

Federal Reserve Bank
[REDACTED]

Petition To Downgrade CRA Rating Complaint

July 24, 2023

The [REDACTED] ([REDACTED]'s Claimant) files the Petition To Downgrade Complaint against **Comerica Bank**. The [REDACTED] is the chief Complainant in the banking complaints filed with the **FRB** that outlined where **Comerica Bank** is engaged in practices, actions (and non-actions) and policies that result in the disparate impact and in the disproportionate discriminate effect and in the illegal discrimination and denial of the full enjoyment of Equal rights of access to capital, lending and banking services perpetrated against the protected class of black Americans and in redlining of whole black American Neighborhoods in the specified Zip Codes in Houston and in Dallas.

The [REDACTED] has filed new CRA Protest Complaints with the **FRB** against **Comerica Bank** for the correction, fixing and ending of the continuing injustices suffered by the aggrieved parties – the protected class of black Americans.

This Letter is to petition the **FRB** for the **Downgrade** of the CRA Rating of **Comerica Bank** to “**Needs To Improve**” and to impose Agency enforcement actions for the reclamation of rights denied to the protected class of black Americans by the practices, actions (and non-actions) and policies of **Comerica Bank**.

It is axiomatic that the Bank up for CRA Examination is not entitled for automatic renewal of its CRA Rating – especially where the Agency receives Complaints that outline Illegal Discrimination Claims and violations of the banking laws.

The high standards that the **FRB** has set – and that the Bank was well aware of – must be maintained as this goes to the heart of the integrity of the banking system – the Bank has a continuing duty to be in and remain in full compliance with all of the components of the banking laws in their entirety and in their full and final perfection.

Indeed, it is not in the best interest of society and nor of the communities in which the banks serve for the Bank to do anything less. It is not in the public interest for the **FRB** to do anything less than to aggressively enforce the banking laws to assure that the Banks named in the Complaints are in full compliance with all of the banking laws in their entirety and in their full and final perfection.

The operative phrase in this proceeding is “in full compliance” with the banking laws - and with the other applicable rulings and laws as well. To this end this is the legal standard in which to make the determination of whether the CRA Rating of **Comerica Bank is to be downgraded**

The **FRB** – in the person of General Counsel – has assured US Senator John Cornyn that the “FRB enforces the ECOA and the FHA in their entirety” -pursuant to a Complaint filed by the [REDACTED] with the Senators office against the FRB.

This statement is critical to the investigation into this **Downgrade Complaint** filed by the [REDACTED]

The **FRB** is bound by its duties to faithfully execute its sworn duties of supervision and to faithfully execute its sworn duties of enforcement of the banking laws in their entirety and in the laws’ full and final perfection

Comerica Bank is bound by its sworn duties and responsibilities to fulfill the components of the banking laws in their entirety and in their full and final perfection -and to discharge its responsibilities to be in full compliance with all the components of all the banking laws in their entirety

-the Bank does not get to pick and choose which of the banking laws it is going to abide by and which it is going to ignore – to this end **Comerica Bank**

-does not get to pick and choose which Neighborhoods are to receive the Bank investments for the full enjoyment of rights in banking and which Neighborhoods are to be denied – especially on the prohibited basis of race and Zip Codes

-does not get to pick and choose which Neighborhoods are to receive the favored advantages of bank branches – bricks and mortar free-standing edifices – Bank Financed Developments – stores, restaurants, office towers, office buildings, apartment complexes and luxury Mixed Use Developments and Community Development Loans for the stabilization and revitalization of the Neighborhoods – of the more than 60 Bank branches in Houston MSA **Comerica Bank** has placed only 2 branches inside of the black American Neighborhoods -as the other **Comerica Bank** branches are on the periphery. This is a worse per capita bank branch placement ration than in the landmark case of US V Chevy Chase FSB – and is certainly deserving of Agency enforcement actions

-does not get to pick and choose which Neighborhoods are to be the beneficiary of the full range of the Banks’ lending and credit products and which Neighborhoods are to be denied – to include business lending – especially in Working Capital and Bridge Loans. Mortgages – to include the most favored mortgages and home equity lending – both in geographical distribution and in dollar amounts **Comerica Bank** lending presence is all but invisible in the black American Neighborhoods in Houston. **Comerica Bank** and has engaged in practices of “failing to market residential real estate loan products to African-Americans” – and its “actions resulted in a lack of market penetration in African American communities” and such practices, actions (and non-actions) and policies violate **Section 805 of the Fair Housing Act**. This is the controlling authority in the Court holding in US V Midland States Bancorp.

-does not get to pick and choose which Neighborhoods are to be the beneficiary of the investments in Community Outreach – to include product development, marketing. Sponsorship of Neighborhood Events, capitalized CRA Partnerships, capitalized Neighborhood Group Alliances and College Scholarships - and which Neighborhoods are to be denied these favored services. **Comerica Bank** has failed to make any Community Outreach investments in the black American Neighborhoods that have made any material difference in any of the lives of the protected class of black Americans in the black American Neighborhoods in the specified Zip Codes in Houston – in the same way that the Bank has made the Community Outreach investments in the Anglo Neighborhoods in Houston.

-does not get to pick and choose which Media outlets – newspapers, radio and TV – to make the investments in advertising and marketing – to include annual advertising contracts – and which Media outlets it gets to ignore – **Comerica Bank** has failed to make the Equal per capita investments in advertising to market the full range of all of the Banks' lending and credit products – to include “failing to market residential real estate loan products to African Americans...” US V Midland States Bancorp.

-does not get to pick and choose which Organizations and Non-Profit Corporations are to receive the Charitable Contributions that make a material difference in the lives of the residents – and which Organizations and Non-Profits are to be denied – Prosperity Bank is virtually invisible in the black American Neighborhoods.

