IN:	AFI	BOA	CNB	Citizens	Five Star	JPMC	KeyBank	Lyons NB	M&T	Top 8	OFI
City	11%	41%	11%	21%	35%	6%	5%	1%	24%	15%	10%
Black/Latino HH	11%	48%	5%	23%	33%	11%	5%	4%	30%	15%	10%
Low-Mod Income HH	39%	58%	36%	44%	72%	41%	21%	33%	55%	42%	38%
Low-Mod Income CT	14%	43%	11%	28%	39%	10%	10%	14%	28%	19%	13%
Majority Non-White CT	6%	34%	5%	17%	28%	4%	1%	1%	14%	10%	5%
Source: FFIEC Home Mortgage Disclosure Act (HMDA) 2020 Snapshot Dataset, as of 5/3/2021, downloaded from the HMDA Data Browser at: https://ffiec.cfpb.gov/data-browser/data/2020?category=states&items=NY											
Prepared by: Empire Justice Center, 585-454-4060											

Table 8: Bank of America Small Business Lending 2016-2020

Rochester NY, MSA

Number of Loans	2016	2017	2018	2019	2020	2019-2020		2016-2020	
						# Change	% Change	# Change	% Change
Rochester MSA Total	1,072	973	960	1,068	926	-142	-13%	-146	-14%
Rochester MSA in LMI CT	184	172	186	206	196	-10	-5%	12	7%
Loan Amt <= \$100,000	1,023	928	916	1,029	854	-175	-17%	-169	-17%
Loan Amt <= \$100,000 in LMI CT	179	164	176	198	175	-23	-12%	-4	-2%
Bus. w. GAR < \$1 M	532	478	450	640	482	-158	-25%	-50	-9%
Bus. w. GAR < \$1 M in LMI CT	101	89	87	126	104	-22	-17%	3	3%
Percentage of Rochester MSA Loans In:						AFI			
	2016	2017	2018	2019	2020	2020			
Rochester MSA in LMI CT	17%	18%	19%	19%	21%	19%			
Loan Amt <= \$100,000	95%	95%	95%	96%	92%	87%			
Loan Amt <= \$100,000 in LMI CT	17%	17%	18%	19%	19%	16%			
Bus. w. GAR < \$1 M	50%	49%	47%	60%	52%	33%			
Bus. w. GAR < \$1 M in LMI CT	9%	9%	9%	12%	11%	6%			
Total Amount of Loans (Millions of Dollars)						2019-2020		2016-2020	
	2016	2017	2018	2019	2020	# Change	% Change	# Change	% Change
Rochester MSA Total	\$33.64	\$30.92	\$30.55	\$30.66	\$40.16	\$9.50	31%	\$6.52	19%
<i>Avg Loan Size (in thousands)</i>	<i>\$31.38</i>	<i>\$31.78</i>	<i>\$31.82</i>	<i>\$28.71</i>	<i>\$43.37</i>	<i>\$14.66</i>	<i>51%</i>	<i>\$11.98</i>	<i>38%</i>
Rochester MSA in LMI CT	\$4.99	\$4.59	\$6.81	\$5.71	\$8.88	\$3.17	56%	\$3.89	78%
Loan Amt <= \$100,000	\$15.72	\$14.86	\$13.98	\$15.52	\$17.10	\$1.58	10%	\$1.38	9%
Loan Amt <= \$100,000 in LMI CT	\$2.61	\$2.31	\$2.60	\$2.48	\$3.34	\$.86	35%	\$.73	28%
Bus. w. GAR < \$1 M	\$8.48	\$9.96	\$7.52	\$12.10	\$12.33	\$.22	2%	\$3.85	45%
Bus. w. GAR < \$1 M in LMI CT	\$1.72	\$.84	\$1.11	\$2.13	\$2.69	\$.56	26%	\$.97	56%
Percentage of Rochester MSA Loans In:						AFI			
	2016	2017	2018	2019	2020	2020			
Rochester MSA in LMI CT	15%	15%	22%	19%	22%	22%			
Loan Amt <= \$100,000	47%	48%	46%	51%	43%	33%			
Loan Amt <= \$100,000 in LMI CT	8%	7%	9%	8%	8%	6%			
Bus. w. GAR < \$1 M	25%	32%	25%	39%	31%	20%			
Bus. w. GAR < \$1 M in LMI CT	5%	3%	4%	7%	7%	4%			

