

OCC Bulletin 2021-24 | May 18, 2021

Community Reinvestment Act: Implementation of the June 2020 Final Rule

Summary

The Office of the Comptroller of the Currency (OCC) published in the *Federal Register* on June 5, 2020, a final rule (June 2020 rule) to modernize the agency's regulations under the Community Reinvestment Act (CRA). The OCC has determined that it will reconsider the June 2020 rule. While this reconsideration is ongoing, the OCC will not object to the suspension of the development of systems for, or other implementation of, provisions with a compliance date of January 1, 2023, or January 1, 2024, under the 2020 CRA rule. At this time, the OCC also does not plan to finalize the December 4, 2020, proposed rule that requested comment on an approach to determine the CRA evaluation measure benchmarks, retail lending distribution test thresholds, and community development minimums under the June 2020 rule. In addition, the OCC is discontinuing the CRA information collection pursuant to the Paperwork Reduction Act (PRA) notice published in the *Federal Register* in December 2020.

To

Chief Executive Officers of All National Banks, Federal Savings Associations, and Federal Branches and Agencies; Department and Division Heads; All Examining Personnel; and Other Interested Parties

Note for Community Banks

This bulletin applies to community banks subject to the CRA.

Highlights

While this reconsideration is ongoing, the OCC will not implement or rely on the evaluation criteria in the June 2020 rule pertaining to

- quantification of qualifying activities (12 CFR 25.07 and 25.08);
- assessment areas (12 CFR 25.09);
- general performance standards (12 CFR 25.10 through 25.13);
- data collection (12 CFR 25.21);
- recordkeeping (12 CFR 25.25); and
- reporting (12 CFR 25.26).

Background

The OCC's actions will provide for an orderly reconsideration of the June 2020 rule and provide banks with more flexibility to deploy resources in response to the COVID-19 pandemic. These actions also provide the OCC with the opportunity to consider additional stakeholder input, to evaluate issues and questions that have been raised, to reassess the necessary data, and to take additional regulatory action, as appropriate.

The OCC will continue to implement the provisions of the June 2020 CRA rule that had a compliance date of October 1, 2020. The OCC interpreted and explained these provisions in OCC Bulletin 2020-99. These implementation efforts include

- issuance of OCC Bulletin 2021-5 providing bank type determinations, lists of distressed and underserved areas, and the median hourly compensation value for community development service activities;
- deployment of the CRA Qualifying Activities Confirmation Request process for banks and other stakeholders to request confirmation whether an activity meets the qualifying criteria under the June 2020 CRA rule; and
- provision of training on provisions of the June 2020 rule with the October 1, 2020, compliance date in a series of webinars for examiners and bankers.

Banks are reminded to maintain appropriate documentation for CRA examination purposes required under OCC Bulletin 2020-99. Such documentation includes the qualifying criteria met by the activity, the area(s) served by the activity, and the date and amount of the activity (including the basis for full or partial consideration). Certain banks previously subject to data collection and reporting under the 1995 CRA framework will continue to report large bank CRA data during the transition period, as specified in OCC Bulletin 2020-99.

Further Information

For more information about this bulletin, please contact Vonda Eanes, Director for CRA and Fair Lending Policy, Compliance Risk Policy, at (202) 649-5470.

Refer to BankNet for information about the OCC's CRA Webinar Series.

Grovetta N. Gardineer
Senior Deputy Comptroller for Bank Supervision Policy

Related Links

- [CRA June 2020 Final Rule \(PDF\)](#)
- [OCC Bulletin 2020-99, "Community Reinvestment Act: Key Provisions of the June 2020 CRA Rule and Frequently Asked Questions"](#)
- [OCC Bulletin 2021-5, "Community Reinvestment Act: Bank Type Determinations, Distressed and Underserved Areas, and Banking Industry Compensation Provisions of the June 2020 CRA"](#)
- [CRA Qualifying Activities Confirmation Request](#)