AS stated earlier the legal standard in which to make the determinations to Downgrade the CRA Rating of **Comerica Bank** are whether the Bank is in **full compliance** with all the components of the banking laws – in their **entirety** and in their full and final perfection – to include

-Community Reinvestment Act, Equal Credit Opportunity Act, Fair Housing Act – to include the Final Rule, Home Mortgage Disclosure Act, Fair Lending Laws, FTC Act _ Section 5, Regulation B/C

-whether **Comerica Bank** is in **full compliance** with all the components of the controlling authority of the applicable Court cases –in their **entirety** to include

-US V Hudson City Savings Bank (ECOA, FHA) US V Chevy Chase FSB (ECOA FHA), US V Midland States Bancorp (ECOA FHA), US V Hudson City Savings Bank, US V 1st American Bank (CRA, ECOA) TDHCA V ICP, Inc. – US Supreme Court case that codified the FHA Final Rule – Bank liability can be brought for practices that result in the disparate impact on protected classes)

-whether **Comerica Bank** is in **full compliance** with all the components of the Department Rules (HUD) – the Fair Housing Act Final Rule – in its **entirety** and in its full and final perfection – it is this banking law that **Comerica Bank** has consistently ignored and has refused to abide by – the FHA Final Rule shifts the burden of proof and

governs the Banks' answer to the Complaint – and states clearly that pursuant to the challenges in the Complaint the Bank is

-to provide the legally sufficient justification to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks legitimate substantial nondiscriminatory interests

-as the FHA Final Rule allows for no exceptions, waivers or conditions the Bank either meets its duties under the FHA Final Rule or the Bank does not – no “convoluted rationale” will suffice.

EXAMPLE –

The Illegal Discrimination Claim in the Complaint states that **Comerica Bank** is engaged in the practice of placing its Bank branches **outside** of the black American Neighborhoods which denies Equal access to banking services and “locating its branches and services in a manner that did not give equal access based on race and national origin” - US V Midland States Bancorp. This practice is in violation of the ECOA and of the FHA.

Comerica Banks' duties under the FHA Final Rule calls for more than a simple denial of the Claim

Where **Comerica Bank** fails to provide the legally sufficient justification to prove that this practice is necessary to achieve one or more of the Banks legitimate substantial nondiscriminatory interests – the **Illegal Discrimination Claim** stands.

The FHA Final Rule states that the legally sufficient justification must be supported by evidence and cannot be speculative or hypothetical – where **Comerica Bank** fails to provide the supporting evidence the Illegal Discrimination Claim stands.

Pursuant to its duties of faithful execution of sworn duties of supervision and faithful execution of enforcement of the banking laws in their entirety the **FRB** is obliged to certify the finding of liability and to impose the enforcement action to correct this violation of the banking laws and to make the black American Neighborhoods whole.

Since the Complaint is filed under the Fair Housing Act the enforcement actions are to be remedial and robust and to make for the full reclamation of rights – to place the protected class of black Americans in the position they would have been in if not for the illegal discrimination and denial of Equal rights under the Fair Housing Act and Equal Credit Opportunity Act.

Where the **FRB** CRA Examination does not find that **Comerica Bank** is in **full compliance** with all the components of all the banking laws in their entirety and in the laws full and final perfection the CRA Rating of **Comerica Bank** is to be downgraded to Needs to Improve

The [REDACTED] petitions that

-the CRA Rating of **Comerica Bank** be downgraded to “Needs to Improv

-that **Comerica Bank** be barred from submitting any Bank Applications – expansionary or otherwise to the **FRB** until such time the Bank is in full compliance with all the banking laws in their entirety and in their full and final perfection.

-that minimum Fines of \$500 Million Dollars be imposed on **Comerica Bank**

-that Cease-and-Desist Orders be imposed on **Comerica Bank**

-that Removal Orders be imposed on the principals of **Comerica Bank** – as the Bank has flagrantly flouted the banking laws and has no intention of correcting, fixing, and ending the continuing Bank practices that result in the disparate impact, disproportionate discriminate effect, illegal discrimination and redlining perpetrated against the individuals, households, and businesses

-that the above enforcement actions be maintained against **Comerica Bank** until such time that **Comerica Bank** gets in full compliance with all the banking laws in their entirety and in their full and final perfection -and takes concrete actions and makes the capital investments in the following banking categories presently “missing” inside the black American Neighborhoods in the specified Zip Codes in Houston

-the building and placement of Equal Bank branches per capita– brick and mortar free-standing edifices - inside of the black American Neighborhoods, Bank Financed Developments – stores, office towers, apartment complexes, restaurants, Community Development Loans – to stabilize and to revitalize the black American Neighborhoods – as Apprenticeship Facilities, Computer Learning Centers and Neighborhood Centers

-establishes a Capital Fund of a minimum \$500 Million Dollars for business lending, mortgages and home equity lending at subsidized rates, with heavy promotion and marketing and with all **Discretionary Accommodations** for approval – for the individuals, households and businesses inside of the black American Neighborhoods in the specified Zip Codes in Houston MSA

- establishes a Community Outreach fund of a minimum \$100 Million Dollars – to include product development, marketing, Sponsorship of Neighborhood Events, capitalized CRA Partnerships, capitalized Neighborhood Group Alliances, 100 College Scholarships

-establishes a minimum Charitable Contributions Fund of \$10 Million Dollars – to underwrite Capital Charity Galas and initiate Capital Campaigns for the black American Organizations and Non-Profit Corporations and to sponsor Neighborhood Events

AS **Comerica Bank** has been invisible in the black American Neighborhoods, has denied the black American Neighborhoods the rights of Bank branches and banking services has failed to promote, market and to make the Equal lending in the full range of

the Banks' lending and credit products and has engaged in Bank practices that are systemic, pervasive and continuing that are in violation of the banking laws , that are inconsistent with the controlling authority of the Court case holdings , that violate the Civil Rights las – Title VIII -1968 Civil Rights Act ad deny the Constitutional rights Equal Protection pursuant to the 14th Amendment – United States Constitution.

AS the **FRB** has stated to the United States Senate and Congress that the Agency enforces the banking laws – to include the CRA, ECOA, HMDA and FHA – to include the Final Rule the Bank in this proceeding – **Comerica Bank** – is either in full compliance with all the components of all the banking laws in their entirety and in their full and final perfection or the Bank is not.

Pursuant to the law there are no exceptions, caveats or convoluted rationales as escape hatch for the allegations outlined in the Complaint.

Where **Comerica Bank** fails to meet all the requirements that places the Bank in full compliance with all the components of all the banking laws, controlling authority of the Court case rulings, Department Rules, Civil Rights laws and the Equal Protection Clause -14th Amendment – United States Constitution – as outlined – in their entirety and in their full and final perfection -and cannot provide the supporting evidence to uphold the Banks position

-the Illegal Discrimination Claims stands

The **FRB** is then legally bound to certify the Illegal Discrimination Claims, to impose the robust and remedial enforcement actions and to downgrade **Comerica Banks'** CRA Rating to "Needs To Improve".

In The Relentless Pursuit of Justice,

[REDACTED]



BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
WASHINGTON, DC 20551

August 22, 2023

Mr. [REDACTED]
Chairman

[REDACTED]

Dear [REDACTED]

The Board of Governors of the Federal Reserve System (“Board”) has approved the application by Comerica Bank, Dallas, Texas, to establish a branch at 4145 South Cooper Street, Arlington, Texas, pursuant to section 9 of the Federal Reserve Act.

