

January 11, 2022

[REDACTED], CEO
Fifth Third Bank

RE: Closing of Bank Branch:
5750 N. Main Street
Dayton OH

Dear [REDACTED]

I have been with the bank since 1998 with the purchase of CitFed Mortgage where I was employed. I want to comment about the removal of the last bank in Dayton Ohio. I feel that the financial institutes keep leaving the poor communities and they world Wonders why there no bank relationships in the poorer communities.

I am [REDACTED]
[REDACTED] and want to express my disappointment with the removal of the North Main Bank. We cannot at our age access the bank downtown Dayton and you removed the one drive thru when closing the other bank off of Ludlow Street. So the only communication is with an ATM machine.

I only have two ATM machines in my area that seem to be without funds many times. Just yesterday I had to go to North Main Branch ATM machine, it was still there. Not sure if we will continue to have the ATM at that location. If this ATM machine on North Main leaves my options are only two ATM on the North and West of Dayton Ohio.

I am advocating for more ATM Machines in our area since you will not maintain a building structure. The future does seem to be going towards the machine and not that Personal banking touch. I want to say my husband and I felt when we walked in our branch, Lima or Nancy would greet us. We were part of the family. Lima has always been there for us and we will miss her.

Thank you for your attention to this matter.

[REDACTED]



Memorandum

To: File
From: [REDACTED], Office of the President
Date: January 21, 2022
Subject: [REDACTED]
Issue #: 2022012000246

Summary of Customer Complaint: Customer feels that the financial institutions keep leaving the poor communities, "and the world wonders why there are no bank relationships in the poorer communities." She states that she cannot, at her age, access the bank in downtown Dayton and the only one with a drive thru was closed in her area. She only has two ATMS in her area and they seem to be without funds many times. She is advocating for more ATM machines in her area since 5/3 will not maintain a building structure. She continues that the branch employees she was dealing with when the branch was open were very friendly and they will be missed.

Action: Called the customer on 1/21/22. Informed that we received complaint the was filed concerning branch closures. Customer mentions all banks are closing in her area, not just 5/3 Banks. Customer feels like the banks are going "where the money is". Customer states that there are 2 locations downtown, but it is so hard to find parking to get to those locations. Customer states that when she does get to an ATM machine there is usually no money in the ATM. States she needs to have access to her funds and her EAX account. I apologized for the inconvenience and let the customer know that we make every effort to make banking convenient. Informed the customer that if she is not able to easily access the downtown locations, or if the ATM machines are short on funds due to there not being many 5/3 branded machines in town... she is able to utilize the AllPoint ATM machines as she does the 5/3 ATMS. Confirmed for customer there is not a fee to use the AllPoint ATM machines and located a few in her area. Let her know that she has access to her EAX through the 53.com and will be able to initiate advances online. Customer understood, but still wishes there was something that could be done regarding the branch closures. I again apologized. Call ended mutually.



Improving Lives, One Community at a Time

November 24, 2022

Fifth Third Bank, National Association
38 Fountain Square Plaza
Cincinnati, OH 45202

Comptroller of the Currency
Cleveland Field Office
200 Public Square, Suite 1610
Cleveland, OH 44114

RE: Complaint against Fifth Third Bank

I am submitting this letter to Fifth Third Bank's Community Reinvestment Act (CRA) public file. The undersigned community organization is submitting this letter to file a complaint against Fifth Third Bank.

The federal fair lending laws—the Equal Credit Opportunity Act and the Fair Housing Act—prohibit discrimination in credit transactions, including transactions related to residential real estate.

The Equal Credit Opportunity Act (ECOA), which is implemented by the Board's Regulation B (12 CFR 202), prohibits discrimination in any aspect of a credit transaction. It applies to any extension of credit, including residential real estate lending and extensions of credit to small businesses, corporations, partnerships, and trusts.

Southern Dallas Zip Codes (LMI/High Minority Areas)

75203, 75207, 75208, 75210, 75211, 75212, 75215, 75216, 75217, 75223, 75224, 75226, 75227, 75228, 75232, 75233, 75236, 75237, 75241, 75249, 75253

The following sections discuss demographic in the Southern Dallas area.

