

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220



Appendix. CDFI/ACA Program Award Recipient and NMTC Allocatee Annual Report including CDFI ERP PRA (OMB Control Number 1559-0027) - Summary of Public Comments and CDFI Fund Responses

Comment #	Organization	Author Name	Author Position	Letter Comment Date	Category	Comment	CDFI Fund Response
1	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	General	IFF is supportive of the CDFI Fund's efforts to collect relevant data to ensure effective tracking and assessment of CDFI ERP impacts and compliance with program terms.	The CDFI Fund agrees with this comment.
2	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	TLR	IFF agrees that the updated TLR changes are appropriate to track and report on loans deployed with ERP award dollars.	The CDFI Fund agrees with this comment.
3	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	Burden	The CDFI Fund estimates that respondents spend about 10 hours collecting the information required for the ERP related TLR data, but IFF contends that this estimate is low. Since the CDFI Fund did not share the required data points for reporting prior to the award announcement date, IFF —and likely other CDFIs — have hesitated to deploy the award until we understand what will be required to report back to the Fund.	The CDFI Fund significantly streamlined the data to be collected via this ICR and data collected is specific and required for business purposes and compliance. In response to the comment's concerns about hours estimation, the CDFI Fund has increased the estimated response time to 20 hours.
4	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	Burden	The suggested updates to the TLR are reasonable, but every change requires a review of existing procedures and systems to adjust to the new fields and field options. There is a large upfront investment for every award that requires new fields and reports. In addition to that upfront effort, IFF estimates it takes 20 hours annually to ensure all data is correctly integrated into the TLR from our other systems.	Entities will use the existing TLR framework with a few minor modifications which have been modeled on existing forms, eliminating the burden of having to create a completely new system specific to ERP.
5	IFF	Kirby	President,	10/15/2024	TLR	IFF would like to submit the following questions	The "Minority Owned or

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		Burkholder	Core Business Solutions			<p>and considerations regarding the utility and clarity of the ERP TLR data points. 1. How is the field “ERP Minority Owned or Controlled” different from the existing TLR field: “Minority Owned or Controlled”? a. Each ERP loan will show “ERP” as the FA Program Type, so we would suggest the new conditionality rule be added to the existing field instead of adding a separate field.</p> <p>b. Please verify what the options are for the drop-down list on this field. The narrative guidance lists the options as “Yes/No/Do Not Know,” but the selection options lists “Yes/No/Declined.”</p>	Controlled" data fields are not different, but who answers them will differ by how the "FA Type" data field is answered for a transaction. The data fields have been set up in this way to avoid additional validations in a complex IT system. The answer choice of "Do Not Know" is no longer a valid answer choice option for ERP transactions because of the ERP Assistance Agreement requirements. Award recipients are required to collect this information unless the borrower declines to provide it and the award recipient can then answer "Declined."
6	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	TLR	We look forward to additional guidance to distinguish between “Housing Stability” impacts and “Affordable Housing” impacts. IFF is assessing our own definition, but had hoped the ERP TLR Data Point Guidance would provide some indication of what the CDFI Fund is looking for. Absent an update, we will lean into this area of impact as we define it.	The CDFI Fund will provide additional guidance on the impact data fields in future technical assistance materials including FAQs.
7	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	TLR	We suggest listing the ERP Impact types in one field as a drop-down list rather than nine different fields, unless the intention is that some loans may qualify for more than one ERP Impact.	The data fields were set up in this way because a transaction may have more than one ERP impact.
8	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	Burden	IFF is supportive of the CDFI Fund’s efforts to ensure that the program tracks the intended impact through these additional data points and reports. The burden doesn’t appear significant	The CDFI Fund agrees with this comment; we will continue to look for ways to reduce burden where

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						compared to how we currently operate; apart from the earlier comment that any updates to the TLR need to be assessed for implications to our entire lending process and our compliance systems.	possible.
9	IFF	Kirby Burkholder	President, Core Business Solutions	10/15/2024	Burden	As noted above, we believe the CDFI Fund underestimates the costs of updating our procedures and systems to comply with new data requirements. Though we also acknowledge that in this case, the data points seem reasonable and achievable.	The CDFI Fund has minimized and significantly streamlined the data to be collected via this ICR and data collected is specific and required for business purposes and compliance.
10	FUND Consulting, LLC	Kristy Johnsen	Senior Data Analyst	8/27/2024	TLR	We want to note in this comment regarding ERP updates that there will need to be detailed directions on how to calculate the 60% Certification Threshold using the ERP awards and the 2020 census tracts for the associated loans and how they will interact with the Pre-Approved Target Market Methodologies already in place.	The CDFI Fund recognizes that the Target Market Calculator and Certification Application require 2020 census tract data, while ERP Award compliance is based on 2010 census tracts. The proposed ERP data fields and updated guidance will ensure that both the 2010 and 2020 tract data is collected for each ERP transaction.
11	FUND Consulting, LLC	Kristy Johnsen	Senior Data Analyst	8/27/2024	TLR	If this will be following the pattern established by HFFI, what additional data fields will be necessary, and by what reporting period?	Similar to how HFFI-FA transactions require additional data fields, CDFIs will indicate that a transaction belongs to the ERP program via the FA Program Type variable in the TLR and populate ERP-specific variables for these transactions. Unlike HFFI-FA (which does not have required variables in the Consumer Loan Report (CLR)) ERP transactions reported in the CLR will