Table 9: Top 8 Banks Small Business Lending, 2020
Top 8 Depositories, Rochester, NY MSA

Number of Loans												
	AFI	BOA	CNB	Citizens	Cmty Bk	Five Star	JPMC	KeyBank	M&T	Top 7	Top 8	OFI
Number of Loans Ranking												
Rochester MSA Total	22,131	926	4,829	977	340	751	2,026	1,342	2,693	13,544	13,884	8,247
Rochester MSA in LMI CT	4,119	196	928	208	54	131	332	289	523	2,607	2,661	1,458
Loan Amt <= \$100,000	19,178	854	4,023	912	256	575	1,909	1,035	1,938	11,246	11,502	7,676
Loan Amt <= \$100,000 in LMI CT	3,456	175	750	191	37	97	307	199	353	2,072	2,109	1,347
Bus. w. GAR < \$1 M	7,409	482	542	720	84	408	1,040	540	1,161	4,893	4,977	2,432
Bus. w. GAR < \$1 M in LMI CT	1,310	104	97	156	8	65	171	97	207	897	905	405
Marketshare												
	AFI	BOA	CNB	Citizens	Cmty Bk	Five Star	JPMC	KeyBank	M&T	Top 7	Top 8	OFI
Rochester MSA Total		4.2%	21.8%	4.4%	1.5%	3.4%	9.2%	6.1%	12.2%	61.2%	62.7%	37.3%
Rochester MSA in LMI CT		4.8%	22.5%	5.0%	1.3%	3.2%	8.1%	7.0%	12.7%	63.3%	64.6%	35.4%
Loan Amt <= \$100,000		4.5%	21.0%	4.8%	1.3%	3.0%	10.0%	5.4%	10.1%	58.6%	60.0%	40.0%
Loan Amt <= \$100,000 in LMI CT		5.1%	21.7%	5.5%	1.1%	2.8%	8.9%	5.8%	10.2%	60.0%	61.0%	39.0%
Bus. w. GAR < \$1 M		6.5%	7.3%	9.7%	1.1%	5.5%	14.0%	7.3%	15.7%	66.0%	67.2%	32.8%
Bus. w. GAR < \$1 M in LMI CT		7.9%	7.4%	11.9%	0.6%	5.0%	13.1%	7.4%	15.8%	68.5%	69.1%	30.9%
Percentage of Rochester MSA Loans In:												
	AFI	BOA	CNB	Citizens	Cmty Bk	Five Star	JPMC	KeyBank	M&T	Top 7	Top 8	OFI
Rochester MSA in LMI CT	18.6%	21.2%	19.2%	21.3%	15.9%	17.4%	16.4%	21.5%	19.4%	19.2%	19.2%	17.7%
Loan Amt <= \$100,000	86.7%	92.2%	83.3%	93.3%	75.3%	76.6%	94.2%	77.1%	72.0%	83.0%	82.8%	93.1%
Loan Amt <= \$100,000 in LMI CT	15.6%	18.9%	15.5%	19.5%	10.9%	12.9%	15.2%	14.8%	13.1%	15.3%	15.2%	16.3%
Bus. w. GAR < \$1 M	33.5%	52.1%	11.2%	73.7%	24.7%	54.3%	51.3%	40.2%	43.1%	36.1%	35.8%	29.5%
Bus. w. GAR < \$1 M in LMI CT	5.9%	11.2%	2.0%	16.0%	2.4%	8.7%	8.4%	7.2%	7.7%	6.6%	6.5%	4.9%
Total Amount of Loans (Millions of Dollars)												
	AFI	BOA	CNB	Citizens	Cmty Bk	Five Star	JPMC	KeyBank	M&T	Top 7	Top 8	OFI
Dollar Volume of Lending Ranking												
Rochester MSA Total	\$1,285.41	\$40.16	\$343.80	\$37.42	\$30.99	\$71.48	\$67.60	\$122.29	\$302.17	\$984.91	\$1,015.90	\$269.51