- Southern Dallas is home to 43% of all Dallas residents in just 57% of the city's land area.
- Of the 560,000 residents of neighborhoods in southern Dallas, approximately 38% live below poverty - roughly 9% higher than the City's overall poverty rate of 29%.
- Overall, 56% of Dallas residents living below poverty live in the southern neighborhoods of Dallas.
- *The City of Dallas is a unique place. There is a difference between "South Dallas" and "Southern Dallas".*
- *The Southern Sector of Dallas (Southern Dallas) is commonly defined as those areas south of Interstate 30.*
- *The Southern Dallas is 196.7 total square miles. 45% of the City's residents live in Southern Dallas (91% of the residents are minorities in Southern Dallas).*

Fifth Third Bank is not following the Federal Fair Lending Regulations and Statutes in the Southern Dallas.

<https://www.ffiec.gov/pdf/fairlend.pdf>

Fifth Third Bank fails to do any community outreach and marketing efforts to residents and businesses throughout Bank's low-income census tracts, moderate-income census tracts, and major minority census tracts in Southern Dallas.

Concerns:

- Fifth Third Bank does not have a Loan Production Office located in a low-income census tract in the DFW MSA.
- Fifth Third Bank does not have a Loan Production located in a high minority/high poverty¹ census tract in the DFW MSA.
- Fifth Third Bank does not originate any commercial loans in low-income census tracts in the DFW MSA.
- Fifth Third Bank does not originate any commercial loans in high minority/ high poverty² census tracts in the DFW MSA.
- Fifth Third Bank does not originate any small business loans to businesses with less than a million dollar in revenue that was in low-income census tracts in the DFW MSA.
- Fifth Third Bank does not originate small business loans to businesses with less than a million dollar in revenue that was in high minority/ high poverty census tracts in the DFW MSA.

¹ High Minority/High Poverty=Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs) https://hudgis-hud.opendata.arcgis.com/datasets/56de4edea8264fe5a344da9811ef5d6e_0

- Fifth Third Bank Loan Production Offices are only located in white-majority neighborhoods, compared to having none in majority-minority neighborhoods ³

The Dallas–Fort Worth–Arlington metropolitan statistical area's population was 7,573,136 according to the U.S. Census Bureau's 2019 population estimates, making it the most populous metropolitan area in both Texas and the Southern United States, the fourth largest in the U.S., and the tenth largest in the Americas. The Dallas–Fort Worth metroplex has over one million African-American and the second-largest metro population of African-Americans in Texas.

Fifth Third Bank engages in unlawful discrimination by acting to meet the credit needs of majority-White neighborhoods in the Dallas-Fort Worth Metropolitan Statistical Area ("DFW MSA" or "MSA") while avoiding the credit needs of majority-minority neighborhoods.

Dallas is a majority minority city (66.1 percent of population) with 41.8 percent of residents identifying as Hispanic and 24.3 percent identifying as Black.

Dallas is a city with a population of just under 1,344,000, including 24.3 percent African American residents, 41.8 percent Hispanic/Latinx residents, and 3.4 percent Asian residents; and 30.5 White (Non-Hispanic)

With 2,622,634 people, Dallas County is the 2nd most populated county in the state of Texas out of 254 counties. The largest Dallas County racial/ethnic groups are Hispanic (40.2%) followed by White (28.6%) and Black (22.3%).

Equal Credit Opportunity Act (ECOA) and Fair Housing Act (FHA)

Fifth Third Bank violates Equal Credit Opportunity Act (ECOA) and the Fair Housing Act (FHA) by discriminating against African Americans and other minority consumers. The Equal Credit Opportunity Act (ECOA) prohibits lenders from discriminating based on race and other characteristics.

