

1 TITLE 38: FINANCIAL INSTITUTIONS  
2 CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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5 CREDIT UNION COMMUNITY REINVESTMENT

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49

50 AUTHORITY: Implementing and authorized by the Illinois Community Reinvestment Act [205  
51 ILCS 735].  
52

53 SOURCE: Adopted at 48 Ill. Reg. 7004, effective May 1, 2024; expedited correction at 48 Ill.  
54 Reg. 13864, effective May 1, 2024; amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.  
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56 SUBPART A: GENERAL  
57

58 **Section 185.20 Definitions**  
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60 For purposes of this Part, the following definitions apply:  
61

62 "Affiliate" means any company that controls, is controlled by, or is under  
63 common control with another company. The term "control" has the meaning  
64 given to that term in 12 U.S.C. 1841(a)(2), and a company is under common  
65 control with another company if both companies are directly or indirectly  
66 controlled by the same company.  
67

68 "Alternative financial products or services" means financial products or services  
69 offered by persons other than an insured depository institution at a higher cost  
70 than comparable services offered by an insured depository institution.  
71

72 "Area median income" means:  
73

74 the median family income for the MSA/CBSA, if a person or geography is  
75 located in an MSA/CBSA; or  
76

77 the statewide nonmetropolitan median family income, if a person or  
78 geography is located outside an MSA/CBSA.  
79

80 "Assessment field" means the persons delineated in accordance with Section 400  
81 as subject to the ILCRA evaluation.  
82

83 "Automated teller machine" or "ATM" means an automated, unstaffed banking  
84 facility owned or operated by, or operated exclusively for, the credit union at  
85 which deposits are received, cash dispersed, or money lent.  
86

87 "Branch" means a staffed facility established or acquired as a branch under  
88 Illinois law.  
89  
90 "CBSA" means a core based statistical area as defined by the Director of the  
91 Office of Management and Budget.  
92  
93 "Community development" means:  
94  
95       Affordable housing (including multifamily rental housing) for low- and  
96       moderate-income individuals;  
97  
98       Community services targeted to low- and moderate-income individuals;  
99  
100       Activities that promote economic development by financing businesses or  
101       farms that meet the size eligibility standards of the Small Business  
102       Administration's Development Company or Small Business Investment  
103       Company programs (13 CFR 121.301) or have gross annual revenues of  
104       \$1 million or less; or  
105  
106       Activities that revitalize or stabilize –  
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108               low- or moderate-income geographies;  
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110               designated disaster areas; or  
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112               distressed or underserved nonmetropolitan middle-income  
113               geographies designated by the Board of Governors of the Federal  
114               Reserve System, the Federal Deposit Insurance Corporation, and  
115               the Office of the Comptroller of the Currency, based on –  
116  
117                       rates of poverty, unemployment, and population loss; or  
118  
119                       population size, density, and dispersion. Activities  
120                       revitalize and stabilize geographies designated based on  
121                       population size, density, and dispersion if they help to meet  
122                       essential community needs, including needs of low- and  
123                       moderate-income individuals; or  
124  
125               unbanked or underbanked geographies;  
126  
127       Activities targeted to directly and tangibly –  
128

129 increase climate resilience in low-income to moderate-income  
130 neighborhoods; or

131  
132 mitigate environmental harm in low-income to moderate-income  
133 neighborhoods; and

134  
135 Any other such area as determined by the Secretary based on –

136  
137 Rates of poverty, unemployment, and population loss; or

138  
139 Population size, density, and dispersion. Activities revitalize and  
140 stabilize geographies designated based on population size, density,  
141 and dispersion if they help to meet essential community needs,  
142 including needs of low- and moderate-income individuals.

143  
144 "Community development loan" means a loan that:

145  
146 has as its primary purpose community development; and

147  
148 except in the case of a wholesale or limited purpose credit union:

149  
150 has not been reported or collected by the credit union or an affiliate  
151 for consideration in the credit union's assessment as a home  
152 mortgage or consumer loan, unless it is a multifamily dwelling  
153 loan (as described in Appendix A to 12 CFR 203, the Consumer  
154 Financial Protection Bureau's implementing regulations for the  
155 Home Mortgage Disclosure Act); and

156  
157 directly or indirectly benefits the credit union's assessment field.

158  
159 "Community development service" means a service that:

160  
161 has as its primary purpose community development;

162  
163 is related to the provision of financial services; and

164  
165 has not been considered in the evaluation of the credit union's retail  
166 banking services under Section 185.240(d).

167  
168 "Community Reinvestment Act" unless context indicates otherwise means the  
169 Illinois Community Reinvestment Act ("ILCRA").

170

171 "Consumer loan" means a loan to one or more individuals for household, family,  
172 or other personal expenditures. A consumer loan does not include a home  
173 mortgage or small business loan. Consumer loans include the following categories  
174 of loans:

175  
176 Motor vehicle loan, a consumer loan extended for the purchase of and  
177 secured by a motor vehicle;

178  
179 Credit card loan, a line of credit for household, family, or other personal  
180 expenditures that is accessed by a borrower's use of a "credit card", as this  
181 term is defined in 12 CFR 1026.2;

182  
183 Other secured consumer loan, a secured consumer loan that is not included  
184 in one of the other categories of consumer loans; and

185  
186 Other unsecured consumer loan, an unsecured consumer loan that is not  
187 included in one of the other categories of consumer loans.

188  
189 "Credit union" means a corporation chartered as a cooperative, non-profit  
190 association, incorporated under the Illinois Credit Union Act [205 ILCS 305].

191  
192 "Department" means the Illinois Department of Financial and Professional  
193 Regulation.

194  
195 "Field of membership" means the members or persons eligible to join a credit  
196 union consisting of members or persons:

197  
198 within one or more of the following common bonds: association,  
199 occupation or community as defined in 205 ILCS 305; and

200  
201 as otherwise authorized under 205 ILCS 305.

202  
203 "Fiscal year" means the fiscal year for the State of Illinois (starts July 1 and ends  
204 June 30).

205  
206 "Geography" means a census tract or a block numbering area delineated by the  
207 United States Bureau of the Census in the most recent decennial census.

208  
209 "Home mortgage loan" means a closed-end mortgage loan or an open-end line of  
210 credit as these terms are defined under 12 CFR 1003.2 and that is not an excluded  
211 transaction under 12 CFR 1003.3(c)(1) through (10) and (13).

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213 "Income level" includes:

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Low-income, an individual income that is less than 50% of the area median income, or a median family income that is less than 50%, in the case of a geography.

Moderate-income, an individual income that is at least 50% and less than 80% of the area median income, or a median family income that is at least 50% and less than 80%, in the case of a geography.

Middle-income, an individual income that is at least 80% and less than 120% of the area median income, or a median family income that is at least 80% and less than 120%, in the case of a geography.

Upper-income, an individual income that is 120% or more of the area median income, or a median family income that is 120% or more, in the case of a geography.

"Institution", unless context indicates otherwise, means a credit union.

"Limited purpose institution or limited purpose credit union" means an institution that offers only a narrow product line (such as credit card or motor vehicle loans) to a regional or broader market and for which a designation as a limited purpose institution is in effect, in accordance with Section 185.250(b).

"Loan location" means a loan is located as follows:

a consumer loan is located in the geography where the borrower resides;

a home mortgage loan is located in the geography where the property to which the loan relates is located; and

a small business loan is located in the geography where the main business facility or farm is located or where the loan proceeds otherwise will be applied, as indicated by the borrower.

"Loan production office" means a staffed facility of a credit union, other than a branch, that is open to the public or members and that provides lending-related services, such as loan information and applications.

"Metropolitan division" means a metropolitan division as defined by the United States Director of the Office of Management and Budget.

256 "MSA" means a metropolitan statistical area or a primary metropolitan statistical  
257 area as defined by the United States Director of the Office of Management and  
258 Budget.

259  
260 "Person" means any individual, partnership, joint venture, trust, estate, firm,  
261 corporation, cooperative society or association, or any other form of business  
262 association or legal entity.

263  
264 "Public lobby" means an area generally accessible to a credit union's members or  
265 some of a credit union's members which allows for easy reading of notices in the  
266 place of business.

267  
268 "Qualified investment" means a lawful investment, deposit, membership share, or  
269 grant that has as its primary purpose community development, and lawful  
270 investments include the following:

271  
272 corporations for the purpose of micro-lending in the area of small business  
273 and small farms;

274  
275 corporations for the purpose of providing technical assistance to nonprofit  
276 housing corporations, small businesses and farms for the purpose of  
277 establishing creditworthiness;

278  
279 contributions to any private nonprofit organization organized for  
280 improving the social and economic conditions, such as community  
281 development and redevelopment programs, small business technical  
282 assistance, and educational institutions, in communities in which the credit  
283 union has an office; and

284  
285 contributions for the purpose of relieving suffering or distress resulting  
286 from disaster or other calamity, such as hurricane or flood, occurring in  
287 any part of the State; and

288  
289 contributions to community development and redevelopment programs.

