



## QUALIFYING ACTIVITIES CONFIRMATION REQUEST FORM

*DRAFT v0.6 8/26/2020  
(version notes table at end of document)*

Banks or organizations that engage, or plan to engage, in an activity that may meet the criteria to qualify for CRA credit, may use this form to request that OCC review the activity to assess qualification. This form is designed to accept information on only one activity. You must submit a separate form for each activity you choose to submit for OCC's review.

This request form is interactive and requires you to be online with an internet connection in order to send it to the OCC. To submit your request, complete the form electronically and use the interactive "Submit" button at the end to send your request to OCC. We cannot accept copies sent as an email attachment. Printed versions can be mailed to the address below. Please note that mailing the form may delay receipt and processing of your submission. Mailed forms will be considered as received by OCC when they are received by the Qualifying Activities Submission processing unit. OCC will review and determine qualification of one activity per form.

Before starting, please review the CRA Qualifying Activity Illustrative List or copy and paste the URL, <https://www.occ.gov/topics/consumers-and-communities/cra/cra-qualifying-activities.pdf> into your browser, to find the example that best describes the activity. The list does not include every possible example of a qualifying activity, and more than one example may apply. If you find an example that matches your activity, you do not need to submit this form. If you do not find an example that fits your activity, you may submit this request. Please provide a brief description of the activity that OCC could use as the example for the illustrative list. Feel free to provide additional information to supplement a submission.

### **APPLICABLE SECTION OF THE CRA RULE**

*To qualify as a CRA activity, the activity must be consistent with one or more of the criteria set forth in 12 CFR 25.04. Please indicate the specific criterion under which you believe the activity qualifies. Check the appropriate boxes below to provide information on whether the activity is a retail loan or community development activity, what type of activity it is, and the specific details about the activity that would qualify it under the rule.*

*If the activity meets more than one criterion, check all that apply. You will be able to indicate which criterion BEST applies to the activity in the next section of the form.*

*If the activity does not meet any of the criteria in 12 CFR 25.04, this activity is not a qualifying activity, and you do not need to submit the form.*

*To qualify as a CRA activity, the activity must meet one or more of the detailed criteria described below. If the activity meets more than one criteria, check all that apply.*



The activity is a

- a retail loan (25.04(b))
  - a home mortgage loan,
  - a consumer loan, or
  - a small loan (defined as \$1.6 million or less);

**and** the loan is

- provided to a low- or moderate-income (LMI) individual or family (25.04(b)(1)(i))
- provided to a CRA-eligible business (25.04(b)(1)(ii))
- provided to a CRA-eligible farm (25.04(b)(1)(iii))
- located in Indian country or other tribal and native lands (25.04(b)(2))
- a small loan to a business located in a low- or moderate-income census tract (25.04(b)(3))
- a small loan to a farm located in a low- or moderate-income census tract (25.04(b)(4))

OR

- a community development activity, which may be (25.04(b))
  - a loan,
  - an investment, or
  - a service;

**and** the activity provides financing for or supports

- Affordable housing (25.04(c)(1))
  - Rental housing likely to be partially or primarily inhabited by low- or moderate-income individuals or families (25.04(c)(1)(i))
    - as demonstrated by median rents that do not and are not projected at the time of the transaction to exceed 30 percent of 80 percent of the area median income (25.04(c)(1)(i)(A))
    - as demonstrated by an affordable housing set-aside required by a federal, state, local, or tribal government (25.04(c)(1)(i)(B))
    - undertaken in conjunction with an explicit federal, state, local, or tribal government affordable housing program for low- or moderate-income individuals or families (25.04(c)(1)(i)(C))
  - Owner-occupied housing purchased, refinanced, or improved by or on behalf of low- or moderate-income individuals or families, *except for home mortgage loans provided directly to individuals or families* (25.04(c)(1)(ii))
- Community support services such as child care, education, workforce development and job training programs, health services, and housing services, that partially or primarily serve or assist low- or moderate-income individuals or families (25.04(c)(3))