As both the Equal Credit Opportunity Act (ECOA) and the Interagency Fair Lending Examination Procedures remind us, "A creditor shall not discriminate against an applicant regarding any aspect of a credit transaction"; **this includes small business and commercial lending.**

In terms of the discrimination, we assert that Fifth Third Bank does engage in the following:

- Made no efforts to market to African Americans and/or Hispanics in Southern Dallas
- Does not specifically target any marketing toward Hispanic and/or African Americans in the DFW MSA and specifically Southern Dallas
- Does not employ an African American and/or Hispanics commercial and/or mortgage loan officers in the DFW MSA
- Received few applications from African Americans & Hispanics in the DFW MSA

³ DOJ Redlining Cases/ Few or no branches; <https://www.fhcci.org/wp-content/uploads/2013/08/Jonathan-Bont-Redlining.pdf>

- Received almost no applications from applicants for properties located in African American and Hispanic Low to Moderate Income neighborhoods in the DFW MSA
- Made a smaller percentage of HMDA-reportable residential mortgage loans in majority-Black and Hispanic neighborhoods compared to its peers in the DFW MSA

Regulation B, the ECOA's implementing regulation, provides that a creditor shall not make any oral or written statement, in advertising or otherwise, to applicants or prospective applicants that would discourage on a prohibited basis a reasonable person from making or pursuing an application. But the ECOA itself does not set forth such a prohibition.

Dallas Loan Production Office Location

5400 Lyndon B Johnson Frwy. Suite 825 Dallas, TX 75240

<https://m.dallaschamber.org/Commercial-Banking/Fifth-Third-Bank-19929>

Products available for the Underserved/Minority Communities

Access to affordable credit is a key component of an individual's ability to cultivate a strong financial position and participate fully in the DFW economy. The Equal Credit Opportunity Act of 1974 was passed to protect all consumers, yet the effects of the discrimination endure today.

Fifth Third Bank does not have any special-purpose credit programs to address their disparities in small business lending in underserved high minority communities like Southern Dallas.

- <https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-issues-advisory-opinion-to-help-expand-fair-equitable-and-nondiscriminatory-access-to-credit/>
- https://www.hud.gov/sites/dfiles/GC/documents/Special_Purpose_Credit_Program_OGC_guidance_12-6-2021.pdf
- [12 CFR § 202.8 - Special purpose credit programs.](#)
 - <https://www.ffiec.gov/PDF/fairlend.pdf>

Lack of Staff and Board Diversity

Fifth Third Bank does not have any African Americans and/or Hispanics on the DFW MSA Leadership Team.

Fifth Third Bank does not have any Commercial Loans Officers in the DFW MSA that are African Americans and/or Hispanics.

The DFW MSA is majority minority.

Fifth Third Bank is not a member of any of the Minority Trade Organizations below:

<https://regionalhca.org/>

<https://www.namcdfw.org/>

<https://blackcontractors.org/>

<https://aacatx.com/>

Fifth Third Bank is not a member of any of the Minority Chambers below:

<https://dallasblackchamber.org/>

<https://arlingtonblackchamber.org/>

<https://fwmbcc.org/>

<https://fwhcc.org/>

<https://www.gdhcc.com/>

Discrimination/Redlining Cases

Justice Department and Office of the Comptroller of the Currency Announce Actions to Resolve Lending Discrimination Claims Against Cadence Bank

<https://www.justice.gov/opa/pr/justice-department-and-office-comptroller-currency-announce-actions-resolve-lending>

CFPB Files First Ever Redlining Complaint Against a Non-Bank Mortgage Lender

<https://www.consumerfinance.com/2020/07/20/cfpb-files-first-ever-redlining-complaint-against-a-non-bank-mortgage-lender/>

Regulation B prohibits discouragement of “applicants or prospective applicants”. Specifically, it states: “A creditor shall not make any oral or written statement, in advertising or otherwise, to applicants or prospective applicants that would discourage on a prohibited basis a reasonable person from making or pursuing an application.” The Official Interpretations of Regulation B also explain that this prohibition “covers acts or practices directed at prospective applicants that could discourage a reasonable person, on a prohibited basis, from applying for credit.”