Avg Loan Size (in thousands)	\$58.08	\$43.37	\$71.19	\$38.30	\$91.15	\$95.17	\$33.37	\$91.12	\$112.21	\$72.72	\$73.17	\$32.68
Rochester MSA in LMI CT	\$279.95	\$8.88	\$77.13	\$8.99	\$7.72	\$13.45	\$13.42	\$34.25	\$68.46	\$224.58	\$232.29	\$47.65
Loan Amt <= \$100,000	\$418.35	\$17.10	\$116.77	\$20.79	\$8.89	\$18.48	\$32.79	\$31.20	\$65.82	\$302.94	\$311.83	\$106.52
Loan Amt <= \$100,000 in LMI CT	\$78.90	\$3.34	\$23.24	\$4.15	\$1.38	\$3.17	\$6.14	\$6.68	\$12.27	\$58.99	\$60.37	\$18.53
Bus. w. GAR < \$1 M	\$260.72	\$12.33	\$38.75	\$20.48	\$6.60	\$24.31	\$15.77	\$20.73	\$62.05	\$194.41	\$201.00	\$59.71
Bus. w. GAR < \$1 M in LMI CT	\$49.85	\$2.69	\$6.38	\$4.91	\$3.4	\$4.22	\$3.20	\$4.48	\$14.04	\$39.91	\$40.25	\$9.60
Marketshare												
	AFI	BOA	CNB	Citizens	Cmty Bk	Five Star	JPMC	KeyBank	M&T	Top 7	Top 8	OFI
Rochester MSA Total		3.1%	26.7%	2.9%	2.4%	5.6%	5.3%	9.5%	23.5%	76.6%	79.0%	21.0%
Rochester MSA in LMI CT		3.2%	27.6%	3.2%	2.8%	4.8%	4.8%	12.2%	24.5%	80.2%	83.0%	17.0%
Loan Amt <= \$100,000		4.1%	27.9%	5.0%	2.1%	4.4%	7.8%	7.5%	15.7%	72.4%	74.5%	25.5%
Loan Amt <= \$100,000 in LMI CT		4.2%	29.4%	5.3%	1.8%	4.0%	7.8%	8.5%	15.6%	74.8%	76.5%	23.5%
Bus. w. GAR < \$1 M		4.7%	14.9%	7.9%	2.5%	9.3%	6.0%	8.0%	23.8%	74.6%	77.1%	22.9%
Bus. w. GAR < \$1 M in LMI CT		5.4%	12.8%	9.8%	0.7%	8.5%	6.4%	9.0%	28.2%	80.1%	80.7%	19.3%
Percentage of Rochester MSA Loans In:												
	AFI	BOA	CNB	Citizens	Cmty Bk	Five Star	JPMC	KeyBank	M&T	Top 7	Top 8	OFI
Rochester MSA in LMI CT	21.8%	22.1%	22.4%	24.0%	24.9%	18.8%	19.9%	28.0%	22.7%	22.8%	22.9%	17.7%
Loan Amt <= \$100,000	32.5%	42.6%	34.0%	55.6%	28.7%	25.9%	48.5%	25.5%	21.8%	30.8%	30.7%	39.5%
Loan Amt <= \$100,000 in LMI CT	6.1%	8.3%	6.8%	11.1%	4.5%	4.4%	9.1%	5.5%	4.1%	6.0%	5.9%	6.9%
Bus. w. GAR < \$1 M	20.3%	30.7%	11.3%	54.7%	21.3%	34.0%	23.3%	17.0%	20.5%	19.7%	19.8%	22.2%
Bus. w. GAR < \$1 M in LMI CT	3.9%	6.7%	1.9%	13.1%	1.1%	5.9%	4.7%	3.7%	4.6%	4.1%	4.0%	3.6%

Notes: Lyons NB reported no loans, so included the next largest bank--Community Bank (Cmty Bk).

AFI: All Financial Institutions

OFI: Other Financial Institutions

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