290  
291 "Secretary" means the Secretary or Acting Secretary of the Financial and  
292 Professional Regulation and his or her authorized representatives.

293  
294 "Small credit union" means a credit union that, as of December 31 of either of the  
295 prior two calendar years, had total assets of less than \$391 million. "Intermediate  
296 small credit union" means a credit union with assets of at least \$391 million as of  
297 December 31 of both of the prior two calendar years and less than \$1.564 billion  
298 as of December 31 of either of the prior two calendar years. The asset-size

299 thresholds (dollar figures) for small credit unions and intermediate small credit  
300 unions shall be automatically adjusted to remain consistent with the asset-size  
301 thresholds in effect for small banks and intermediate small banks as published by  
302 the Federal Deposit Insurance Corporation. The Secretary shall publish each  
303 adjustment of the asset-size thresholds for small credit unions and intermediate  
304 small credit unions on the Department's website. "Very Small Credit Union"  
305 means a credit union that is eligible for the Very Small Credit Union Examination  
306 Procedures set forth in 185.Appendix D pursuant to Section 185.450.

307  
308 "Small business loan" means a loan to a business with gross annual revenues of  
309 \$1,000,000.00 or less. For purposes of this Part, small business loan includes  
310 small farm loans.

311  
312 "Special Credit Program" means any credit program offered by a credit union to  
313 meet special social needs which is in conformity with and explicitly authorized by  
314 the Equal Credit Opportunity Act, 15 U.S.C. 1691(c) and Regulation B, 12 CFR  
315 1002.8, and the Illinois Human Rights Act [775 ILCS 5/4-104(C)].

316  
317 "Substantial majority" means a portion of the credit union's lending activity so  
318 significant by number and dollar volume of loans that the lending test evaluation  
319 would not meaningfully reflect its lending performance if consumer loans were  
320 excluded.

321  
322 "Unbanked person" means a person who does not have a checking or savings  
323 account with an insured bank, savings bank, or credit union.

324  
325 "Underbanked person" means a person that has a checking or savings account  
326 with an insured depository institution but that used alternative financial products  
327 or services in the past 12 months.

328  
329 "Wholesale credit union" means a credit union that is not in the business of  
330 extending home mortgage, small business, small farm, or consumer loans to retail  
331 customers, and for which a designation as a wholesale credit union is in effect, in  
332 accordance with Section 185.250(b).

333  
334 (Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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336 **SUBPART C: RECORDS, REPORTING, AND DISCLOSURE REQUIREMENTS;**  
337 **EXAMINATIONS; ENFORCEMENT**

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339 **Section 185.480 Examination Fees**

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341 a) Examination Fees

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- 1) Annual Fees. Each fiscal year, credit unions shall pay an annual ILCRA fee to the Department based upon its total assets as shown on its Year-end Call Report at the following rate:

<u>TOTAL ASSETS</u>	<u>ILCRA ANNUAL FISCAL YEAR 2027</u>
<u>\$1,000,000 or less</u>	<u>No Charge</u>
<u>Over \$1,000,000 and not over \$10,000,000</u>	<u>No Charge</u>
<u>Over \$10,000,000 and not over \$30,000,000</u>	<u>\$1,050</u>
<u>Over \$30,000,000 and not over \$50,000,000</u>	<u>\$2,100</u>
<u>Over \$50,000,000 and not over \$100,000,000</u>	<u>\$3,150</u>
<u>Over \$100,000,000 and not over \$350,000,000</u>	<u>\$4,725</u>
<u>Over \$350,000,000 and over \$500,000,000</u>	<u>\$9,450</u>
<u>Over \$500,000,000 and not over \$1,000,000,000</u>	<u>\$13,650</u>
<u>Over \$1,000,000,000 and not over \$10,000,000,000</u>	<u>\$18,900</u>
<u>Over \$10,000,000,000</u>	<u>\$25,000</u>

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<b>TOTAL ASSETS</b>	<b>ILCRA ANNUAL FISCAL YEAR 2025</b>	<b>ILCRA ANNUAL FISCAL YEAR 2026</b>
<del>\$1,000,000 or less</del>	<del>No Charge</del>	<del>No Charge</del>
<del>Over \$1,000,000 and not over \$10,000,000</del>	<del>No Charge</del>	<del>No Charge</del>
<del>Over \$10,000,000 and not over \$30,000,000</del>	<del>\$1,000</del>	<del>\$1,050</del>
<del>Over \$30,000,000 and not over \$50,000,000</del>	<del>\$2,000</del>	<del>\$2,100</del>
<del>Over \$50,000,000 and not over \$100,000,000</del>	<del>\$3,000</del>	<del>\$3,150</del>
<del>Over \$100,000,000 and not over \$350,000,000</del>	<del>\$4,500</del>	<del>\$4,725</del>

<del>Over \$350,000,000 and over \$500,000,000</del>	<del>\$9,000</del>	<del>\$9,450</del>
<del>Over \$500,000,000 and not over \$1,000,000,000</del>	<del>\$13,000</del>	<del>\$13,650</del>
<del>Over \$1,000,000,000 and not over \$10,000,000,000</del>	<del>\$18,000</del>	<del>\$18,900</del>
<del>Over \$10,000,000,000</del>	<del>\$24,000</del>	<del>\$25,000</del>

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2) When out-of-state travel occurs in the conduct of any examination, the credit union shall make arrangements to reimburse the Department all charges for services such as travel expenses, including airfare, hotel and per diem incurred by the employee. These expenses are to be in accord with applicable travel regulations published by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800).

b) All fees received pursuant to this Part shall be deposited in the Credit Union Fund and subject to Section 12(6) of the Illinois Credit Union Act [205 ILCS 305/12(6)].

c) Notwithstanding Section 185.490, the fee for fiscal year 2025 shall be due on September 1, 2024. The fee for each fiscal year thereafter shall be due within 30 days after the start of each fiscal year. For purposes of this Section, "fiscal year" means a period beginning on July 1 of any calendar year and ending on June 30 of the next calendar year.

(Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

369 **Section 185.APPENDIX A Ratings**

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- a) Ratings in general.
  - 1) In assigning a rating, the Secretary evaluates a credit union's performance under the applicable performance criteria in this Part, in accordance with Section 185.200, Section 185.210, and Section 185.280. Notwithstanding any contrary provision in this Part, the Secretary may consider as a basis to adjust a credit union's overall rating, the following:
    - A) Providing low-cost education loans to low-income borrowers;
    - B) Activities in cooperation with Community Development Financial Institutions, minority- or women-owned financial institutions;
    - C) Certification as a Community Development Financial Institution or designated as a Minority Depository Institution or Low-Income Designated credit union;
    - D) The offering of Special Credit Programs; and
    - E) The evidence of discriminatory or other illegal credit practices.
  - 2) A credit union's performance need not fit each aspect of a particular rating profile in order to receive that rating, and exceptionally strong performance with respect to some aspects may compensate for weak performance in others. A credit union that does not have a community common bond shall not be evaluated according to any criteria that references geographies or geographic area. A credit union with a field of membership consisting of multiple common bonds that includes community common bonds shall not be evaluated according to any criteria that references geographies or geographic area, except with respect to its community common bonds. A rating shall take into consideration the credit union's defined membership by-law provisions, as prescribed in 205 ILCS 305/15, and the lending and investment authority restrictions and other limitations and restrictions under 205 ILCS 305. The credit union's overall performance, however, must be consistent with safe and sound banking practices and generally with the appropriate rating profile as follows. A credit union will be evaluated by how it serves its assessment field. A credit union's rating will not be negatively impacted by the composition of its assessment field including without limitation the income and geographic demographic data of borrowers in the assessment

411 field so long as the assessment field is delineated in accordance with  
412 Section 185.400.

413 3) The Secretary may take a credit union's lack of previous experience with  
414 ILCRA examinations into account and the length of the implementation  
415 period into consideration while assessing the performance of the credit  
416 union during its first ILCRA examination.

417  
418 b) Credit Unions evaluated under the Lending and Service Tests.

419  
420 1) Lending Performance Rating. The Secretary assigns each credit union's  
421 lending performance one of the five following ratings.