In the course of conducting supervisory activity, examiners observed that a lender violated ECOA and Regulation B by engaging in acts or practices directed at prospective applicants that would have discouraged reasonable people in minority neighborhoods in Metropolitan Statistical Areas (MSAs) from applying for credit.

https://files.consumerfinance.gov/f/documents/cfpb_supervisory-highlights_issue-24_2021-06.pdf

DOJ, CFPB, and OCC announce aggressive redlining initiative; take action against national bank for alleged lending discrimination

<https://buckleyfirm.com/blog/2021-10-26/doj-cfpb-and-occ-announce-aggressive-redlining-initiative-take-action-against-national-bank-alleged-lending-discrimination>

Conclusion

The CRA regulation is very clear — a finding that a bank failed to comply with laws on fair and responsible lending trumps otherwise satisfactory or even outstanding CRA performance. The CRA regulations specifically state that a rating will be "adversely affected by evidence of discriminatory or other illegal credit practices," including but not limited to violations of the Equal Credit Opportunity Act, the Fair Housing Act, the Home Ownership and Equity Protection Act, the Federal Trade Commission Act, the Real Estate Settlement Procedures Act, and the Truth in Lending Act.

Sincerely,

[REDACTED]

[REDACTED]

President/Chair

[REDACTED]

Research on DFW MSA Community Needs

Dallas has a housing shortage of approximately 20,000 units.

<https://dallascityhall.com/departments/housing-neighborhood-revitalization/DCH%20Documents/Adopted%20Housing%20Policy.pdf>

North Texas Regional Housing Assessment

<https://dhantx.com/report/north-texas-regional-housing-assessment/>

Dallas' Small Business Ecosystem Assessment

<https://www.dallasecodev.org/DocumentCenter/View/2789/Dallas-Small-Business-Ecosystem-Report-PDF>

Report on Housing Affordability and Vulnerability in Dallas, Texas

<https://nalcab.org/nalcab-releases-report-on-housing-affordability-and-vulnerability-in-dallas-texas/>

FINDING G: MINORITY OWNED BUSINESSES ACCESS TO CREDIT/CAPITAL ANALYSIS (CHAPTER 6)

<https://dallascityhall.com/departments/public-affairs-outreach/DCH%20Documents/availability-disparity-study.pdf>

FIFTH THIRD BANK

February 16, 2023

VIA OVERNIGHT MAIL

[Redacted]

Dallas, Texas 75215

RE: Complaint against Fifth Third Bank National Association

Dear Mr. [Redacted],

I am writing you today on behalf of Fifth Third Bank, National Association (the "Bank") in response to [Redacted] letter dated November 24, 2022 (the "November 2022 Letter"). As an initial matter, we appreciate your communication and please accept our apologies for the delayed response - we believe the November 2022 Letter was originally misrouted as it only recently came to our attention. Please know however that the Bank takes the allegations contained within the November 2022 Letter seriously and as requested, a copy of the November 2022 Letter will be included within the Bank's Community Reinvestment Act ("CRA") public file.

As previously communicated to you and your organization on several occasions throughout 2021 and early 2022, and prior to your submission of the November 2022 letter, the Bank has no retail branch operations in the Dallas market and the Dallas Metropolitan Statistical Area ("MSA") is not identified as a CRA assessment area for the Bank. Nevertheless, the Bank is generally committed to fair and responsible banking by treating all individuals equitably wherever it conducts business, which, in the Dallas market, is currently limited to commercial production activities.

Despite the Bank's limited presence in the Dallas market, and the laws and regulations that you have cited having limited applicability based upon the current circumstances, the Bank would enjoy the opportunity to understand your organization's thoughts on how the credit needs of historically disadvantaged communities of color in the Southern Dallas area could be better served. To that end, a member of our team will be reaching out to you via telephone to discuss further.

Sincerely

[Redacted Signature]

Senior Vice President and Chief Community Impact Banking Officer

[Redacted]



326 N. Erie St.
Toledo, OH 43604-1416
Phone: 419/243-6163
Fax: 419/243-3536
toledofhc.org



*Creating Inclusive
Communities
Of Opportunity*

*Sent via email, Portable Document Format, to
licensingpubliccomments@occ.treas.gov*

Feb. 16, 2023

To: The Office of the Comptroller of the Currency

From: The Fair Housing Center, [REDACTED]

Re: Comment letter regarding Application for Bank branch closure, OCC Control number 2022-LB-BranchClosing-330146/ the closure of the Fifth Third Bank Swayne Field branch, 3053 Monroe St., Toledo OH 43606 (certificate #211812A)

Office of the Comptroller of the Currency:

The Fair Housing Center (TFHC) submits this letter to comment on the planned closure of the Fifth Third Bank, Swayne Field branch located at 3053 Monroe St., Toledo OH 43606. As explained below, this letter triggers the public meeting requirements set forth at 12 U.S.C.A. § 1831r-1(d). TFHC asks that the Office of the Comptroller of the Currency please respond to this letter to confirm that it is requiring the bank to conduct a public meeting.