In taking this action, the Board considered your comments on the application. The Board’s reasons for its action are explained in the enclosed order.

Under the Board’s Rules of Procedure (12 CFR part 262), you may request that the Board reconsider its action in this matter in accordance with section 262.3(k) of these rules, a copy of which is attached for your information. Please note that the rules provide that any such request must be made in writing, and I must receive it on or before the fifteenth calendar day after the effective date of the enclosed order.

Sincerely yours,

[REDACTED]
Ann E. Misback
Secretary of the Board

Enclosures: 1. Press Release
2. Order
3. Rules of Procedure

cc: [REDACTED]
Comerica Bank

CFPB

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Enforcement

July 27, 2023

RE: Banking Complaint Illegal Discrimination Claims–Comerica Bank

This letter is part of the continuing communications between the Consumer Financial Protection Bureau (The Bureau) and the [REDACTED] ([REDACTED] Claimant) and forms the banking Complaint. Please find the **Illegal Discrimination Claims** (IDC) as part of the banking Complaint against **Comerica Bank**. We file this banking Complaint under the new **Combatting Redlining Initiative** -from the Department of Justice Civil Rights.

The [REDACTED] respectfully petitions that **The Bureau** issue the Agency Directive to **Comerica Bank** to answer the **Illegal Discrimination Claims** directly, completely, truthfully and honestly – and that the THE BUREAU execute its sworn duty and issues the Agency Directive to **Comerica Bank** to abide by the **FHA Final Rule** – to provide the legally sufficient justification to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks' legitimate, substantial nondiscriminatory interests. Where the Bank fails in this burden shifting duty the **Illegal Discrimination Claim(s) stands.**

Even where the Bank meets this burden the Claimant can still prevail by proving that the legitimate substantial nondiscriminatory interest that the Bank is bound by can be achieved by another practice with a less discriminatory effect on the protected class of black Americans.

Neither The **Bureau** nor **Comerica Bank** has the right to **ignore** the FHA Final Rule – or any of the banking laws in this CRA Protest Proceeding.

Where **Comerica Bank** fails in this duty – for whatever reason – the Illegal Discrimination Claims stands – and the Agency is duty bound to certify the Claim and to impose the Agency enforcement actions on **Comerica Bank**.

Where The Bureau **fails or refuses** to impose and to enforce the **FHA Final Rule** – and the other banking laws – in this Complaint – please send the Complaint back and do not go forward with it- as there would be no point in going forward without the full Agency enforcement of all of the components of the FHA Final Rule in the laws' entirety and in the laws' full and final perfection. This continued failing and refusal of the BUREAU to enforce the FHA Final Rule in the laws entirety denies the full Due Process of the honest enforcement that the Claimant is entitled to – and worse, enables the Bank to continue its practices, patterns , policies, actions (and non-actions) that result in the

illegal discrimination perpetrated against the protected class of black American and the continued redlining of whole black American Neighborhoods in the specified Zip Codes in Houston.

The [REDACTED] will need the petition to enforce the FHA Final Rule answered before sending the Complaint to **Comerica Bank** is legally bound by the duties under the FHA Final Rule to provide the legally sufficient justification per Illegal Discrimination Claim.

The CRA Protest Complaint is filed under the banking laws

-Community Reinvestment Act -Equal Credit Opportunity Act, Fair Housing Act – to include the Final Rule, Home Mortgage Disclosure Act, Fair Lending Laws, FTC Act – Section 5, Regulation B/ C

-under the controlling authority of the applicable Court rulings – US V Chevy Chase FSB, US V Hudson City Savings Bank, US V 1st American Bank, US V Midland States Bancorp and TDHCA V ICP, Inc (Supreme Court case codifying the FHA Final Rule)

-under the Civil Rights laws – Title VIII – 1968 Civil Rights Act

-under the Department rules the HUD Fair Housing Act Final Rule p- and US V Midland States Bancorp

-under the Constitutional laws – Equal Protection Clause – 14th Amendment -United States Constitution

Pursuant to the **FHA Final Rule** the prima facie case for illegal discrimination is established. The Complainant and the Complaint establishes that the Bank practices, policies, and actions (and non-actions) of **Comerica Bank** results in the disparate impact on members of the protected class of black Americans.

The burden shifting duty of **Comerica Bank** is such that must provide the legally sufficient justification to prove that the Bank practices challenged in the Complaint are necessary to achieve one or more of the Banks' substantial legitimate nondiscriminatory interests and that these interests and that these interests – where proven legitimate – could not be served by another practice with a less discriminatory effect.

Where **Comerica Bank** fails in the burden shifting duty the **Illegal Discrimination Claims** stands – and Agency enforcement action is to be imposed – and since the Complaint is filed, inter alia, under the Fair Housing Act the Agency enforcement action must be remedial and robust and places the aggrieved parties -protected class of black Americans – in the position they would have been in if not for the continuing Bank practices of illegal discrimination perpetrated against the protected class of black Americans.

The prima facie case for illegal discrimination is further established pursuant to the **Equal Credit Opportunity Act** Effects Test – which is the method of assessing the discriminatory impact of supposedly neutral credit policies and states clearly

“That the party alleging illegal discrimination need only establish that the action in question has a disproportionately discriminate effect on members of a protected class. And I therefore discriminatory in effect”.

These are the legal standards by which the Agency investigation is supposed to be conducted by – not lobbying softball questions at the named Bank and accepting whatever “answer” the Bank sends back.

Where The **Bureau** chooses to conduct the investigation, we petition that the Agency send the **Agency Directive to Comerica Bank** to answer the Illegal Discrimination Claims directly, completely, honestly and in accordance with the faithful execution of sworn duties under the banking laws and in accordance with the above prima facie case standards

The Claimant petitions that the following rights be honored by **The Bureau**.

The Rights to honest investigations to include independent Agency investigations where The **Bureau** findings are independent of the Banks “addressings” “responses” and “replies” and “representations”. The overarching theme in the [REDACTED] Complaints states that **Comerica Bank** has avoided doing Equal business in the black American Neighborhoods in the 21 specified Zip Codes in Houston.

Rights to comparative analysis of the banking categories – between the two sets of Zip Codes outlined in the Complaint. Neither The **Bureau** nor **Comerica Bank** has the right to

-reframe the Complaint to suit its own purposes and then to offer up an “addressing” to the reframed Claim.