422  
423 A) Outstanding. The Secretary rates a credit union's lending  
424 performance "outstanding" if, in general, it demonstrates:

425  
426 i) Excellent responsiveness to credit needs in its assessment  
427 field, taking into account the number and amount of home  
428 mortgage, and consumer loans, if applicable, in its  
429 assessment field;

430  
431 ii) An excellent geographic distribution of loans in its  
432 assessment field, provided, however, a geographic analysis  
433 is relevant in the context of the credit union's membership  
434 by-law provisions;

435  
436 iii) An excellent distribution, particularly in its assessment  
437 field, of loans among members of different income levels,  
438 given the product lines offered by the credit union;

439  
440 iv) An excellent record of serving the credit needs of highly  
441 economically disadvantaged persons in its assessment field,  
442 and low-income members, including loans and other efforts  
443 to assist existing low- and moderate-income members to be  
444 able to remain in their neighborhoods, consistent with safe  
445 and sound operations;

446  
447 v) Extensive use of innovative or flexible lending practices in  
448 a safe and sound manner to address the credit needs of low-  
449 and moderate-income members or geographies;

450

- 451 vi) There is no evidence of loans that show an undue  
452 concentration and a systematic pattern of lending resulting  
453 in the loss of affordable housing units;  
454
- 455 vii) An excellent record relative to fair lending policies and  
456 practices; and  
457
- 458 viii) It is a leader in making community development loans.  
459
- 460 B) High satisfactory. The Secretary rates a credit union's lending  
461 performance "high satisfactory" if, in general, it demonstrates:  
462
- 463 i) Good responsiveness to credit needs in its assessment field,  
464 taking into account the number and amount of home  
465 mortgage, and consumer loans, if applicable, in its  
466 assessment field;  
467
- 468 ii) A good geographic distribution of loans in its assessment  
469 field, provided, however, a geographic analysis is relevant  
470 in the context of the credit union's membership by-law  
471 provisions;  
472
- 473 iii) A good distribution, particularly in its assessment field, of  
474 loans among members of different income levels, given the  
475 product lines offered by the credit union;  
476
- 477 iv) A good record of serving the credit needs of highly  
478 economically disadvantaged persons in its assessment field,  
479 and low-income members, including loans and other efforts  
480 to assist existing low- and moderate-income members to be  
481 able to remain in their neighborhoods, consistent with safe  
482 and sound operations;  
483
- 484 v) Use of innovative or flexible lending practices in a safe and  
485 sound manner to address the credit needs of low- and  
486 moderate-income members or geographies;  
487
- 488 vi) There is no evidence of loans that show an undue  
489 concentration and a systematic pattern of lending resulting  
490 in the loss of affordable housing units;  
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- 492 vii) A good record relative to fair lending policies and  
493 practices; and

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- viii) It has made a relatively high level of community development loans.
- C) Low satisfactory. The Secretary rates a credit union's lending performance "low satisfactory" if, in general, it demonstrates:
  - i) Adequate responsiveness to credit needs in its assessment field, taking into account the number and amount of home mortgage, and consumer loans, if applicable, in its assessment field;
  - ii) An adequate geographic distribution of loans in its assessment field, provided, however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
  - iii) An adequate distribution, particularly in its assessment field, of loans among members of different income levels, given the product lines offered by the credit union;
  - iv) An adequate record of serving the credit needs of highly economically disadvantaged persons in its assessment field, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
  - v) Limited use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
  - vi) There is no evidence of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
  - vii) An adequate record relative to fair lending policies and practices; and
  - viii) It has made an adequate level of community development loans.

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- D) Needs to improve. The Secretary rates a credit union's lending performance "needs to improve" if, in general, it demonstrates:
- i) Poor responsiveness to credit needs in its assessment field, taking into account the number and amount of home mortgage, and consumer loans, if applicable, in its assessment field;
  - ii) A poor geographic distribution of loans, particularly to low- and moderate-income geographies, in its assessment field, provided, however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
  - iii) A poor distribution, particularly in its assessment field, of loans among members of different income levels, given the product lines offered by the credit union;
  - iv) A poor record of serving the credit needs of highly economically disadvantaged persons in its assessment field, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
  - v) Little use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
  - vi) There is possible evidence of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
  - vii) A poor record relative to fair lending policies and practices; and
  - viii) It has made a low level of community development loans.
- E) Substantial noncompliance. The Secretary rates a credit union's lending performance as being in "substantial noncompliance" if, in general, it demonstrates:

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- i) A very poor responsiveness to credit needs in its assessment field, taking into account the number and amount of home mortgage, and consumer loans, if applicable, in its assessment field;
  - ii) A very poor geographic distribution of loans, particularly to low- and moderate-income geographies, in its assessment field, provided, however, a geographic analysis is relevant in the context of the credit union's membership by-law provisions;
  - iii) A very poor distribution, particularly in its assessment field, of loans among members of different income levels, given the product lines offered by the credit union;
  - iv) A very poor record of serving the credit needs of highly economically disadvantaged persons in its assessment field, and low-income members, including loans and other efforts to assist existing low- and moderate-income members to be able to remain in their neighborhoods, consistent with safe and sound operations;
  - v) No use of innovative or flexible lending practices in a safe and sound manner to address the credit needs of low- and moderate-income members or geographies;
  - vi) Origination of loans that show an undue concentration and a systematic pattern of lending resulting in the loss of affordable housing units;
  - vii) A very poor record relative to fair lending policies and practices; and
  - viii) It has made few, if any, community development loans.
- 2) Service performance rating. The Secretary assigns each credit union's service performance one of the five following ratings.
- A) Outstanding. The Secretary rates a credit union's service performance "outstanding" if, in general, the credit union demonstrates:

- 620 i) Its service delivery systems are readily accessible to
- 621 members and geographies of different income levels in its
- 622 assessment field;
- 623
- 624 ii) To the extent changes have been made, its record of
- 625 opening and closing branches has improved the
- 626 accessibility of its delivery systems, particularly to low-
- 627 and moderate-income members or in low- and moderate-
- 628 income geographies;
- 629
- 630 iii) Its services (including, where appropriate, business hours)
- 631 are tailored to the convenience and needs of its assessment
- 632 field, particularly low- and moderate-income members or in
- 633 low- and moderate-income geographies; and
- 634
- 635 iv) It is a leader in providing community development
- 636 services.
- 637
- 638 B) High satisfactory. The Secretary rates a credit union's service
- 639 performance "high satisfactory" if, in general, the credit union
- 640 demonstrates:
- 641
- 642 i) Its service delivery systems are accessible to members and
- 643 geographies of different income levels in its assessment
- 644 field;
- 645
- 646 ii) To the extent changes have been made, its record of
- 647 opening and closing branches has not adversely affected the
- 648 accessibility of its delivery systems, particularly to low-
- 649 and moderate-income members and in low- and moderate-
- 650 income geographies;
- 651
- 652 iii) Its services (including, where appropriate, business hours)
- 653 do not vary in a way that inconveniences its assessment
- 654 field, particularly low- and moderate-income members and
- 655 low- and moderate-income geographies; and
- 656
- 657 iv) It provides a relatively high level of community
- 658 development services.
- 659
- 660 C) Low satisfactory. The Secretary rates a credit union's service
- 661 performance "low satisfactory" if, in general, the credit union
- 662 demonstrates:

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- i) Its service delivery systems are reasonably accessible to members and geographies of different income levels in its assessment area;
  - ii) To the extent changes have been made, its record of opening and closing branches has generally not adversely affected the accessibility of its delivery systems, particularly to low- and moderate-income members and in low- and moderate-income geographies;
  - iii) Its services (including, where appropriate, business hours) do not vary in a way that inconveniences its assessment field, particularly low- and moderate-income members and low- and moderate-income geographies; and
  - iv) It provides an adequate level of community development services.
- D) Needs to improve. The Secretary rates a credit union's service performance "needs to improve" if, in general, the credit union demonstrates:
- i) Its service delivery systems are unreasonably inaccessible to portions of its assessment field, particularly to low- and moderate-income members or to low- and moderate-income geographies;
  - ii) To the extent changes have been made, its record of opening and closing branches has adversely affected the accessibility its delivery systems, particularly to low- and moderate- income members or in low- and moderate-income geographies;
  - iii) Its services (including, where appropriate, business hours) vary in a way that inconveniences its assessment field, particularly low- and moderate-income members or low- and moderate-income geographies; and
  - iv) It provides a limited level of community development services.