In addition, Fifth Third Bank has violated the notice requirements set forth at 12 U.S.C.A. § 1831r-1. Before closing the branch, Fifth Third must provide proper notice, as explained further below. The OCC must instruct Fifth Third to provide the required notices before closing the branch.

We ask that the OCC please respond to this letter within fourteen days to confirm that (1) it will consult with community leaders and convene public meetings, and (2) it will instruct Fifth Third to provide the proper notices before closing the branch.

A. The OCC must consult with community leaders and convene a public meeting.

1. Written request from a person in the area.

This letter meets the requirements set forth at 12 U.S.C.A. § 1831r-1(d)(2)(A)(i).

TFHC is a non-profit organization dedicated to the elimination of housing discrimination and the creation of inclusive communities of opportunity. To achieve this mission, TFHC engages in complaint investigation, education and outreach, and advocacy for non-discriminatory housing policies and neighborhood reinvestment.

Both TFHC and its members are persons from the area where the branch is located. TFHC serves all of Lucas County surrounding the branch location. TFHC's offices are only two miles from the branch location. Moreover, TFHC's mission as a nonprofit dedicated to advancement of the goals of the Fair Housing Amendments Act is frustrated by this branch closure. George Thomas, the CEO of The Fair Housing Center, lives and works in the Toledo area, and Ms. Christina Rodriguez, an attorney working for The Fair Housing Center, lives and works in the Toledo area as well.¹

The undersigned request that either (a) Fifth Third Bank keep the branch open and continue to serve the credit needs of residents in the area, or (b) that it make significant commitments to reinvestment to ensure that the needs of residents are met.

2. Statement of specific reasons for the request, including a discussion of the adverse effect of such closing on the availability of banking services in the area affected by the closing of the branch.

Consistent with 12 U.S.C.A. § 1831r-1(d)(2)(A)(ii), the undersigned provide the following statement.

The closure of this branch is a major loss to Toledo and will deprive the surrounding neighborhoods of the essential banking and credit services that residents of Toledo need. This bank branch sits almost directly in the center of the city of Toledo and this closure is essentially a consequence and reflection of historical redlining policies and decades of disinvestment that have made and kept inner city neighborhoods in Toledo and across America segregated by race, poverty, and access to financial opportunity.

This closure demonstrates callous disregard for the duties Fifth Third and other large banking institutions have under the Community Reinvestment Act of 1977 (CRA) to meet the credit needs of low- and moderate-income (LMI) neighborhoods such as the Englewood neighborhood where this branch is located.

