

Proposal: 1741(AG 11) Reg Q - Regulatory Capital Rule: Emergency Capital Investment Program

Description:

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From: BOM Bank, Ken Hale

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Subject: Reg Q; Regulatory Capital Rule: Emergency Capital Investment Program

Comments:

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I'm the President & CEO of a CDFI bank located in rural Louisiana and Texas. I'm the past Chairman of the Louisiana Bankers Association, I currently serve on the Federal Delegate Board of the Independent Community Bankers of America (ICBA). I'm a 5th generation community banker and our bank has been in business since 1903. My staff and I serve on numerous non-profits in our markets and I have a passion for community banking, small business, rural America and minority and female inclusion. My bank has locations in 5 parishes in Louisiana that are considered as Persistent Poverty Counties (PPC) with the majority of our banking relationships with Low to Moderate Income (LMI) and/or minority communities. Approximately 75% of the loans we originate are to Low to Moderate Income and/or minority borrowers. 8 of our 15 locations are located in PPC's as well.

My Board of Directors, Senior Management and I are very excited about the ECIP. It will allow us to ramp up lending and to reach even more customers and non-customers and hopefully help bring in more of the unbanked and underbanked.

My Board of Directors approved for us to apply for the maximum amount of funds we can get thru the ECIP. But the problem we are having right now is that we are a Subchapter S corporation and the funds we would get would be in the form of Subordinated Debt, not Perpetual Preferred Stock.

CDFI C Corporations have an advantage over S Corps due to the fact that as S Corps the way the ECIP bill is written now S Corps have to count any Sub Debt from the Treasury as debt at the holding company, C Corps don't have to count any ECIP funds as debt. With the Federal Reserve's rules/regulations in regards to Debt to Equity & Double Leverage Ratios, my bank and other Sub S banks would only be able to request ECIP funds in the form of Sub Debt from the Treasury at just a fraction of that we actually qualify for due to the Federal Reserve's rules. The amount we could get of ECIP wouldn't make the impact that we and other S Corps want to make.

Using current Federal Reserve's regulations, we would only be able to receive Sub Debt of approximately 2% of our assets instead of the ECIP rules of up to 15%. This is the difference in us not being able to lend/invest literally multi-millions in so many underserved markets and communities that are majority poor, unbanked, underbanked and people of color.

I ask and strongly encourage the Fed that any/all ECIP Sub Debt be excluded 100% from the Fed's rules/regulations related to Debt to Equity and Double Leverage Ratios just as TARP and SBLF were. Secondly, have a maturity date of at least 30 years instead of 15 years for Sub Debt just as Trust Preferred Securities used to be. Even better 40 years, 50 years or perpetual. Make this as permanent capital as possible. The more Sub Debt S Corps can get and the more permeant the capital is, the more we can deploy and the more the ECIP will be utilized. And leveraging 10 to 1, these funds would be transformational for the markets we serve! C Corp banks will be paying an annual dividend on their preferred shares just as Sub S banks will on Sub Debt. So the only difference in Sub Debt vs Preferred Shares is in the names of the two.

Rural America, minorities and the working poor have been hurt more than others by Covid -19 and these ECIP funds not can, but will be a game changer for CDFI/MDI banks! Lastly, I'm not sure of the exact number of CDFI/MDI banks that are Sub S, but I know a large amount are. I know the Fed wants the ECIP funds utilized, but as it stands, very few if any Sub S banks will be able to take advantage of these ECIP funds and put them to work in the communities they are designed for.

Thank you for your time and I again implore you to work on these topics. I'd love to have a conversation with anyone who would be willing to listen to me.

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