- 705 E) Substantial noncompliance. The Secretary rates a credit union's  
706 service performance as being in "substantial noncompliance" if, in  
707 general, the credit union demonstrates:  
708
- 709 i) Its service delivery systems are unreasonably inaccessible  
710 to significant portions of its assessment field, particularly to  
711 low- and moderate-income members or to low- and  
712 moderate-income geographies;  
713
  - 714 ii) To the extent changes have been made, its record of  
715 opening and closing branches has significantly adversely  
716 affected the accessibility of its delivery systems,  
717 particularly to low- and moderate-income members or in  
718 low- and moderate-income geographies;  
719
  - 720 iii) Its services (including, where appropriate, business hours)  
721 vary in a way that significantly inconveniences its  
722 assessment field, particularly low- and moderate-income  
723 members or low- and moderate-income geographies; and  
724
  - 725 iv) It provides few, if any, community development services.  
726
- 727 c) Investment performance rating. The Secretary assigns each credit union's  
728 investment performance one of the five following ratings.  
729
- 730 1) Outstanding. The Secretary rates a credit union's investment performance  
731 "outstanding" if, in general, it demonstrates:  
732
    - 733 A) An excellent level of qualified investments, particularly those that  
734 are not routinely provided by private investors, often in a  
735 leadership position;  
736
    - 737 B) Extensive use of innovative or complex qualified investments; and  
738
    - 739 C) Excellent responsiveness to credit and community development  
740 needs.  
741  - 742 2) High Satisfactory. The Secretary rates a credit union's investment  
743 performance "high satisfactory" if, in general, it demonstrates:  
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    - 745 A) A significant level of qualified investments, particularly those that  
746 are not routinely provided by private investors, although rarely in a  
747 leadership position;

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- B) Significant use of innovative or complex qualified investments;  
and
  - C) Good responsiveness to credit and community development needs.
- 3) Low satisfactory. The Secretary rates a credit union's investment performance "low satisfactory" if, in general, it demonstrates:
- A) An adequate level of qualified investments, particularly those that are not routinely provided by private investors, although rarely in a leadership position;
  - B) Occasional use of innovative or complex qualified investments;  
and
  - C) Adequate responsiveness to credit and community development needs.
- 4) Needs to improve. The Secretary rates a credit union's investment performance "needs to improve" if, in general, it demonstrates:
- A) A poor level of qualified investments, particularly those that are not routinely provided by private investors;
  - B) Rare use of innovative or complex qualified investments; and
  - C) Poor responsiveness to credit and community development needs.
- 5) Substantial noncompliance. The Secretary rates a credit union's investment performance as being in "substantial noncompliance" if, in general, it demonstrates:
- A) Few, if any, qualified investments, particularly those that are not routinely provided by private investors;
  - B) No use of innovative or complex qualified investments; and
  - C) Very poor responsiveness to credit and community development needs.

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- d) Wholesale or limited purpose credit unions. The Secretary assigns each wholesale or limited purpose credit union's community development performance one of the four following ratings.
    - 1) Outstanding. The Secretary rates a wholesale or limited purpose credit union's community development performance "outstanding" if, in general, it demonstrates:
      - A) A high level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;
      - B) Extensive use of innovative or complex qualified investments, community development loans, or community development services; and
      - C) Excellent responsiveness to credit and community development needs in its assessment field.
    - 2) Satisfactory. The Secretary rates a wholesale or limited purpose credit union's community development performance "satisfactory" if, in general, it demonstrates:
      - A) An adequate level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;
      - B) Occasional use of innovative or complex qualified investments, community development loans, or community development services; and
      - C) Adequate responsiveness to credit and community development needs in its assessment field.
    - 3) Needs to improve. The Secretary rates a wholesale or limited purpose credit union's community development performance as "needs to improve" if, in general, it demonstrates:
      - A) A poor level of community development loans, community development services, or qualified investments, particularly investments that are not routinely provided by private investors;

- 831 B) Rare use of innovative or complex qualified investments,  
832 community development loans, or community development  
833 services; and  
834
- 835 C) Poor responsiveness to credit and community development needs  
836 in its assessment field.  
837
- 838 4) Substantial noncompliance. The Secretary rates a wholesale or limited  
839 purpose credit union's community development performance in  
840 "substantial noncompliance" if, in general, it demonstrates:  
841
  - 842 A) Few, if any, community development loans, community  
843 development services, or qualified investments, particularly  
844 investments that are not routinely provided by private investors;  
845
  - 846 B) No use of innovative or complex qualified investments,  
847 community development loans, or community development  
848 services; and  
849
  - 850 C) Very poor responsiveness to credit and community development  
851 needs in its assessment field.  
852
- 853 e) Credit Unions evaluated under the small credit union and intermediate small  
854 credit union performance standards.  
855
  - 856 1) Lending test ratings for small credit unions and intermediate small credit  
857 unions.  
858
    - 859 A) Eligibility for a satisfactory rating. The Secretary rates a small  
860 credit union or intermediate small credit union's performance  
861 "satisfactory" if, in general, the credit union demonstrates:  
862
      - 863 i) A reasonable loan-to-share ratio (considering seasonal  
864 variations) given the credit union's size, financial condition,  
865 the credit needs of its assessment field, and taking into  
866 account, as appropriate, lending-related activities such as  
867 loan originations for sale to the secondary markets and  
868 community development loans and qualified investments;  
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      - 870 ii) A majority of its loans and, as appropriate, other lending-  
871 related activities are in its assessment field;  
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- iii) A distribution of loans to and, as appropriate, other lending related-activities for individuals of different income levels (including low- and moderate-income individuals) and businesses and farms of different sizes that is reasonable given the demographics of the credit union's assessment field;
  - iv) A record of taking appropriate action, as warranted, in response to written complaints, if any, about the credit union's performance in helping to meet the credit needs of its assessment field and reasonable performance with regard to fair lending policies and practices; and
  - v) A reasonable geographic distribution of loans given the credit union's assessment field.
- B) Eligibility for an outstanding rating. A small credit union or intermediate small credit union that meets each of the standards for a "satisfactory" rating under this paragraph and exceeds some or all of those standards may warrant consideration for an overall rating of "outstanding."
- C) Needs to improve or substantial noncompliance ratings. A small credit union or intermediate small credit union also may receive a rating of "needs to improve" or "substantial noncompliance" depending on the degree to which its performance has failed to meet the standards for a "satisfactory" rating.
- 2) Community Development Test Ratings for Intermediate Small Credit Unions
- A) Eligibility for a Satisfactory Community Development Test Rating. The Secretary rates an intermediate small credit union's community development performance "satisfactory" if the credit union demonstrates adequate responsiveness to the community development needs of its assessment field through community development loans, qualified investments, and community development services. The adequacy of the credit union's response will depend on its capacity for such community development activities, its assessment field's need for such community development activities, and the availability of such opportunities for community development in the credit union's assessment field.

- 916 B) Eligibility for an Outstanding Community Development Test  
917 Rating. The Secretary rates an intermediate small credit union's  
918 community development performance "outstanding" if the credit  
919 union demonstrates excellent responsiveness to community  
920 development needs in its assessment field through community  
921 development loans, qualified investments, and community  
922 development services, as appropriate, considering the credit  
923 union's capacity and the need and availability of such opportunities  
924 for community development in the credit union's assessment field.  
925
- 926 C) Needs to Improve or Substantial Noncompliance Ratings. An  
927 intermediate small credit union may also receive a community  
928 development test rating of "needs to improve" or "substantial  
929 noncompliance" depending on the degree to which its performance  
930 has failed to meet the standards for a "satisfactory" rating  
931
- 932 3) Optional Elections. A small or~~Service test rating for credit unions that are~~  
933 ~~intermediate small credit unions: A credit union that is an~~ intermediate  
934 ~~small~~ credit union may elect to~~will~~ be assessed as provided for in  
935 subsections (a)(1), (a)(2), or (a)(4) of Section 185.210 and, if such election  
936 is made, shall be evaluated pursuant to those performance standards~~rated~~  
937 ~~under the service test in accordance with subsection (b)(2) of~~  
938 ~~185.APPENDIX A (Ratings).~~  
939
- 940 f) Overall rating  
941
- 942 1) Eligibility for a satisfactory overall rating. No intermediate small credit  
943 union may receive an assigned overall rating of "satisfactory" unless it  
944 receives a rating of at least "satisfactory" on both the lending test and  
945 community development test.  
946
- 947 2) Eligibility for an outstanding overall rating.  
948
- 949 A) An intermediate small credit union that receives an "outstanding"  
950 rating on one test and at least "satisfactory" on the other test may  
951 receive an assigned overall rating of "outstanding".  
952
- 953 B) A small credit union that meets each of the standards for a  
954 "satisfactory" rating under the lending test and exceeds some or all  
955 of those standards may warrant consideration for an overall rating  
956 of "outstanding". In assessing whether a credit union's performance  
957 is "outstanding", the Secretary considers the extent to which the  
958 credit union exceeds each of the performance standards for a

959 "satisfactory" rating and its performance in making qualified  
960 investments and its performance in providing branches and other  
961 services and delivery systems that enhance credit availability in its  
962 assessment field.

- 963
- 964 3) Needs to improve or substantial noncompliance overall rating. A small  
965 credit union may also receive a rating of "needs to improve" or  
966 "substantial noncompliance" depending on the degree to which its  
967 performance has failed to meet the standards for a "satisfactory" rating.  
968

969 g) Strategic plan assessment and rating

- 970
- 971 1) Satisfactory goals. The Secretary approves as "satisfactory" measurable  
972 goals that adequately help to meet the credit needs of the credit union's  
973 assessment field.