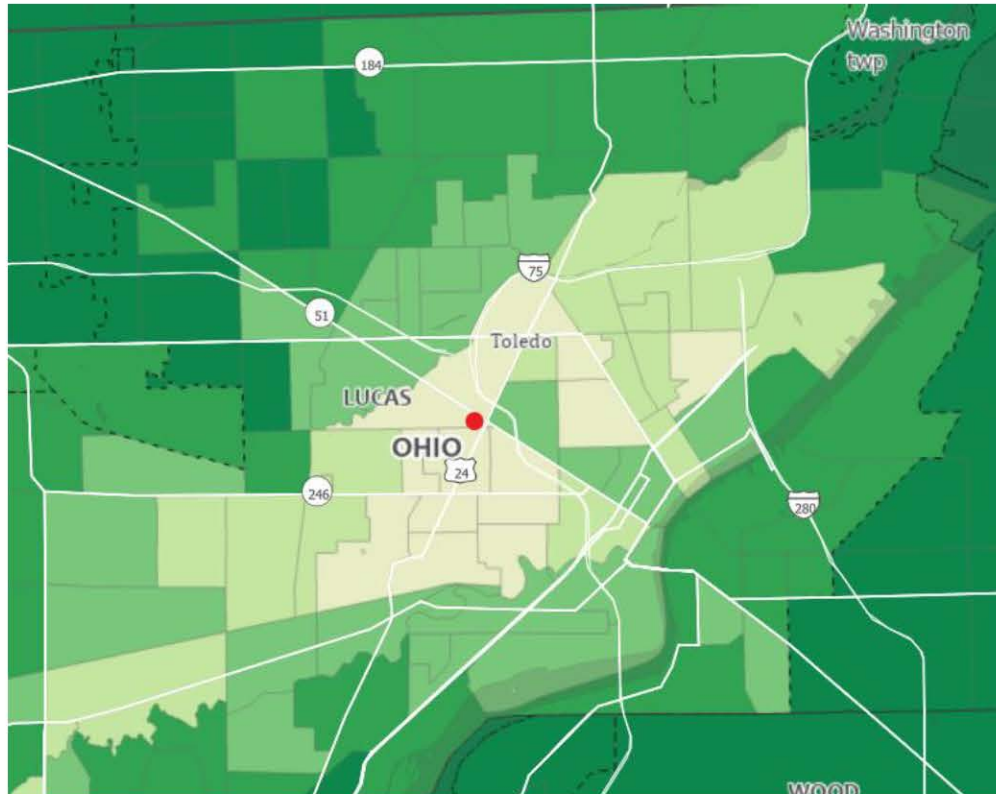
Furthermore, Fifth Third previously expressed intent to close this branch. In response to that announcement, community stakeholders contacted Fifth Third on behalf of those in the community who would be negatively affected by this closure. After explaining the vast negative effects this closure would have on Toledo and specifically the LMI neighborhood where it is located, Fifth Third committed to keeping this bank branch open to continue to serve the community. That Fifth Third has abandoned that promise to Toledo is unfortunately not a great surprise as Toledo has continued to see bank branch after bank branch close in the neighborhoods that need access to credit opportunities the most.

¹ 12 1831r-1 does not define the term "person." This letter is from both TFHC, as a nonprofit corporation, and the natural persons [REDACTED] and [REDACTED]

Fifth Third Bank should keep this branch open to continue to provide essential services to the community. Alternatively, Fifth Third should strategize as to how it can help minimize the negative impact of this branch closure on the community. Discussions of proposed strategies should include community groups, individuals, organizations such as TFHC that have an interest in promoting access to credit opportunities in LMI and minority neighborhoods, as well as area financial institutions such as The Toledo Urban Federal Credit Union, Directions Credit Union, and Premier Bank. Fifth Third could, for example, could take other actions that will help meet the credit and banking needs of the neighborhood by giving the branch location to another institution, such as one of those mentioned above.

a. The closure will disparately impact communities of color in the Toledo area.

The neighborhood where this bank branch is located is an area that was historically redlined and has remained segregated by race due to the lasting effects of those policies. This branch closure is an awful example of how formerly redlined areas continue to face disinvestment and often experience the closing of businesses that neighborhoods need to thrive, such as grocery stores and banks, while they have an abundance of other businesses that contribute to the cycle of poverty such as check cashing and payday lending companies, liquor stores, and fast-food restaurants. The map below shows the racial composition of the Toledo area per census tract, and the red dot represents the location of the Swayne Field bank branch. The areas in dark green represents a majority white population and the shades of green become lighter on the map as the percentage of whites in those census tracts goes down. The very light green and yellow areas represent census tracts that are predominantly minority, which are clustered in the center of Toledo.²



² US Census Bureau, US Census 2020, 2020 Census Demographic Data Map Viewer, <https://mtgis-portal.geo.census.gov/arcgis/apps/MapSeries/index.html?appid=2566121a73de463995ed2b2fd7ff6eb7>

b. The branch closure demonstrates disregard of Fifth Third Bank's responsibilities under the CRA.