- Economic development activities that provide financing for or support businesses or farms, to (25.04(c)(4))
  - promote job creation or job retention partially or primarily for low- or moderate-income individuals (25.04(c)(4)(i))
  - support Federal, state, local, or tribal government programs, projects, or initiatives that partially or primarily serve small businesses or small farms (25.04(c)(4)(ii))
  - retain existing, or attracting new, businesses, farms, or residents to low- or moderate-income census tracts, underserved areas, distressed areas, designated disaster areas consistent with a disaster recovery plan, or Indian country or other tribal and native lands (25.04(c)(4)(iii))
  - support one of the following types of entities (25.04(c)(4)(iv))
    - *Small Business Administration Certified Development Company (13 CFR 120.10)*
    - *Small Business Investment Company (13 CFR part 107)*
    - *New Markets Venture Capital company (13 CFR part 108)*
    - *A qualified Community Development Entity (26 CFR 45D(c))*
    - *U.S. Department of Agriculture Rural Business Investment Company, (7 CFR 4290.50)*
  - provide technical assistance and supportive services, such as shared space, technology, or administrative assistance for businesses or farms that meet the size eligibility standards of the Small Business Investment Company program (13 CFR part 107) (25.04(c)(4)(v))
- Essential community facilities that partially or primarily serve (25.04(c)(5))
  - Low- or moderate-income individuals or families (25.04(c)(5)(i))
  - Low- or moderate-income census tracts, distressed areas, underserved areas, disaster areas consistent with a disaster recovery plan, or Indian country or other tribal and native lands (25.04(c)(5)(ii))
- Essential infrastructure that partially or primarily serves (25.04(c)(6))
  - Low- or moderate-income individuals or families (25.04(c)(6)(i))
  - Low- or moderate-income census tracts, distressed areas, underserved areas, disaster areas consistent with a disaster recovery plan, or Indian country or other tribal and native lands (25.04(c)(6)(ii))
- A family farm, to (25.04(c)(7))
  - purchase or lease of farm land, equipment, and other farm- related inputs for the family farm's use in operating the farm (25.04(c)(7)(i))
  - receive technical assistance and supportive services for the family farm's own production, such as shared space, technology, or administrative assistance through an intermediary (25.04(c)(7)(ii))
  - sell or trade products grown or produced by the family farm (25.04(c)(7)(iii))



- Federal, state, local, or tribal government programs, projects, or initiatives that (25.04(c)(8))
  - partially or primarily serve low- or moderate-income individuals or families (25.04(c)(8)(i))
  - are consistent with a bona fide government revitalization, stabilization, or recovery plan for a low- or moderate-income census tract; a distressed area; an underserved area; a disaster area; or Indian country or other tribal and native lands (25.04(c)(8)(ii))
  
- Financial literacy programs or education or homebuyer counseling (25.04(c)(9))
  
- Owner-occupied and rental housing development, construction, rehabilitation, improvement, or maintenance in Indian country or other tribal and native lands (25.04(c)(10))
  
- Qualified opportunity funds (26 U.S.C. 1400Z-2(d)(1)), that benefit low- or moderate-income qualified opportunity zones (26 U.S.C. 1400Z-1(a)) (25.04(c)(11))
  
- Other activities and ventures undertaken, including capital investments and loan participations, by a bank in cooperation with one of the following types of entities, if the activity helps to meet the credit needs of local communities in which such institutions are chartered, including activities that indirectly help to meet community credit needs by promoting the sustainability and profitability of those institutions and credit unions. (25.04(c)(12))
  - Cooperating entities include:
    - Minority depository institution
    - Women's depository institution
    - Community Development Financial Institution
    - Low-income credit union
  
- This activity is located in a targeted area.
  - Low- or moderate-income census tract
  - Distressed area
  - Underserved area
  - Indian country or tribal and other native lands
  - Disaster area

If you selected more than one section of the rule above, please provide the citation of the section of the rule that BEST fits the activity. The citation is at the end of the description, for example: (25.04(c)(7)(i)).

Citation for Section of CRA rule



\*\*\* dropdown list, rather than allow requestor to type the citation \*\*\*

\*\*\* the database will include ORIGINAL and UPDATED versions of this field \*\*\*

Reviewer will be able to update only the UPDATED version.

Please indicate whether the activity is related to another bank's community development loan, investment or service. If so, provide the name of the other bank.