- 974
- 975 2) Outstanding goals. If the plan identifies a separate group of measurable  
976 goals that substantially exceed the levels approved as "satisfactory", the  
977 Secretary will approve those goals as "outstanding".  
978

- 979 3) Rating. The Secretary assesses the performance of a credit union  
980 operating under an approved plan to determine if the credit union has met  
981 its plan goals:  
982

983 A) If the credit union substantially achieves its plan goals for a  
984 satisfactory rating, the Secretary will rate the credit union's  
985 performance under the plan as "satisfactory".  
986

987 B) If the credit union exceeds its plan goals for a satisfactory rating  
988 and substantially achieves its plan goals for an outstanding rating,  
989 the Secretary will rate the credit union's performance under the  
990 plan as "outstanding".  
991

992 C) If the credit union fails to meet substantially its plan goals for a  
993 satisfactory rating, the Secretary will rate the credit union as either  
994 "needs to improve" or "substantial noncompliance", depending on  
995 the extent to which it falls short of its plan goals, unless the credit  
996 union elected in its plan to be rated otherwise, as provided in  
997 Section 185.270(f)(4).  
998

- 999 h) Other eligible criteria for an outstanding rating. A credit union that achieves at  
1000 least a "satisfactory" rating under the lending and service tests may warrant  
1001 consideration for an overall rating of "outstanding". In assessing whether a credit

1002 union 's performance is "outstanding", the Secretary will also consider the credit  
1003 union's performance in making qualified investments and community  
1004 development loans to the extent authorized under law.  
1005

1006 i) Component test ratings. The Secretary may develop, by written policy or  
1007 directive, a matrix system which sets forth the methodology for aggregating a  
1008 credit union's scores on the lending, service, and investment tests to arrive at an  
1009 assigned rating.  
1010

1011 (Source: Amended at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
1012

1013 **Section 185.APPENDIX E ILCRA Illustrative List of Qualifying Activities for Credit**  
 1014 **Unions**  
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1016 This list is a non-exhaustive, illustrative list of examples of activities that would meet the criteria  
 1017 for a community development qualifying activity under 38 Ill. Adm. Code 185 provided the  
 1018 appropriate documentation supports the activity and meets all requirements set forth in the  
 1019 ILCRA and its implementing rules. The Department is not endorsing any financial institution,  
 1020 fund, organization, program, non-profit, or any other entity. By listing activities that may qualify  
 1021 under 38 Ill. Adm. Code 185, the Department is not making any determination as to whether the  
 1022 activities listed are safe and sound activities, in general, or for any particular financial institution.  
 1023 Moreover, the Department is not making any determination as to whether the activities listed  
 1024 are/are not legally permissible, in general, or for any particular financial institution. Please read  
 1025 38 Ill. Adm. Code 185 in its entirety for defined terms used in this list and for additional  
 1026 information.  
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<b><u>Illustrative List Topic Category</u></b>	<b><u>Description</u></b>
<u>Topic A</u>	<u>Loans to low- or moderate-income individual or family.</u>
<u>A-1</u>	<u>A family residential construction loan, made to a low- or moderate-income (LMI) individual.</u>
<u>A-2</u>	<u>Closed-end loan or open-end line of credit for a 1-4 family residential property to an LMI individual.</u>
<u>A-3</u>	<u>Loan secured by a multifamily residential property to an LMI individual.</u>
<u>A-4</u>	<u>Home mortgage loan guaranteed by the Federal Housing Administration to an LMI individual.</u>
<u>A-5</u>	<u>Home mortgage loan guaranteed under the U.S. Department of Housing and Urban Development's (HUD) Indian Home Loan Guarantee Program (Section 184) to an LMI individual.</u>
<u>A-6</u>	<u>Home mortgage loan guaranteed by the U.S. Department of Agriculture's (USDA) Rural Housing Service to an LMI individual.</u>
<u>A-7</u>	<u>Home mortgage guaranteed by the U.S. Department of Veterans Affairs (VA) to an LMI individual.</u>
<u>A-8</u>	<u>Low-cost education loan to an LMI individual, such as to fund school tuition and/or expenses.</u>
<u>A-9</u>	<u>Home equity line of credit to an LMI individual, such as for home improvement.</u>

<u>A-10</u>	<u>Non-credit card revolving credit line, such as for purchase of home appliances, to an LMI individual.</u>
<u>A-11</u>	<u>Consumer loan to an LMI individual for purposes other than purchasing an automobile, such as to fund unexpected medical expenses.</u>
<u>A-12</u>	<u>Automobile loan to an LMI individual to purchase a car.</u>
<u>A-13</u>	<u>Installment loan to an LMI individual to purchase home appliances.</u>
<u>A-14</u>	<u>Unsecured consumer loan to a moderate-income individual for household assistive technology products and vehicle modifications to improve accessibility.</u>
<u>A-15</u>	<u>Small dollar consumer loan to a low-income individual as part of a credit union program serving LMI populations.</u>

1028

<u>Topic B</u>	<u>Small business loans to businesses.</u>
<u>B-1</u>	<u>Small business loan (including a line of credit) for a commercial and industrial purpose.</u>
<u>B-2</u>	<u>Small business loan (including a line of credit) secured by nonfarm nonresidential properties.</u>
<u>B-3</u>	<u>Small business loan under the U.S. Small Business Administration (SBA) 504 Certified Development Company program.</u>
<u>B-4</u>	<u>Small business loan to make improvements to its manufacturing facility under the SBA 7(a) loan program.</u>
<u>B-5</u>	<u>Small business loan to finance the purchase of machinery under the USDA's Rural Development Business and Industry Guarantee Loan Program.</u>
<u>B-6</u>	<u>Small business loan to improve accessibility of its facilities for disabled customers.</u>

1029

<u>Topic C</u>	<u>Small business loans to farms.</u>
<u>C-1</u>	<u>Small business loan (including a line of credit) to finance agricultural production and other loans to farmers.</u>
<u>C-2</u>	<u>Small business loan to finance the purchase of farm equipment.</u>

1030

<u>Topic D</u>	<u>Loans located in Indian country or other tribal and native lands.</u>
<u>D-1</u>	<u>A 1-4 family residential construction loan in Indian country or other tribal and native lands.</u>

<u>D-2</u>	<u>A loan secured by a 1-4 family residential property made in Indian country or other tribal and native lands.</u>
<u>D-3</u>	<u>A loan secured by a multifamily residential property made in Indian country or other tribal and native lands.</u>
<u>D-4</u>	<u>Home mortgage loan made in Indian country or other tribal and native lands and guaranteed by the Federal Housing Administration.</u>
<u>D-5</u>	<u>Home mortgage loan made in Indian country or other tribal and native lands and guaranteed under HUD's Indian Home Loan Guarantee Program (Section 184).</u>
<u>D-6</u>	<u>Home mortgage loan made in Indian country or other tribal and native lands and guaranteed by the USDA's Rural Housing Service.</u>
<u>D-7</u>	<u>Home mortgage loan made in Indian country or other tribal and native lands and guaranteed by the Veterans Administration.</u>
<u>D-8</u>	<u>Home equity line of credit extended in Indian country or other tribal and native lands, such as for home improvement.</u>
<u>D-9</u>	<u>Non-credit card revolving credit line, such as for purchase of home appliances, to an individual located in Indian country or other tribal and native lands.</u>
<u>D-10</u>	<u>Consumer loan made to an individual located in Indian country or other tribal and native lands for purposes other than purchasing an automobile, such as to fund unexpected medical expenses.</u>
<u>D-11</u>	<u>Automobile loan to an individual located in Indian country or other tribal and native lands to purchase a car.</u>
<u>D-12</u>	<u>Small business loan (including a line of credit) in Indian country or other tribal and native lands.</u>
<u>D-13</u>	<u>Small business loan (including a line of credit) located in Indian country or other tribal and native lands secured by nonfarm nonresidential properties.</u>
<u>D-14</u>	<u>Small business loan (including a line of credit) located in Indian country or other tribal and native lands made under the SBA Certified Development Company/504 Loan Program.</u>
<u>D-15</u>	<u>Small business loan (including a line of credit) located in Indian country or other tribal and native lands to make improvements to its manufacturing facility under the SBA 7(a) loan program.</u>
<u>D-16</u>	<u>Small business loan (including a line of credit) located in Indian country or other tribal and native lands to finance the purchase of machinery under the USDA's Rural Development Business and Industry Guarantee Loan Program.</u>
<u>D-17</u>	<u>Small business loan (including a line of credit) located in Indian country or other tribal and native lands to finance agricultural production and other loans to farmers.</u>

<u>Topic E</u>	<u>A small business loan to a business located in a low- or moderate-income census tract.</u>
<u>E-1</u>	<u>Small business loan to purchase inventory for its business located in a moderate-income census tract.</u>
<u>E-2</u>	<u>Small business loan to expand its manufacturing facility located in a low-income census tract.</u>

1032

<u>Topic F</u>	<u>A small business loan to a farm located in a low- or moderate-income census tract.</u>
<u>F-1</u>	<u>Small business loan located in a low-income census tract to purchase farm equipment.</u>
<u>F-2</u>	<u>Small business located in a moderate-income census tract to refinance a construction loan used to expand dairy production facilities.</u>