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							<p>also require additional variables specific to the ERP Program. CDFIs will be asked to provide data for these additional variables for any ERP transactions originated during the Award Period of Performance. If loans/investments associated with ERP were reported in FY23 or FY24 TLR data before the data fields were published in AMIS, the CDFI Fund will collect these additional data points via a separate outreach process.</p>
12	FUND Consulting, LLC	Kristy Johnsen	Senior Data Analyst	8/27/2024	TLR	<p>All ERP qualified tracts utilize the 2010 Census tracts, and the current understanding is that these will be submitted separately. Is it correct then that all ERP loans will need to be geocoded twice and both the 2020 and 2010 census tracts will need to be listed in the upcoming TLR?</p>	<p>The TLR reporting must include all Financial Product originations made by the CDFI during a given timeframe within the Period of Performance. CDFIs should not wait to report on their ERP transactions until the new data fields are live in AMIS. CDFIs should provide the 2020 census information for all transactions at the time of their TLR submission. The ability to capture the 2010 census information for each ERP transaction will be added to AMIS upon the release of the ERP-specific TLR data elements. Any additional data fields for</p>

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							ERP will be collected at a later date if they are not available at the time of a given TLR submission. Thus, both 2010 and 2020 information will be collected for each transaction indicated as belonging to the ERP Program.
13	FUND Consulting, LLC	Kristy Johnsen	Senior Data Analyst	8/27/2024	Compliance	Due to extensive regulatory guidelines prohibiting the collection of demographic information, many banks and credit unions are still in the process of collecting this information.	The CDFI Fund understands these challenges and notes that it has significantly streamlined the data to be collected via this ICR and data collected is specific and required for business purposes and compliance. CDFIs are also reminded that the ERP-specific data fields are not required for all transactions, and rather, are only specifically required for transactions associated with the ERP Program. Section 523(d) of Division N of the Consolidated Appropriations Act of 2021 (Pub. L. 116-260) allows a CDFI that receives an CDFI ERP Award to collect such demographic data, notwithstanding any limitations by the Equal Credit Opportunity Act (15 U.S.C. 1691, et seq.) and without any adverse action related to that collection

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							by the Bureau of Consumer Financial Protection.
14	FUND Consulting, LLC	Kristy Johnsen	Senior Data Analyst	8/27/2024	CDFI Certification	Additionally, if a person does not self-identify, will this be counted against the ERP recipient? The guidance says it will be examined on a case-by-case basis and their award agreement; however, this may have implications for Certification. For instance, if several loans are thought to eligible by the CDFI bank or loan fund, but then are denied, and then this impacts the 60% threshold for certification, what recourse will banks have in these situations?	If an organization submits large numbers of CDFI ERP-tagged transactions without required demographic data, the CDFI Fund may investigate what systems, tools and procedures the organization has put in place to meet this CDFI ERP requirement. A transaction's eligibility for the CDFI ERP Program does not necessarily equate to its eligibility as a Target Market transaction for CDFI Certification purposes. Comments related to CDFI Certification policy are unrelated to the burden of this information collection.
15	FUND Consulting, LLC	Kristy Johnsen	Senior Data Analyst	8/27/2024	Compliance	Given the above limitations, would it then be advised to only submit loans as ERP eligible that are 1) 2010 CT ERP eligible 2) Meet the stated goals in the Service Agreement and 3) Are Designated Non-target market by the Pre-Approved Methodologies in order to not risk certification?	This comment is not related to the burden of this information collection. It is an unrelated policy comment and the CDFI Fund will consider as appropriate.
16	Inclusiv	Sam Lee	Policy Analyst	21-Oct-24	TLR	While Inclusiv doesn't have substantial comments to provide for the public comment on ERP transaction-level reporting, we just wanted to reach out to encourage the Fund to release the final TLR changes as soon as possible, since CDFIs will need ample time to modify their data reporting systems for the June 30 upload.	The CDFI Fund agrees with this comment and the final data collection instrument will be released before June 30, 2025.
17	Inclusiv	Sam Lee	Policy Analyst	21-Oct-24	TLR	We're hoping that in addition to the special ERP	The CDFI Fund agrees with

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						templates, the Fund will have the final Loan Purchase templates for bulk upload of those transactions. The earlier these changes are finalized, the better prepared CDFIs will be to comply and ensure a smooth reporting process.	this comment and a Loan Purchase template for bulk uploads will be available before June 30, 2025.
18	Inclusiv	Sam Lee	Policy Analyst	21-Oct-24	General	We appreciate the ERP's support for LMI communities impacted by the pandemic and thank the Fund for your efforts to streamline reporting within the statutory constraints.	No action by the CDFI Fund is necessary.