-to bring in outside minority census tracts or other LMI tracts that are all outside of the specified Zip Codes in the Complaint

-to hold the protected class of black Americans to a lowered and lesser standard of full enjoyment of Equal rights secured under the banking laws – US V 1st American Bank- and to use this unequal and unlawful standard to get **Comerica Bank** off on the Claims

The comparative analysis between the two sets of Zip Codes is to be certified for what it is, and it is either Equal or it is not. Where the IDC s state that the black American Neighborhoods have been discriminated against by **Comerica Bank** and are denied the Equal bank branches, the equal bank financed developments and the equal community development loans – and where the physical address reality confirms these Claims the truth is what it is.

Where the IDC states that the individuals, businesses and households in the black American Neighborhoods are discriminated against in the Equal lending of **Comerica Bank** range of lending and credit products – **business lending** - to include start-up, working capital and bridge loans, **mortgages** to include perks as in Skip Payment Privileges , Graduated Payment Mortgages, and **home equity** loans to include full lines of credit and where the **geographical dollar amounts** in these three lending categories confirms these Claims the truth is to be certified for what it is.

Where the IDC states that **Comerica Bank** has discriminated against the black American Neighborhoods and Media in denial of Equal advertisements, marketing, promotions and outreach of its lending and credit products and where the dollar amounts expenditures verify these Claims the truth of the Claims are what they are and are to be confirmed as such.

The protected class of black Americans in the specified Zip Codes are either entitled to the **full enjoyment of Equal rights** secured under the CRA, ECOA, FHA – to include the Final Rule, Fair Lending Laws, Title VIII – 1968 Civil Rights Act and secured under the Equal Protection Clause – 14th Amendment – US Constitution – or **they are not.** Operating under these New Standards to make the determinations is

Has the protected class of black Americans received and are receiving the full enjoyment of Equal rights secured under the above banking laws and other enumerated laws

Where **Comerica Bank** refuses, fails, or does not answer the Claim directly and fails to present the legally sufficient justification to prove that the practices challenged in the Complaint – **Illegal Discrimination Claims** – are necessary to achieve one or more of the Banks' legitimate substantia interests – and that these interest – where legitimate – could not be achieved by another practice with a less discriminatory effect. The Banks legally sufficient justification must be supported with evidence and cannot be speculative or hypothetical – in any attempt to justify the stark disparities in the above the Claim and where **Comerica Banks'** answers are not consistent with the findings of the independent **The Bureau** investigation the Claims are too certified for what they are.

The ■ CRA Protest Complaint outlines the violations of the banking laws: **CRA, FHA- to include the Final Rule, ECOA, Regulation B, FTC Act – Section 5 and HMDA – FTC Act – Section 5 Fair lending laws** and violations of Title VIII – 1968 Civil Rights Act and of the Equal Protection Clause – 14th Amendment – US Constitution. The banking complaint outlines the systemic, pervasive, and continuing **redlining, illegal discrimination, and denial of equal access** to capital perpetrated against the **protected** class of black Americans - as direct result of the entrenched **policies, patterns, and actions** of **Comerica Bank**.

The ■ CRA Protest Complaint outlines illegal discrimination pursuant to the **Effects Test** which states as follows:

--the party alleging illegal discrimination need only establish a prima facie case by showing that the action in question has a disproportionate discriminate effect on members of the protected class, and is therefore discriminatory in effect -----

Enclosed please find the **Illegal Discrimination Claims** letter that outlines the policies of **Comerica Bank** and how these policies have the requisite **disproportionate discriminate effect** on the members of the protected class of black Americans.

Claimant reiterates the earlier Petition to The **Bureau** that **the Banks named in the [REDACTED] banking complaint** be directed to answer the Claims in the [REDACTED] banking complaint directly – as in - refute the Claim completely with evidence and that failing a legitimate business necessity reason that the Claim be certified as part of the findings in the investigation report.

The Claimant petitions for and is entitled to honest enforcement and independent **The Bureau investigations – Independent Financial does not get to investigate itself**

RE: Comerica Bank

This letter and the enclosed stark and glaring disparities and outright denials of the amounts of capital, number of Bank branches, in-house bank investments, bank financed developments, commercial lending, and loan products to include mortgages, home equity and business loans and lines of credit establishes the prima facie case for illegal discrimination, redlining and denial of equal access to capital pursuant to the banking laws, statutes, and regulations – against the above-named Bank.

The law – pursuant to the **New Standards** – outlined in the Fair Housing Act – **Final Rule** (2015), US Supreme Court case – **Texas Department of Housing and Community Affairs V Inclusive Communities Properties Inc.**(2015)and **US V Hudson City Savings Bank FSB** (2015) – pursuant to the Complaint calls for the Bank to provide the **legally sufficient justification** to prove that the challenge practice – in this case Illegal Discrimination Claims – is necessary to achieve one or more of the Banks' **legitimate, substantial, nondiscriminatory interests** – and that these interests – where legitimate – cannot be achieved through another practice or action that has a less discriminatory effect. The legally sufficient justification must be supported by evidence and cannot be hypothetical or speculative.

Where the Bank fails in this 3-tiered test the **Illegal Discrimination Claim** stands, the Claim is certified as true and the prima facie case for disparate impact, disproportionate discriminate effect on members of a protected class and illegal discrimination is established.

Illegal Discrimination Claims

Bank Branch Disparities the **Claim** in the banking complaint is that the Zip Codes and neighborhoods of the protected class of black Americans are systematically denied the free-standing edifices of Bank branches from **Comerica Bank** that stabilize the communities, attracts the banks' own investments, lead to Bank financed developments, attracts outside investments, and lays the groundwork for City and municipal investments. These favorable advantages work to the benefit of the neighborhoods that have the bank branches – **95 %** of which are in the Anglo Zip Codes – but work to the detriment of the neighborhoods denied the free-standing edifices of Bank branches. This **Bank policy** that results in the denial of Bank branches to the black American neighborhoods is not one of business necessity – the only argument available to the Banks. This Bank policy of Bank branch placement has a **devastating, disproportionate discriminate effect** on the black American neighborhoods in that these neighborhoods are denied both the Bank branches and the attendant benefits that come from same. Pursuant to the governing case in **US V Chevy Chase FSB** this action and policy is redlining.