The CRA requires Fifth Third Bank to meet the credit and banking needs of LMI and traditionally disinvested neighborhoods. The reason for the closure of this branch is not known. It's possible that Fifth Third is choosing to close this branch because of a decrease in deposits and profits from other banking products like home loans. Profit-driven decisions like this by banks are made regardless of the detriment it causes the communities that are left behind. If profit loss is driving the decision to close this branch, then Fifth Third Bank is leaving this area where the minority residents lack the wealth to significantly contribute to the profits of Fifth Third, when redlining practices by similar banks 80 and 90 years ago are largely to blame for the loss of opportunity to create and pass on generational wealth by those residents.

Another possible reason for the closure of this branch could be the trend towards greater use of mobile and online banking services by account holders. LMI neighborhoods and individuals are more likely to lack either access or understanding to use such online services. The lack of access to the internet or mobile banking in LMI areas can be traced back to the disinvestment and segregation that created such LMI neighborhoods. Both of these potential business reasons to close the branch are examples of how LMI neighborhoods get trapped in a cycle of poverty. The closing of this branch represents a particularly harmful disregard of the banking needs of this area, as customers in the area are more likely to need physical access to a branch location.

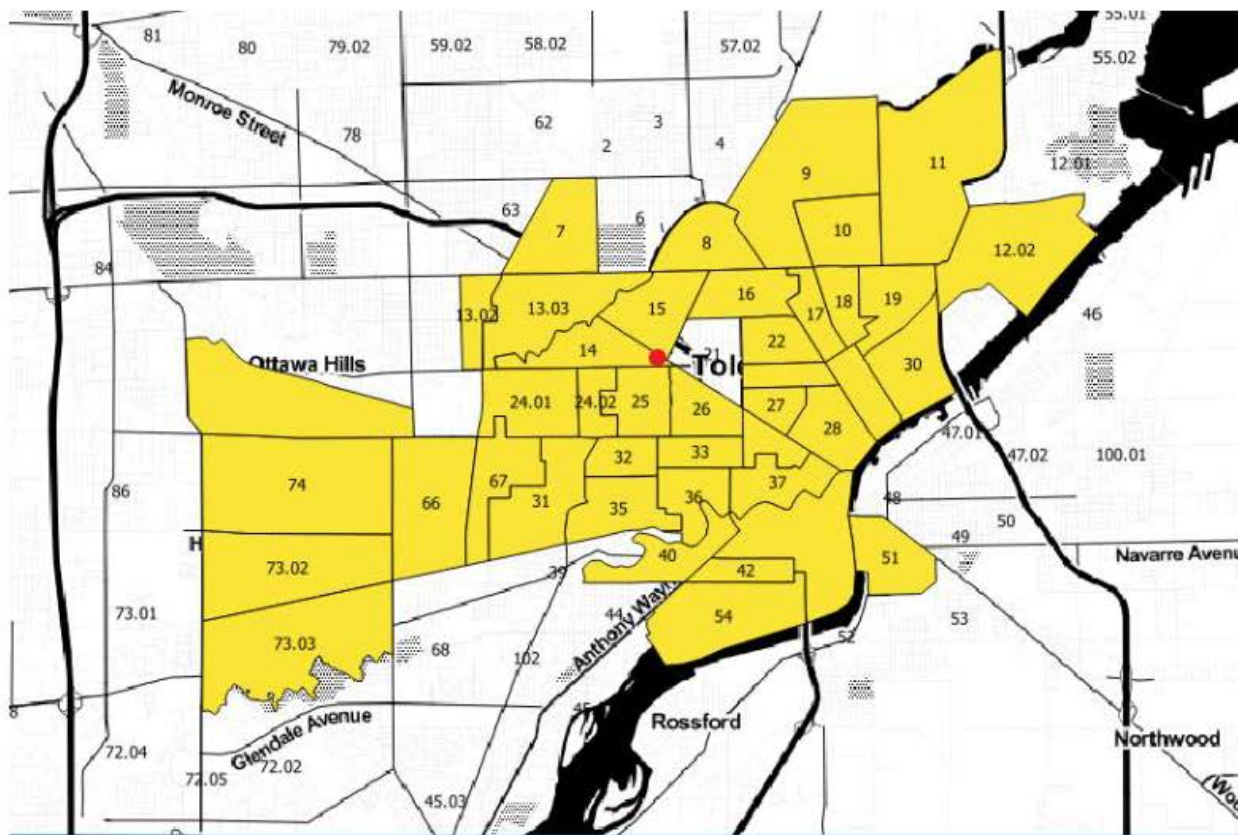
c. The Minority and LMI neighborhood where the branch is located has a great need for credit and banking opportunities.