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<u>Topic G</u>	<u>Loans, investments, and services to facilitate affordable housing that is likely to be partially or primarily inhabited by low- or moderate-income individuals or families.</u>
<u>G-1</u>	<u>Loan to a non-profit organization for the purpose of providing affordable housing to LMI individuals.</u>
<u>G-2</u>	<u>Loan to a for-profit business for the purpose of providing affordable housing to LMI individuals.</u>
<u>G-3</u>	<u>Loan to a for-profit developer for construction of multi-family mixed-income rental housing that partially benefits LMI individuals.</u>
<u>G-4</u>	<u>Loan to a non-profit developer to build multi-family rental housing guaranteed under the USDA's Section 538 Guaranteed Loan Program.</u>
<u>G-5</u>	<u>Loan to a for-profit developer to build multi-family rental housing guaranteed under the USDA's Section 538 Guaranteed Loan Program.</u>
<u>G-6</u>	<u>Investment that will use tax credits from the Federal Historic Tax Credit Program to finance the adaptive reuse and renovation of a hotel into rental units in a moderate- income area.</u>
<u>G-7</u>	<u>Loan for a mixed-use property in an underserved area that will be used to help seasonal businesses provide affordable housing to seasonal LMI workers.</u>
<u>G-8</u>	<u>Loan to a for-profit developer for construction of multi-family mixed-income rental housing.</u>
<u>G-9</u>	<u>Investment that will finance the company's production of cost-effective modular housing, which will be used to supply affordable housing units.</u>

1034

<u>G-10</u>	<u>Investment that supports the abatement of, or remediation to correct, lead-based paint, asbestos, mold, or radon that are present in a multi-family rental housing project.</u>
<u>Topic H</u>	<u>Loans, investments, and services that facilitate affordable housing that is partially or primarily inhabited by low- or moderate-income individuals or families as demonstrated by an affordable housing set-aside required by a federal, state, local, or tribal government.</u>
<u>H-1</u>	<u>Investment in a project with housing units made affordable to LMI individuals through local inclusionary zoning.</u>
<u>H-2</u>	<u>Loan to purchase a multifamily dwelling that will partially benefit LMI individuals, including renters who receive assistance under HUD's section 8 rental subsidy program.</u>
<u>H-3</u>	<u>An investment that provides financing for the construction of a rent-to-own affordable housing complex targeted to LMI individuals and families.</u>

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<u>Topic I</u>	<u>Loans, investments, and services that facilitate affordable housing, in conjunction with an explicit federal, state, local, or tribal government affordable housing program for low- or moderate income individuals or families.</u>
<u>I-1</u>	<u>Investment in a limited partnership to develop and operate a Federal Low-Income Housing Tax Credit (LIHTC) multi-family housing project.</u>
<u>I-2</u>	<u>Investment to finance the conversion and rehabilitation of public housing using HUD's Rental Assistance Demonstration Program that uses a section 8 project-based contract to make the units affordable to LMI individuals and families.</u>
<u>I-3</u>	<u>Loan to a nursing home and assisted living facility that uses HUD's Section 232 loan guarantee and is defined by HUD as multifamily housing that primarily serves or assists LMI individuals or families.</u>
<u>I-4</u>	<u>Investment in a "green" retrofit initiative as part of an explicit local government program used to maintain the affordability of rental housing for LMI individuals through energy efficient measures.</u>
<u>I-5</u>	<u>Loan to facilitate the purchase of existing multifamily housing using a guarantee provided under the HUD Section 207/223(f) program to make the units affordable to LMI individuals and families.</u>

<u>I-6</u>	<u>Loan to facilitate the substantial rehabilitation of multifamily rental housing for moderate-income families, elderly and the handicapped using a guarantee provided under the HUD Section 221(d)(4) mortgage insurance program to make the units affordable to LMI individuals and families.</u>
<u>I-7</u>	<u>Loan to a Native American tribe to purchase land and construct infrastructure and affordable rental housing, as identified in the tribe's Indian Housing Plan, using a guarantee provided under the HUD Title VI Tribal Housing Activities Loan Guarantee Program to make the units affordable to LMI individuals and families.</u>
<u>I-8</u>	<u>Loan to a non-profit sponsor to rehabilitate multifamily rental housing for elderly persons (62 or older) and/or persons with disabilities using a guarantee provided under the HUD Program Section 231 to make the units affordable to LMI individuals.</u>
<u>I-9</u>	<u>Investment for Federal Historic Tax Credits to finance the adaptive reuse and renovation of a historic property that also receives financing using Federal Low-Income Housing Tax Credits.</u>
<u>I-10</u>	<u>Loan for the construction of a government-supported accessible rental housing facility for LMI disabled persons.</u>

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<u>Topic J</u>	<u>Loans, investments, and services that facilitate affordable housing, such as 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.</u>
<u>J-1</u>	<u>Investment in a mortgage-backed security that is primarily secured by loans to LMI borrowers.</u>
<u>J-2</u>	<u>Down payment and closing cost assistance grants on home purchase loans for LMI borrowers, including but not limited to, assisting borrowers in obtaining grants from the FHLBanks' regulatory Homeownership Set-Aside Programs.</u>

1037

<u>Topic K</u>	<u>Intentionally blank.</u>
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1038

<u>Topic L</u>	<u>Loans, investments, and services that facilitate 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.</u>
<u>L-1</u>	<u>Investment in a fund that provides financing for a charter school that primarily serve LMI children.</u>
<u>L-2</u>	<u>Donation to a non-profit organization that provides transportation to medical treatments for LMI individuals.</u>
<u>L-3</u>	<u>Grant to a non-profit organization that provides housing assistance and counseling to LMI immigrants residing in the United States.</u>
<u>L-4</u>	<u>Providing mentoring/tutoring services to clients of a non-profit organization that serves LMI youth.</u>
<u>L-5</u>	<u>Investment that supports a non- profit that provides general education degrees that primarily serves to LMI individuals without a high school diploma.</u>
<u>L-6</u>	<u>Loan to a non-profit training center that provides workforce development and job training programs, which primarily serve unemployed, LMI individuals.</u>
<u>L-7</u>	<u>In-kind donation to a food pantry that provides services to unemployed, LMI families.</u>
<u>L-8</u>	<u>Loan to acquire a child care facility that serves LMI residents of a low-income neighborhood.</u>
<u>L-9</u>	<u>Credit union employees volunteer service with a non-profit that provides income tax assistance programs for LMI individuals.</u>
<u>L-10</u>	<u>Grant to a non-profit organization that runs a state-funded battered women's shelter for LMI individuals in an underserved area and as part of a statewide program.</u>
<u>L-11</u>	<u>Loan, investment, or service that supports an LMI-focused alcohol and drug recovery center.</u>
<u>L-12</u>	<u>Grant to a drug rehabilitation center that primarily serves low-income individuals.</u>
<u>L-13</u>	<u>Loan to a legal assistance program for LMI individuals.</u>
<u>L-14</u>	<u>Grant to an organization that provides resume writing services to LMI formerly incarcerated individuals.</u>
<u>L-15</u>	<u>Loan to a non-profit organization providing affordable child care services that primarily serve LMI individuals or families.</u>
<u>L-16</u>	<u>Grant to support a program that provides eyeglasses to low-income individuals.</u>
<u>L-17</u>	<u>In-kind contribution of rent-free office space to a local food bank.</u>

<u>L-18</u>	<u>Provision of technical assistance on financial matters to a non-profit organization that will apply for loans or grants under the Federal Home Loan Banks' (FHLBanks) Affordable Housing Program, specifically, including but not limited to, by serving on a loan review committee, assisting in marketing financial services, and furnishing financial services training for staff and management.</u>
<u>L-19</u>	<u>Grant to a nonprofit community program which assists LMI individuals to find and enroll in free or low-cost home broadband internet services for which they are eligible.</u>
<u>L-20</u>	<u>Grant in support of a nonprofit program which refurbishes used computers in order to provide them to LMI individuals at no cost or at a very low cost.</u>
<u>L-21</u>	<u>Donations to a workforce development program designed to improve employment opportunities for LMI individuals with disabilities.</u>
<u>L-22</u>	<u>Loan to a skilled nursing facility that primarily serves low-income persons receiving Medicaid.</u>
<u>L-23</u>	<u>Donation to a school that primarily serves LMI students to purchase technology that enables it to conduct on-line classes for students affected by government mandated stay-at-home orders during a national health emergency.</u>

1039

<u>Topic M</u>	<u>Loans, investments, and services that facilitate economic development such as activities that provide financing for or support businesses or farms including activities that promote job creation or job retention partially or primarily for low- or moderate-income individuals.</u>
<u>M-1</u>	<u>Loan to a business to expand its facility and add jobs held by LMI individuals.</u>
<u>M-2</u>	<u>Investment using New Markets Tax Credits that will allow the facility to expand and jobs that are held by LMI individuals.</u>

1040

<u>Topic N</u>	<u>Loans, investments, and services that facilitate economic development, such as activities that provide financing for or support businesses or farms including federal, state, local, or tribal government programs, projects, or initiatives that partially or primarily serve small businesses or small farms as those terms are defined in the programs, projects, or initiatives.</u>
<u>N-1</u>	<u>Credit union employees volunteer service providing technical assistance to small businesses on how to create business plans under a state program to support statewide business development.</u>