Mortgage Loans the **Claim** in the banking complaint is that **Comerica Bank** illegally discriminates against the protected class of black Americans and denies the equal access to capital for mortgage loans – the higher rejection rate for this loan product is due to the lending and credit policies of these Banks. These Banks set up obstacles that **deny the protected class** its rights of equal access to capital for home equity loans – where the homes of black Americans are appraised differently from the homes in the Anglo neighborhoods; where the state of the community is taken into account to determine approval and where the protected class are denied the favorable benefits of banker discretion of counseling and waiver of certain credit marks to get their home equity loans approved. Since these banks have a higher approval rate for home equity loans in the neighborhoods where the bank has placed Bank branches – the deliberate policy to **deny black American neighborhoods equal (in some cases no Bank branches)** has a devastating effect on the approval of home equity loans in the black American Zip Codes. The few mortgage loans that are made to the protected class of black Americans come saddled with higher interest rates, with higher fees and denial of any of the banker discretionary benefits as in deferments on repayments. This Bank policy is **Disparate Treatment** of black Americans – which is in violation of the banking laws. This lending and credit policy by these Banks has a disproportionate discriminate effect on the protected class of black Americans – and establishes the prima facie case for illegal discrimination – pursuant to the **Effects Test**. **Comerica Bank** illegally discriminates against the protected class of black Americans are denied the **Equal** access and approvals for business loans and lines of credit in both the number of business loans and in the amounts - that are needed to stabilize, develop and to revitalize the neighborhoods. The black American businesses are also denied the equal

advertising and promotion of business loans as well. This Bank policy -- to refusal to finance the businesses in the black American neighborhoods -- both existing and start-ups - is the worst kind of **Disparate Treatment** and forms the worst kind of redlining and is in violation of the banking laws. The Banks also refuse to seek out black American businesses -- as in direct mailings and solicitations- for the loan packages in the same way that it does for the Anglo businesses in the other set of Zip Codes. The black American applicants are denied the wide **banker discretion** of counseling and waiver of credit marks to get their business loans approved in the same way the banks accommodate the Anglo businesses. The few business loans that these Banks do make to the protected class are piecemeal pittances by comparison and come with higher interest rates, denial of any banker discretion of deferments: more onerous late payment penalties and the black American applicants are required to put up larger amounts of collateral. These Bank **policies** form the disproportionate discriminate effect on the protected class of black Americans and establish the prima facie case for illegal discrimination -- pursuant to the **Effects Test**. While **these Banks** are willing to loan black Americans **\$50,000** to buy an expensive vehicle it will not loan black Americans the same **\$50,000** to go into business or for a credit line for an existing business. This is the very kind of subtle and sophisticated illegal discrimination that **The Bureau** must be on lookout for.

Bank Investment Disparities The **Claim** in the banking complaint is that the black American neighborhoods are denied the **equal** in-house investments that **Comerica Bank** makes in the Anglo Zip Codes. The policies that go into the decisions on where to make the Bank investments are not based on any legitimate business necessity. As part of the sophisticated illegal discrimination the Banks make policy decisions that **deny** the black American neighborhoods the free-standing edifices of Bank branches -- then makes further policy decisions to limit its Bank investments to the neighborhoods where the Bank **has placed the bank branches** -- with the net result of the Anglo neighborhoods receiving 95% of the Banks investment -- to the detriment of the neighborhoods in the black American Zip Codes that were denied Bank branches.

The net effect of this deliberate bank policy is that the Bank investments enriches, stabilizes and attracts other investments to the neighborhoods in the Anglo Zip Codes -- with a **reckless disregard** for the rights of equal investment in the black American neighborhoods. This Bank policy denies the protected class all of the favorable advantages and benefits that come with Bank investments and is **Disparate Treatment**. This Bank policy has the disproportionate discriminate effect on the members of the protected class -- and is pursuant to the **Effects Test** -- illegal discrimination.

Bank Financed Developments The **Claim** in the banking complaint is that the black American neighborhoods in the 21 Zip Codes that are redlined by **Comerica Bank** are denied the equal bank financed developments investments that **Comerica Bank** makes in the Anglo Zip Codes. This sophisticated form of (illegal) discrimination follows the same patterns and is formed by the same Bank policy that places the Bank financed

developments – stores, hotels, restaurants, retail outlets, mixed use luxury complexes – only where the Bank has made earlier policy decisions to place the Bank branches and where the Bank has made its own in-house investments i. e. the Anglo neighborhoods. The Bank policy decisions on where to place the **Bank financed developments** are not based on any **legitimate business necessity argument**. As part of the sophisticated illegal discrimination the Banks make policy decisions that deny the black American neighborhoods the free-standing Bank branch edifices and the Banks' own in-house investments and then make further Bank **policy decisions to limit the placement** of the Bank financed developments in the Zip Codes where the Bank has Bank branches and Bank in-house investments.

The net result of this Bank policy is that 95% of the bank financed developments are placed in the Anglo Zip Codes – this Bank policy displays a reckless disregard for the equal rights of the protected class of black Americans and is **Disparate Treatment** of same.

Beyond this the Bank financed developments supports the businesses and properties in the Anglo Zip Codes with no corresponding bank financed developments to support the businesses and properties in the black American Zip Codes. As a direct result of this Bank policy these neighborhoods are denied the **equal investments** of capital of bank financed developments, are denied the stabilizing effects and are aggrieved by the wreckage of neighborhoods that are denied Bank financed developments.

Commercial Building Loans Disparities The **Claim** in the banking complaint is that the black American neighborhoods are **denied the equal** access to capital and equal capital outlays in the form of commercial building loans. The clear majority – 100% - of the **Comerica Bank** commercial building loans are made in the Anglo Zip Codes and go to support the businesses and properties in the Anglo Zip Codes with no corresponding commercial building loan support for the businesses and properties located in the 21 Zip Codes of the protected class. The banks' lending and credit policy on this matter is such that it provides the capital for the commercial building loans in those neighborhoods and Zip Codes with "higher demand".

The fatal defect of this argument is that the Banks' **earlier** lending and credit **policies** are what caused the "**higher demand**" in the Anglo Zip Codes in the first place. The Banks' earlier and initial policies to deliberately place the vast majority **95%** of all of its Bank branches, in-house investments and bank financed developments in the Anglo Zip Codes is what caused the "**higher demand**" now for commercial building loans. The bank now hides behind this policy of "higher demand" to deny the protected class of black Americans in the redlined Zip Codes their rights of equal access to capital and to continue to enrich and to stabilize the neighborhoods in the Anglo Zip Codes.