- Another bank's community development loan, community development investment, or community development service (25.04(c)(2))

Name of the associated bank

**ILLUSTRATIVE EXAMPLES**

For the example that BEST describes the activity, please refer to the CRA Illustrative List(link) at [www.occ.gov/\(URL\)](http://www.occ.gov/). This list includes examples of activities that qualify or do not qualify for each section of the rule. The list does not necessarily include every possible example of a qualifying activity, and more than one example may apply to your activity.

- The Illustrative List contains an example that fits this activity.

Reference number for example on the Illustrative List that BEST describes the activity

- The activity is consistent with the section of the rule indicated above, but no example on the Illustrative List fits this activity.

Please provide a statement that briefly describes your proposed activity. This description may be added to the Illustrative List if the activity is determined to qualify, or not qualify, and no similar example is currently listed.

Suggested description of the activity to add as an example to the Illustrative List

\*\*\* the database will include ORIGINAL and UPDATED versions of this field \*\*\*



Reviewer will be able to update only the UPDATED version.

**ACTIVITY DETAILS**

Please indicate whether the review is requested by or on behalf of a national bank or federal savings association (OCC bank), or another organization. If an OCC bank requests the review, please provide the OCC charter number(s) and official bank name. Otherwise, provide the name of the organization requesting the review.

- National Bank or Federal Savings Association
- Other organization

OCC Charter Number (if applicable)

*\*\*\*\* the database should validate charter numbers (form will not) \*\*\*\**

Bank or Organization Name

\*\*\*\* the database will include

ORIGINAL and UPDATED versions of this field \*\*\*\*

Reviewer will be able to update only the UPDATED version.

Please provide a short description of your activity. OCC's decision on qualification will be published under this description. OCC may need to edit this information for publication; if the information provided is changed, you will be notified with the final decision.

Short Description of Activity

\*\*\*\* the database will include ORIGINAL and UPDATED versions of this field \*\*\*\*

Reviewer will be able to update only the UPDATED version.

Please provide additional supporting information about the activity that OCC may use to determine whether the activity qualifies. You may provide a detailed description of the activity, relevant internet references, or any other information that demonstrates the activity qualifies. You may attach additional



documentation, subject to size and content restrictions. Attached documentation may delay confirmation of the receipt of your request by OCC.

\*\*\* this is a long format text field – longer is better, suggest at least 3,000 characters \*\*\*

Before attaching additional documentation, you must provide a description of the activity.

(ATTACHMENT BUTTON)

(form will show the list of attachments as they are added)

Banks may designate information as confidential or request confidential treatment. The OCC will treat confidential commercial information submitted to the agency in accordance with 12 CFR 4.16 consistent with Food Marketing Institute v. Argus Leader Media, 139 S.Ct. 2356, 2363 (2019) and applicable guidance issued by the Department of Justice at <https://www.justice.gov/oip/step-step-guide-determining-if-commercial-or-financial-information-obtained-person-confidential>.

- Please indicate if any of the information contained in this request (on the form or in attachments) should be considered confidential or sensitive material.
  
- Please indicate if this request is similar or related to another activity you have previously submitted to the OCC for review. *If yes, please provide the previous request submission number(s).*
  - This activity is similar to another activity OCC has reviewed. *(Please explain how the activities are related in the Activity Details above)*
  - This activity was reviewed by OCC with *no decision on qualification*. This request includes new information that may impact OCC's decision on qualification for CRA.
  - This activity was reviewed by OCC with *the decision that this activity did NOT qualify under CRA*. This request includes new information that may impact OCC's decision on qualification for CRA.

Related request submission number



**CONTACT INFORMATION**

*A valid email address is required. OCC will use this email address to confirm receipt of the submission of your request to review this activity, provide a request ID and notify you of the final resolution of your request. This information is required in order to submit your request.*

Email Address

Name

Requestor is a duly authorized representative of the institution or organization named above.

Phone Number

*OCC will confirm receipt of your request to review the activity described above to the email provided above, during regular business hours Monday through Friday (excluding federal holidays), between 8am and 5pm EST. Confirmation will include the date by which OCC will notify you of the results of the review, within 60 days of confirmation of the receipt of your request. OCC may extend the period of review for an additional 30 days, in which case you will be notified of the new date for the result.*

(SUBMIT BUTTON)

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(FOR OFFICE USE ONLY)