<u>N-2</u>	<u>Micro-loan for working capital to a small business that is a state-certified Historically Underutilized Business.</u>
<u>N-3</u>	<u>Grant to a non-profit that provides financing for small farms under a federal program to encourage new farm development.</u>
<u>N-4</u>	<u>Loan to a small business incubator that primarily benefits small businesses by providing supportive services to business start-ups and that is funded in part under a statewide community development initiative.</u>
<u>N-5</u>	<u>Loan to a small business under a tribal government loan guarantee program.</u>

1041

<u>Topic O</u>	<u>Loans, investments, and services that facilitate economic development, such as activities that provide financing for or support businesses or farms including retaining 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.</u>
<u>O-1</u>	<u>Loan to a business to replace equipment and restore its facilities, thereby retaining employees in a designated disaster area consistent with a disaster recovery plan.</u>
<u>O-2</u>	<u>Donation to an emergency/drought relief fund formed by a community foundation that provides grants to farms that are located in a distressed area to help sustain the farms.</u>
<u>O-3</u>	<u>A loan to finance the development of workforce housing located in an underserved area that is within close proximity to a warehouse owned by a multinational conglomerate.</u>

1042

<u>Topic P</u>	<u>Loans, investments, and services that facilitate economic development, such as activities that provide financing for or support businesses or farms including a Small Business Administration Certified Development Company, as that term is defined in 13 CFR 120.10, a Small Business Investment Company, as described 13 CFR part 107, a New Markets Venture Capital company, as described in 13 CFR part 108, a qualified Community Development Entity, as defined in 26 CFR 45D(c), or a U.S. Department of Agriculture Rural Business Investment Company, as defined in 7 CFR 4290.50</u>
<u>P-1</u>	<u>Investment in a New Markets Venture Capital company that finances businesses that meet the SBA's size standards used to define small business concerns.</u>

<a href="#">P-2</a>	<a href="#">Investment to provide financing for a food market to build a refrigerated warehouse and food distribution facility.</a>
<a href="#">P-3</a>	<a href="#">Investment in an SBA-certified Small Business Investment Company (SBIC) to finance businesses that meet the SBIC size standards.</a>
<a href="#">P-4</a>	<a href="#">Investment in a USDA Rural Business Investment Company (RBIC) to fund businesses and farms that meet the RBIC size standards.</a>
<a href="#">P-5</a>	<a href="#">Investment in a New Markets Tax Credit-eligible Community Development Entity to fund a mixed-use project that will include affordable housing for LMI individuals and families and retail space for a small business.</a>
<a href="#">P-6</a>	<a href="#">Investment eligible for Federal Historic Tax Credits to finance the adaptive reuse and renovation of a historic property that also receives New Markets Tax Credits.</a>
<a href="#">P-7</a>	<a href="#">Investment in a fund that purchases the debentures, guaranteed by the SBA, that are offered by the SBA-certified development companies.</a>
<a href="#">P-8</a>	<a href="#">Loan to a Community Development Financial Institution (CDFI) Fund-certified Community Development Entity that finances a small business' purchase of real estate related to a New Markets Tax Credit project, as provided for in 26 U.S.C. 45D.</a>

1043

<a href="#">Topic Q</a>	<a href="#">Loans, investments, and services that facilitate economic development such as activities that provide financing for or support businesses or farms including 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, as described in 13 CFR part 107.</a>
<a href="#">Q-1</a>	<a href="#">Grant to a non-profit that provides technical assistance to businesses that meet the stated size-eligibility standards.</a>
<a href="#">Q-2</a>	<a href="#">Loan to a non-profit entity that provides technical assistance to businesses that meet the size-eligibility standards for an SBA SBIC.</a>
<a href="#">Q-3</a>	<a href="#">Credit union employees volunteer through a local Chamber of Commerce to lead a workshop that provides technical assistance to the chamber's business members that meet the stated size-eligibility standards.</a>
<a href="#">Q-4</a>	<a href="#">Providing permanent office space rent-free at a branch for use by the local economic development organization that targets business development, predominantly among start-up and micro-businesses that meet the stated size-eligibility standards.</a>
<a href="#">Q-5</a>	<a href="#">Donation to a CDFI that is providing technical assistance and loans to small businesses adversely impacted by state-mandated business closures during a health emergency.</a>

1044

<u>Topic R</u>	<u>Loans, investments and services that facilitate essential community facilities that partially or primarily serve low- or moderate-income individuals or families.</u>
<u>R-1</u>	<u>Construction loan to improve a hospital that is located in a middle-income census tract adjacent to a low-income census tract that partially benefits LMI individuals who will utilize hospital services.</u>
<u>R-2</u>	<u>Investment in a municipal bond to fund construction of a health center that will primarily serve residents of a moderate-income neighborhood.</u>
<u>R-3</u>	<u>Purchase of a local municipal bond, the proceeds of which will be used to construct a new high school that will partially serve students from LMI families.</u>
<u>R-4</u>	<u>Direct financing or investment in supportive housing for the chronically homeless incorporating eligible public funding programs, such as state-issued tax-exempt bonds, HUD's Supportive Housing Program, Section 8 Project-Based Rental Assistance, the LIHTC program, or the FHLBanks' Affordable Housing Program.</u>
<u>R-5</u>	<u>Loan to upgrade equipment at a public library to accommodate LMI disabled patrons.</u>
<u>R-6</u>	<u>Grant to an organization to purchase personal or other protective equipment for doctors and nurses treating in a Federally Qualified Health Care Center during a local health emergency.</u>

1045

<u>Topic S</u>	<u>Loans, investments, and services that facilitate essential community facilities that partially or primarily serve 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</u>
<u>S-1</u>	<u>Loan to construct a new fire station located in Indian country or other tribal and native lands.</u>
<u>S-2</u>	<u>Loan to a company to build a health clinic in an underserved area, using the USDA's Community Facilities Guaranteed Loan Program.</u>
<u>S-3</u>	<u>Loan to build a police station in a distressed area.</u>
<u>S-4</u>	<u>Purchase of a local municipal bond with a purpose consistent with a local disaster recovery plan, the proceeds of which will be used to construct a new high school in a disaster area.</u>
<u>S-5</u>	<u>Loan to improve a hospital in a distressed area that serves the entire community, including LMI individuals.</u>

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<u>S-6</u>	<u>Investment in a fund that finances community facilities in Indian country or other tribal and native lands, such as a community recreational facility.</u>
<u>Topic T</u>	<u>Loans, investments, and services that facilitate essential infrastructure that partially or primarily serves low- or moderate-income individuals or families.</u>
<u>T-1</u>	<u>Loan to finance construction of a road in a rural community that provides LMI residents of the area access to employment centers outside of the area.</u>
<u>T-2</u>	<u>Investment in a local cooperative to develop broadband infrastructure and expand access to LMI residents in the area.</u>
<u>T-3</u>	<u>Investment in a local municipal bond to improve city-wide water and wastewater systems with benefit to all residents, including LMI residents.</u>
<u>T-4</u>	<u>Loan for infrastructure improvements, including upgrading roads, water supply and sewer services, to a mobile home park that primarily rents space to LMI residents.</u>
<u>T-5</u>	<u>Financing of a community-wide solar plus energy storage system to reduce utility costs and help maintain affordability for a multifamily housing complex in an LMI community.</u>

1047

<u>Topic U</u>	<u>Loans, investments, and services that facilitate essential infrastructure that partially or primarily serves 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.</u>
<u>U-1</u>	<u>Investment that will finance construction of a solar energy facility that uses federal renewable energy tax credits and will provide access to reduced cost electrical utilities to LMI census tracts.</u>
<u>U-2</u>	<u>Investment in a local municipal bond to refurbish a bridge that connects a low-income neighborhood with essential services without which residents would otherwise not have access to those services.</u>
<u>U-3</u>	<u>Investment in a state issued bond to reconstruct a tunnel in a disaster area, consistent with the area's disaster recovery plan.</u>
<u>U-4</u>	<u>Purchase of a local municipal bond, the proceeds of which will be used to upgrade a water pipeline that serves an underserved area.</u>

<u>U-5</u>	<u>Loan to a company to build a new flood control system as identified in the community's disaster recovery plan, such as a levee or storm drain that serves the disaster area.</u>
<u>U-6</u>	<u>Investment to finance the construction of a broadband network to develop reliable internet access in an LMI census tract.</u>
<u>U-7</u>	<u>Investment in a Special City Taxing District Bond with the purpose of renovating city sidewalks in a distressed area to comply with the Americans with Disabilities Act.</u>
<u>U-8</u>	<u>Purchase of a municipal bond issued to finance infrastructure improvements to enable a community to prevent flooding in LMI neighborhoods negatively impacted by rising water levels.</u>