This bank policy is not one of **business necessity** – the bank would not go out of business where it made the same **equal** access to capital and the same **Equal** capital outlays for commercial building loans in the 21 Zip Codes of the protected class of black

Americans. This policy greatly benefits the citizens, businesses and property owners in the Anglo Zip Codes. This lending and credit policy, however, has a devastatingly disproportionate discriminate effect on the protected class of black Americans.

Advertising/Marketing Disparities The **Claim** in the banking complaint is that the black American Media and the black American citizens are aggrieved by the denial of equal investments in the advertising and marketing of the **Comerica Banks'** loan products and banking services, from the denial of direct mailings and of solicitations by these Banks – both in the dollar amounts and in the number of advertisements. This disparity is part and parcel of the overall denial of equal access to capital and denies the protected class the equal knowledge and the equal benefits of the loan products.

This Bank policy – to **place 99%** of the Bank advertisements in the Anglo general media and in the Anglo business and community newspapers – is not based on any legitimate business necessity on the part of the Banks. The supporting evidence for the redlining charge against these Banks is manifested in the Bank advertising policy and in the fact that the **black American Media is excluded** from the Bank advertising campaigns. The bank named in the RCG banking complaints have never signed full advertising contracts with the black American owned and operated Media – to include newspapers, radio, TV or Internet. **The Bank does not have a single full advertising contract with any black American owned and operated newspaper, radio station or TV** in Houston. The result of this policy of exclusion of equal marketing and advertising dollars and number of advertisements in the black American Media is that the black Americans are not made aware of the loan products and banking services that the Banks offers or of any Bank promotions – and are in effect denied the equal treatment by these Banks.

The vast and glaring disparities in advertising between these two sets of Zip Codes reveals that the Banks prefers one (Anglo Zip Codes) over the other (black American Zip Codes). Since the differences in the amounts of investments in advertising between these two racially distinct areas of **Dallas** is so stark and glaring this in and of itself is redlining and illegal discrimination as pursuant to the holdings in the governing case of **US V Chevy Chase FSB**. This advertising disparity also results in the disproportionate discriminate effect on the protected class of black Americans and establishes the case for illegal discrimination pursuant to the **Effects Test**. There is no legitimate “business necessity” argument to legally justify this brand of discriminatory actions.

Community Development Loans. The **Claim** in the banking complaint is that the protected class of black Americans in the neighborhoods of the 26 Zip Codes in **Dallas** (and in Houston). are denied the equal investments in community development loans by **Comerica Bank**. That 90% of these **Banks'** community development dollars are placed in the Anglo Zip Codes – to the detriment of the 21 Zip Codes of the protected class – is the very kind of disproportionate discriminate effect that the forms the prima facie case for illegal discrimination pursuant to the **Effects Test**. What meager efforts **Comerica Bank** makes in this regard are based on different standards for what constitutes community development – while **these Banks** is willing to make community

development loans available for rehab cesspools, detoxification sewer holes and “affordable housing” in the neighborhoods of the protected class of black Americans it will not and has made any community development loans or investments for high-tech **Centers**; apprenticeship **Academies** to train machinists or welders or for gleaming **Neighborhood Centers** for neighborhood improvements.

Bridge Loans The **Claim** in the banking complaint is that the protected class of black Americans - both **businesses and homeowners** - is aggrieved by the denial of equal access to Bridge Loans from **Comerica Bank**— both in the dollar amounts and in the number of Bridge Loans applications and approvals. This disparity is part and parcel of the overall denial of equal access to capital and denies the protected class the equal benefits of the credit and loan products that the banks freely make available to the Anglo neighborhoods in the Anglo Zip Codes. That **90%** or better of the **Bank** bridge loans are made in the Anglo neighborhoods – to the detriment and reckless disregard for the equal rights of the neighborhoods of the protected class of black Americans. This is the very kind of disproportionate discriminate effect on members of a protected class that forms the prima facie case for illegal discrimination pursuant to the **Effects Test**; that is violation of the **ECOA** and is violation of the holding in **US V Chevy Chase FSB**

Working Capital Loans, The Claim in the banking complaint is that the businesses in the neighborhoods of the protected class of black Americans are denied equal **Working Capital Loans** that freely make available to the businesses in the Anglo neighborhoods – to the tune of a 95% ratio. This denial – like the other denials – has devastating consequences for the survival – much less the thriving – of the businesses in the black American neighborhoods. The negative impact on the whole community leaves in its wake closed businesses and abandoned shops – a situation not suited to attracting the very kind of private investment needed for a thriving neighborhood. This situation also affects the appraisal of home and property values in the community and makes for an unlivable environment. Beyond this the deliberate denial of **Working Capital Loans** to the protected class of black Americans is the worst kind of redlining and illegal discrimination and is in violation of the banking laws: **CRA, ECOA, Regulation B** and of the ruling in **US V Chevy Chase FSB**

Bank Discretionary Accommodations The **Claim** in the banking complaint is that the protected class of black Americans in the neighborhoods of the 21 Zip Codes in **Houston** presently redlined by **Comerica Bank** is aggrieved by the blanket denial of any of the discretionary accommodations to get their loans and credit lines approved. Yet **these same Banks** freely extends all of the discretionary accommodations to the individual applicants and businesses in the Anglo neighborhoods. This policy and practice by **these Banks** have the requisite disproportionate discriminate effect on the protected class of black Americans most egregious kind of illegal discrimination and has devastating effects on the communities and neighborhoods in the 21 Zip Codes of the protected class of black Americans. The denials of the discretionary banker accommodations include: waivers of credit marks, counseling and overrides.

Informational Banking Services – The **Claim** in the banking complaint is that the protected classes of black Americans in the 21 Zip Codes that are presently redlined by **Comerica Bank** are aggrieved by the blanket denial of the direct mailings, solicitations, and pre-approved credit cards that **Comerica Bank** freely makes available to the Anglo Zip Codes. It is **the Banks'** policy to limit the direct mailings and solicitations for the loan products to the neighborhoods where it has placed Bank branches. As **these Banks** discriminates against the neighborhoods of this class for placement of Bank branches the individuals and businesses are also denied the equal Bank informational services in the same way that **Comerica Bank** accommodates the individuals and businesses in the Anglo Zip Codes.

Ascertainment of Credit Needs The **Claim** in the banking complaint is that the neighborhoods of the protected class of black Americans are denied the equal rights under the **CRA** – for **Comerica Bank** to take the equal affirmative steps and the equal continuing actions to assess and to meet the credit needs of the individuals; businesses and non-profits. **Comerica Bank** has not formed any viable and visible working relations and CRA partners in the black American neighborhoods; has not sponsored any “Meet Your Banker” Galas and has not sponsored any real Financial Literacy Seminars at any Hotels or ay any University Halls to accommodate the black Americans in the same way that the Bank does for the Anglo neighborhoods.

