

3512--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. ROBINSON, CRESPO, WEPRIN, RODRIGUEZ -- Multi-Sponsored by -- M. of A. CAMARA, FARRELL, PERRY -- read once and referred to the Committee on Banks -- recommitted to the Committee on Banks in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the banking law, in relation to assessment of the record of performance of banking institutions in helping to meet the credit needs of local communities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph of paragraph (a) of subdivision 3 of
2 section 28-b of the banking law, as amended by chapter 227 of the laws
3 of 2013, is amended to read as follows:
4 When taking any action on an application or notice made by a banking
5 institution under (i) section one hundred five, two hundred twenty-four,
6 two hundred forty, or three hundred ninety-six of this chapter for a
7 branch office, (ii) section one hundred ninety-one of this chapter for a
8 public accommodation office, (iii) section six hundred one-b of this
9 chapter for approval of a merger or purchase of assets, or (iv) under
10 section one hundred five-a, two hundred forty-a or three hundred nine-
11 ty-six-a of this chapter for the use or installation of an automated
12 teller machine, point-of-sale terminal or similar electronic facility or
13 on any other application or notice to which the superintendent of finan-
14 cial services shall by rule or regulation make applicable the provisions
15 of this section, the superintendent shall take into account, among other
16 factors, an assessment, in writing, of the record of performance of the
17 banking institution in helping to meet the credit needs of its entire
18 community, including low and moderate-income neighborhoods, consistent
19 with safe and sound operation of the banking institution. SUCH ASSESS-
20 MENT SHALL INCLUDE A SEPARATE DISCUSSION OF THE RECORD OF THE BANKING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00152-02-4

1 INSTITUTION PERTAINING TO EACH OF THE ASSESSMENT FACTORS LISTED IN ALL
2 OF THE SUBPARAGRAPHS OF THIS PARAGRAPH AND A COMPLETE EXPLANATION OF HOW
3 EACH OF THESE FACTORS WAS CONSIDERED BY THE DEPARTMENT IN MAKING THE
4 ASSESSMENT. THIS EXPLANATION SHALL INCLUDE, BUT NOT BE LIMITED TO, ANNU-
5 AL DATA FOR THE INSTITUTION AS FOLLOWS: LOANS FOR HOUSING LOW AND MODER-
6 ATE-INCOME RESIDENTS OF LOW AND MODERATE-INCOME AREAS, AND THE SCOPE OF
7 EFFORTS TO MARKET HOUSING AND SMALL BUSINESS LOANS IN LOW AND MODERATE-
8 INCOME AREAS; THE AMOUNT OF LOANS TO FARMS, AND LOANS TO SMALL BUSI-
9 NESSES THAT PROVIDE SERVICES TO LOW AND MODERATE-INCOME RESIDENTS OF LOW
10 AND MODERATE-INCOME AREAS; FINANCIAL INVESTMENTS IN AND CONTRIBUTIONS TO
11 NONPROFIT LOCAL COMMUNITY DEVELOPMENT OR REDEVELOPMENT PROJECTS OR ENTI-
12 TIES; MANPOWER RESOURCES COMMITTED TO LOW AND MODERATE-INCOME HOUSING
13 LENDING AND SMALL BUSINESS LENDING AND OTHER FORMS OF ADMINISTRATIVE
14 SUPPORT FOR SUCH LENDING; AND PARTICIPATION IN GOVERNMENTALLY OR
15 PRIVATELY SPONSORED LOAN INSURANCE, GUARANTEE OR SUBSIDY PROGRAMS FOR
16 HOUSING, SMALL BUSINESSES AND SMALL FARMS. Such assessment AND EXPLANA-
17 TION and any written communications from the department of financial
18 services to a banking institution relating to such assessment AND EXPLA-
19 NATION shall be made available to the public upon request, provided that
20 nothing contained in this subdivision shall be deemed to alter, amend or
21 affect the provisions of subdivision ten of section thirty-six of this
22 chapter. In making such assessment AND EXPLANATION, the superintendent
23 shall review all reports and documents filed WITH HIM OR HER pursuant to
24 subdivision one of this section and any signed, written comments
25 received by the superintendent which specifically relate to the banking
26 institution's performance in helping to meet the credit needs of its
27 community. In addition, the superintendent shall consider the following
28 factors in assessing AND EXPLAINING a banking institution's record of
29 performance:

30 S 2. This act shall take effect on the one hundred twentieth day after
31 it shall have become a law. Effective immediately, the addition, amend-
32 ment and/or repeal of any rules or regulations necessary for the imple-
33 mentation of the foregoing section of this act on its effective date are
34 authorized to be made on or before such effective date.