1048

<u>Topic V</u>	<u>Loans, investments, and services that facilitate a family farm's purchase or lease of farm land, equipment, and other farm- related inputs for the family farm's use in operating the farm.</u>
<u>V-1</u>	<u>Loan to a family farm to purchase a tractor.</u>
<u>V-2</u>	<u>Loan to a family farm to purchase additional land to increase production.</u>
<u>V-3</u>	<u>Loan to a vineyard that is a family farm to purchase additional acreage.</u>

1049

<u>Topic W</u>	<u>Loans, investments, and services that facilitate a family farm's receipt of technical assistance and supportive services for the family farm's own production, such as shared space, technology, or administrative assistance through an intermediary.</u>
<u>W-1</u>	<u>Grant to a non-profit organization that provides technical assistance to family farms.</u>

1050

<u>Topic X</u>	<u>Loans, investments, and services that facilitate a family farm's sale and trade of family farm products grown or produced by the family farm.</u>
<u>X-1</u>	<u>Loan to a family farm to construct a building from which to sell produce.</u>
<u>X-2</u>	<u>Loan to a family farm to market and sell its products statewide.</u>

1051

<u>Topic Y</u>	<u>Loans, investments, and services that facilitate federal, state, local, or tribal government programs, projects, or initiatives that partially or primarily serve low- or moderate-income individuals or families</u>
<u>Y-1</u>	<u>Grant to a non-profit organization to provide a local government sponsored dress for success program for homeless women.</u>
<u>Y-2</u>	<u>Loan to a non-profit organization to provide a state government sponsored after-school program for students from LMI families.</u>

1052

<u>Topic Z</u>	<u>Loans, investments, and services that facilitate federal, state, local, or tribal government programs, projects, or initiatives that 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.</u>
<u>Z-1</u>	<u>Grant to a non-profit organization that receives funds from a statewide program to revitalize communities in Indian country or other tribal and native lands.</u>
<u>Z-2</u>	<u>Contribution of other real estate owned property to a local government-owned land bank whose primary purpose is consistent with a government revitalization plan that benefits LMI census tracts.</u>
<u>Z-3</u>	<u>Financing to support cleanup of industrial brownfields in a distressed area as part of a city-sponsored revitalization program.</u>
<u>Z-4</u>	<u>Investment in a Tax Increment Financing bond to finance infrastructure improvements consistent with a government revitalization plan in a distressed area.</u>
<u>Z-5</u>	<u>Loan through a state program to a company to purchase and replace equipment as well as rebuild the manufacturing facility that was damaged by flooding in a federally designated disaster area and supported by the community's disaster recovery plan.</u>

1053

<u>Topic AA</u>	<u>Loans, investments, and services that facilitate financial literacy programs or education or homebuyer counseling.</u>
<u>AA-1</u>	<u>Financial counseling by credit union employees to participants in a workforce development program primarily benefiting LMI individuals or families.</u>

<a href="#"><u>AA-2</u></a>	<a href="#"><u>Credit union employees conduct first-time homebuyer counseling program for credit union customers primarily benefiting LMI individuals or families.</u></a>
<a href="#"><u>AA-3</u></a>	<a href="#"><u>Credit union employees teach financial education or literacy curricula at local community centers primarily benefiting LMI individuals or families.</u></a>
<a href="#"><u>AA-4</u></a>	<a href="#"><u>Credit union employees delivering the Federal Deposit Insurance Corporation's Money Smart Program curriculum to residents at a senior living facility primarily benefiting LMI individuals or families.</u></a>
<a href="#"><u>AA-5</u></a>	<a href="#"><u>Grant to a non-profit organization that provides financial literacy courses for a foreclosure prevention program.</u></a>
<a href="#"><u>AA-6</u></a>	<a href="#"><u>Activities supporting "train the trainer" programs that are designed to train teachers to provide financial literacy education to their students primarily benefiting LMI individuals or families.</u></a>
<a href="#"><u>AA-7</u></a>	<a href="#"><u>In-kind donation of computer equipment to a non-profit that conducts personal money management courses for LMI individuals.</u></a>
<a href="#"><u>AA-8</u></a>	<a href="#"><u>Credit union employees provide financial education in connection with a school savings program primarily benefiting LMI individuals or families.</u></a>
<a href="#"><u>AA-9</u></a>	<a href="#"><u>Loan to a non-profit credit counseling organization that conducts personal money management courses.</u></a>
<a href="#"><u>AA-10</u></a>	<a href="#"><u>Donation to an organization that conducts elder financial abuse and identity theft prevention programs.</u></a>
<a href="#"><u>AA-11</u></a>	<a href="#"><u>In-kind donation of computer equipment to a non-profit that provides financial literacy courses.</u></a>
<a href="#"><u>AA-12</u></a>	<a href="#"><u>Credit union employees assist in the preparation of tax filings under the Internal Revenue Service's Volunteer Income Tax Assistance Program.</u></a>
<a href="#"><u>AA-13</u></a>	<a href="#"><u>Credit union employees provide homebuyer education to potential buyers of single-family housing developed under a state program for middle- income individuals and families in high-cost areas.</u></a>
<a href="#"><u>AA-14</u></a>	<a href="#"><u>Credit union employees volunteer service to open savings accounts offered through a school-based banking program, including financial literacy, to students of a K- 12 school that is located in and serves residents of an LMI census tract.</u></a>
<a href="#"><u>AA-15</u></a>	<a href="#"><u>Financial support of a nonprofit community program that provides digital literacy training to residents of an LMI neighborhood, in order to increase their ability to use online banking services.</u></a>
<a href="#"><u>AA-16</u></a>	<a href="#"><u>Credit union employees provide financial capability training to individuals with disabilities.</u></a>

<u>Topic BB</u>	<u>Loans, investments, and services that facilitate owner-occupied and rental housing development, construction, rehabilitation, improvement, or maintenance in Indian country or other tribal and native lands</u>
<u>BB-1</u>	<u>Loan to develop housing in Indian country or other tribal and native lands that is guaranteed under HUD's Title VI Loan Guarantee Program.</u>
<u>BB-2</u>	<u>Loan to construct mixed-income housing under a tribal-government sponsored program in Indian country or other tribal and native lands.</u>
<u>BB-3</u>	<u>Loan to a for-profit developer to construct rental housing in Indian country or other tribal and native lands.</u>

1055

<u>Topic CC</u>	<u>Loans, investments, and services that facilitate qualified opportunity funds, as defined in 26 U.S.C. 1400Z-2(d)(1), that benefit low- or moderate-income qualified opportunity zones, as defined in 26 U.S.C. 1400Z-1(a).</u>
<u>CC-1</u>	<u>Investment in a qualified opportunity fund, established to finance construction of a new manufacturing facility that creates jobs for local residents in an opportunity zone that is also an LMI census tract.</u>
<u>CC-2</u>	<u>Investment in a qualified opportunity fund, established to finance renovation of a vacant building into a cultural arts facility in an opportunity zone that is also an LMI census tract.</u>
<u>CC-3</u>	<u>Investment in a qualified opportunity fund, established to finance the rehabilitation of an acute care hospital facility, including the purchase of new medical equipment, in an opportunity zone that is also an LMI census tract.</u>
<u>CC-4</u>	<u>Investment in a qualified opportunity fund, established to finance improvements to an athletic facility owned and operated for community benefit by a local nonprofit in an opportunity zone that is also an LMI census tract.</u>
<u>CC-5</u>	<u>Investment in a qualified opportunity fund that finances construction of a grocery store in an LMI opportunity zone.</u>
<u>CC-6</u>	<u>Investment in a qualified opportunity fund that finances the construction of a commercial building intended for retail and restaurant use in an LMI opportunity zone.</u>

1056

<u>Topic DD</u>	<u>Loans, investments, and services that facilitate other activities and ventures undertaken, including capital investments and loan participations, by a bank in cooperation with a minority depository institution, women's depository institution, Community Development Financial Institution, or low-income credit union, 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.</u>
<u>DD-1</u>	<u>Credit union employee time spent facilitating a loan participation with a minority depository institution, which will help the minority depository institution to meet the credit needs of its local community.</u>
<u>DD-2</u>	<u>Credit union employees provide training to CDFI staff on underwriting small farm loans to help the CDFI expand its product offerings to its community.</u>
<u>DD-3</u>	<u>Credit union provides in-kind services in the form of free or discounted data processing systems that aids a minority depository credit unions in serving its members.</u>
<u>DD-4</u>	<u>Credit union donates branch space on a rent-free basis to a low-income credit union to better serve the credit union's customers.</u>
<u>DD-5</u>	<u>Share certificate of deposit in a minority depository institution.</u>
<u>DD-6</u>	<u>Loan to enable a minority- or women's depository institution, low-income credit union, or CDFI to partner with schools or universities to offer financial literacy education to members of the local communities in which such institutions are chartered.</u>
<u>DD-7</u>	<u>Credit union purchase or sale of a loan participation from or to a minority depository institution.</u>

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(Source: Added at 50 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)