Promotion of Loan / Credit Products The **Claim** in the banking complaint is that **Comerica Bank** has failed to promote the loan and credit products in the neighborhoods of the protected class of black Americans in the same way it does in the neighborhoods in the Anglo Zip Codes. The businesses in the first set of neighborhoods are denied even the basic business loan products – much less the “expanded suite of specialty commercial loan products” and “wider array of credit products” that **Comerica Bank** presently provides for the businesses in the Anglo neighborhoods in Houston and beyond.

Overrides/ The Claim in the banking complaint is that the individuals and businesses in the neighborhoods and Zip Codes of the protected class of black Americans are aggrieved by the outright denial of the equal granting of overrides and exceptions to the credit underwriting and pricing policies that **Comerica Bank** freely grants to the individuals and businesses in the Anglo neighborhoods and Zip Codes in Houston.

Factoring The **Claim** in the banking complaint is that the small businesses owned and operated by the protected class of black Americans are denied and are aggrieved by illegal discrimination in the banking service of factoring (Asset based lending). This is an important banking service offered **Comerica Bank** and makes the difference between a thriving business and business failures. **Comerica Bank** does not promote or advertise this banking service to the protected class of black Americans nor does the Claimant find anywhere in the 21 Zip Codes where **Comerica Bank** has made this service available to any of the black American small businesses.

Loan Product Disparate Treatment

The **Claim** in the banking complaint is that the individuals and businesses in the neighborhoods of the protected class of black Americans – **Comerica Bank**:

--are **charged higher rates** of interest for the same loans and credit products as similarly situated Anglo applicants in the second set of Zip Codes

--are required to put up **larger amounts and sizes of collateral** to secure same loans products as similarly situated Anglo applicants and businesses in the second set of Zip Codes

--are **denied** the equal **favorable treatment of deferments** on repayments on the loan products as similarly situated Anglo applicants

These actions, practices and policies of the Banks are violations of the banking laws: **CRA, ECOA, FHA** – to include the Final Rule, **Regulation B, FTC Act – Section 5 and HMDA** form the prima facie case for illegal discrimination pursuant to the **Effects Test** and is redlining and denial of equal access to capital pursuant of the holdings in **US V Hudson City Savings Bank and US V B/A Countywide US V Chevy Chase FSB**

Reverse Redlining

The **Claim** in the banking complaint is that the individuals and businesses in the neighborhoods and Zip Codes of the protected class of black Americans are aggrieved by the Banks policies, practices, actions (and non-actions) that target this class for “approval” of only the most toxic, exploitative and high cost loan and credit products – this includes everything from business, home equity, mortgages, auto, construction and personal loans and lines of credit.

The actions and policies of **Comerica Bank** is **Disparate Treatment** with **Disparate Impact** on the protected class of black Americans and are illegal discrimination pursuant to the **Effects Test** and redlining pursuant to the holdings in **US V Chevy Chase FSB**.

These actions, practices and patterns of **Comerica Bank** are systemic, pervasive, and continuing and will only be corrected by the deep, wide, Color of Money investigation and full prosecution and imposition Fines, Penalties, Sanctions, Monitoring, and capital Fund.

Charitable Contributions The Claim in the banking complaint is that the Charities and non-profits in the neighborhoods of the protected class of black Americans are denied the charitable contributions; **Comerica Bank** employee assistance and the Capital Campaigns that **Comerica Bank** freely makes available for the Non-Profit Corporations in the Anglo Zip Codes. Beyond this outright denial **Comerica Bank** sets different standards for the pittance that it does make to the black Americans Charities – it is limited to the homeless services; rehabilitation cesspools and detoxification sewer holes for a class of degenerates that does not revitalize the community. In the Anglo Zip

Codes **these Banks** makes much larger donations to Charities that stabilize the neighborhoods.

As all three parties to this action are bound by the **laws** and in pursuit of the whole **truth** the Bank must not be allowed to “address” or otherwise dance around the Claim in the banking complaint. To this end Claimant petitions that **Comerica Bank** is to be directed to answer the Claim directly – as in **YES** or **NO** – as in refute completely with evidence and with legitimate business necessity argument. The Claim is either true or it is not.

Disparate Treatment – the protected class of black Americans are denied the equal rights of equal treatment by **Comerica Bank**. AS the individual bankers within these Banks have wide discretion and the granting – or denial – of this discretion makes all of the difference in the granting or denial of credit. The black Americans are denied the **counseling** by these Banks and are denied any **waivers** of credit marks; denied the **banker discretion** to get their loans approved; denied the opportunity for signature loans; denied the equal knowledge of the loan products or of any special promotions due to the Banks policy **to not advertise** in the black American Media; denied the direct mailings and solicitations. This is failure to provide equal information services. AS there is no legitimate “business necessity” argument for these policies and actions that deny equal rights to black Americans and as these policies have a disproportionate discriminate effect on the protected class this establishes the case for illegal discrimination – pursuant to the **Effects Test**. These policies are all the more egregious in that the courts have ruled that this action – **Disparate Treatment** – is intentional discrimination because the difference in treatment on this prohibited basis has no credible non-discriminatory explanation.

Redlining The black Americans in the specified Zip Codes in **Houston** and the in the 26 Zip Codes in Dallas are aggrieved by the policies and actions of these banks and suffer redlining where the Banks practices make for **unequal** access to capital and credit; **unequal** access to the information services; **unequal** access to banking services and **deliberately deny** the protected class the same favorable treatment that the Bank freely extends to the Anglo population in the second set of Zip Codes. The black American neighborhoods are also aggrieved by revers redlining – where the Bank only makes available the high cost toxic loan and credit products.

Disparate Impact the black Americans are further aggrieved by **Comerica Banks’** seemingly neutral lending and credit policies because these Bank policies disproportionately excludes and places undue burdens on the protected class – as in minimum home mortgage amounts which places the purchase of a home out of reach of the black Americans; as in years long relations with the local Banks to get approved for loan products – the black Americans could not have had the same years’ long relations with the Banks as the Anglo applicants because the black neighborhoods are denied the bank branches; as in requiring years of experience in owning and operating **wealth creating entities** – stock brokerage houses, trading companies and private equity groups – black Americans **could not have** had the years of experience in these entities

because black Americans have historically been denied the equal access to the relatively large amounts of capital needed to own and operate the wealth creating entities in the first place.

Comerica Bank has no credible legally sufficient justification argument to justify the present practices, actions (and non-actions) and policies and actions that result in **disparate treatment** and have the **disproportionate discriminate effect** on the protected class of black Americans is disallowed in the case of **Disparate Treatment** on a prohibited basis. The “substantial, legitimate non-discriminatory” argument is further disallowed to justify discriminatory Bank policies because the argument is routinely dismissed as a pretext for illegal discrimination and redlining. The prima facie case for illegal discrimination is further established due to the disparate impact and disproportionate discriminate effect that the Bank policies have on the members of the protected class – in this case black Americans – pursuant to the **Effects Test**.

The [REDACTED] petitions that in the Complaint proceedings of **Comerica Bank**

-that the Bureau issue the Agency Directive to the Bank to answer the Illegal Discrimination Claims / **Questions directly** and to provide the supporting evidence pursuant to the Fair Housing Act – Final Rule

-Interviews of the Complainant

-Neighborhoods/Zip Code Tours – for comparison purposes

--The CRA Rating remains downgraded and be placed in **indefinite suspension** pending full resolution of the Illegal Discrimination Claims outlined in the [REDACTED] CRA Protest Complaint proceedings

-that enforcement actions at the Agency level be imposed – to include

Fines - **\$500 Million** Dollars , Penalties, Sanctions, Commitment Orders that bar **Comerica Bank** from submitting any Applications – expansionary or otherwise and includes any Main Office Relocation until such time as **Comerica Bank** has corrected , fixed and ended the practice, actions (and non-actions), policies that are the direct result of the disparate impact – in violation of the FHA – Final Rule and in violation of the Equal Credit Opportunity Act and that result in the disproportionate discriminate effect on members of a protected class – in this case black Americans in the specified Zip Codes of Houston (and of Dallas) Illegal Discrimination Claims

--that **Comerica Banks'** FDIC insurance be canceled, Cease and Desist Orders be imposed, and that Removal Orders be executed against the entire Board to include the chairman and of the senior management.

--that the case be referred to the Department of Justice Civil Rights Division for civil actions to be filed against **Comerica Bank**

-that the case be referred to the Department of Housing and Urban Development for civil actions to be filed against **Comerica Bank**

In The Relentless Pursuit of Justice,

[REDACTED]

Chairman / [REDACTED]

[REDACTED]

[REDACTED] — [REDACTED]

[REDACTED]

Christopher Swart
Senior Counsel
Corporate Legal Department
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August 24, 2023

VIA SECURE CFPB PORTAL

[REDACTED]

Re: Response to CFPB Compliance regarding alleged illegal discrimination

Dear [REDACTED]

Comerica Bank (“Comerica or the “Bank”) is in receipt of the CFPB Complaint that you filed on July 27, 2023 alleging illegal discrimination and making broad assertions referencing numerous laws including the Community Reinvestment Act (“CRA”), the Equal Credit Opportunity Act, the Fair Housing Act, and the Home Mortgage Disclosure Act. As discussed below, the Complaint is unsupported and inconsistent with Comerica’s record of compliance with the CRA and fair lending laws.

Fair Lending Concerns

The Complaint does not provide any specific instances of the Bank’s violation of fair lending laws; consequently, we are not in a position to address your concerns with any level of specificity. We note, however, that neither federal nor state regulators have cited the Bank for violations of any fair lending or anti-discrimination laws. Specifically, in Applicant’s most recent Community Reinvestment Act (CRA) examination, in February of 2021, the FRB did not cite Applicant for violations of any fair lending laws and noted it was not aware of any violations of the Equal Credit Opportunity Act (ECOA) or Regulation B, or of any unfair, deceptive, or abusive acts or practices identified by the Consumer Financial Protection Bureau with respect to Applicant.

Throughout, its history and through its various banking programs, Comerica has demonstrated a consistent and firm commitment to following all applicable laws relating to the provision of banking and financial services, including fair lending and anti-discrimination laws. Comerica’s federal and state regulators have, over the years, reviewed these programs and are well-aware of Applicant’s lending programs, as well as Applicant’s policies and procedures in place to prevent violations of fair lending and anti-discrimination laws. Comerica Bank remains today, as it has throughout its 170+ year history, committed to serving the communities in which it is located in a manner that not only complies with applicable laws, but actively supports and

Community Reinvestment Act Concerns

The Complaint also criticizes Comerica's lending, investment and service performance in the Houston and Dallas metropolitan statistical areas. We note that in Comerica's most recent CRA examination, it received an overall rating of "Satisfactory," and specifically, Applicant's lending, investment, and service performance tests were all rated "High Satisfactory."

- Lending Performance. With respect to lending performance, the FRB noted that Applicant's "lending activity reflects good responsiveness to assessment areas' credit needs," and noted that Applicant "makes a relatively high number of community development loans and services" and provides lending services to LMI borrowers and small business through a combination of participation in government-sponsored lending programs (such as FHA, VA, SBA), in addition to its own small business lending programs.

- Investment Performance. With respect to investment performance, the FRB noted that Applicant had "an excellent level of qualified community development investments and grants," and in this area, "Comerica is often in a leadership position."

- Service Performance. With respect to service performance, the FRB noted that Applicant's retail and community development services "reflect good responsiveness to the needs of the assessment areas," and the Applicant's record of opening and closing branches does not adversely impact the accessibility of services or systems, particularly to LMI customers and communities. The FRB also recognized the commitment by Applicant's employees, including directors, executives, and senior officers, to providing community development services in all states where Applicant provides banking and financial services, including participation in financial literacy programs in LMI communities.

We note that contrary to your Complaint, the FRB specifically found Comerica's lending, investment, and service performance in the Dallas/Ft. Worth assessment area to be strong and responsive to community needs. With respect to HMDA-reportable loans, the FRB found that since 2018, Applicant has consistently outperformed other lenders in the aggregate in terms of the percentage of its HMDA-reportable loans to LMI borrowers. The FRB also noted that 32.7% of Applicant's full-service branches and 27.1% of ATMs in the Dallas/Ft. Worth assessment area are in LMI areas. The FRB conducted a limited-scope review of the Houston assessment area and concluded that Comerica's performance was consistent with the Bank's overall performance in the state of Texas. Comerica's rating for lending, investment, and service was high satisfactory, outstanding, and high satisfactory, respectively, in Texas.

For the foregoing reasons, the Complaint against the Bank should be dismissed by the CFPB.

[REDACTED]
August 24, 2023
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Sincerely,

[REDACTED]

Christopher Swart
Senior Counsel

cc: [REDACTED]