The City of Toledo's Analysis of Impediments to Fair Housing Choice 2020 (AI) discussed how, despite the passage of The Fair Housing Act and the CRA decades ago, formerly redlined neighborhoods such as Englewood continue to experience discrimination by having far fewer home loan originations as compared to the white neighborhoods that surround them. The map further below highlights in yellow the 40 census tracts in Toledo identified as predominantly minority at the time the AI was completed in 2020 (those less than 50% white alone). The location of the Swayne Field Branch is represented by the red dot located approximately in the center of Toledo's predominantly minority census tracts. The AI stated that "approximately 9.0 percent of the owner-occupied housing units in the Toledo MSA are located in these 40 tracts and so one would anticipate that lenders would originate approximately 9.0 percent of their home purchase loans there." This analysis is based on Home Mortgage Disclosure Act data from 2018, which shows that at that time "only 4.1% of the 7,389 home purchase loans in Toledo were originated in the 40 census tracts of color".³

These numbers show that LMI neighborhoods continue to lack equal access to much needed credit, even as the Swayne Field bank branch is located in the center. The Swayne Field branch was opened by Fifth Third a little more than 20 years ago as a consolidation of branches that were closed in 2 other minority areas, one near the intersection of Collingwood Blvd. and Jefferson Ave., the other at Detroit and Indiana Aves. To gain access to important credit opportunities like home loans, it's important for local residents to see and build a relationship with a nearby bank branch, so closures like this, of branches that are among the

³ The City of Toledo Analysis of Impediments to Fair Housing Choice, 2020, p. 88-89 – available at <https://cdn.toledo.oh.gov/uploads/documents/Plan-Commission/General-Maps/Neighborhoods/city-of-toledo-2020-2025-analysis-of-impediments-and-fair-housing-action-plan.pdf>

few or only in LMI neighborhoods, perpetuates the racial divide in wealth and homeownership.



d. This closure is continuation of Fifth Third's pattern of abandoning minority communities and LMI neighborhoods throughout Toledo.

The notice posted at the Swayne Field bank branch for those who currently bank at this Fifth Third location directs account holders to visit the LaGrange branch for service after the closure of the branch. The Lagrange branch is located in another predominantly minority neighborhood in Toledo about two and a half miles away from the Swayne Field Branch. For those that drive, it is less than 10 minutes away, but for those who would normally walk to the Swayne Field branch, that walk would be 45 minutes or more, one way. Without a nearby bank branch, many Toledoans are relegated to using more expensive or exploitive services like expensive check cashing, money orders, or payday loans. To gain access to important credit opportunities like home loans, it's also important for local residents to see and build a relationship with a nearby bank branch.

e. The presence of a bank branch in the neighborhood surrounding Swayne Field would contribute to reinvestment and redevelopment in the area.

Despite the disinvestment, this neighborhood has a rich history and was the site of Toledo's first baseball field, Swayne Field. Swayne Field was among the best minor league baseball stadiums in the country when it opened in 1909. Toledoans and residents of the area continue to have pride for the location of the former ballpark, which was the site where many of America's first black baseball players and teams played ball together with white players, during a time when segregation was imposed on many other baseball teams throughout the country.

Sadly, the area surrounding the branch location that once represented the promise of racial equality 110 years ago is also an area that was redlined by government and financial policies 90 years ago. This redlining resulted in a concentration of blacks and other minorities and a lack of opportunity or wealth. Currently, The City of Toledo is working with HUD to redevelop the area, which could include new businesses, housing, green space, career development centers, and sports fields. The continued presence of the Swayne Field branch could be an asset to the planned redevelopment that attracts businesses and individuals to the area. A definite plan for the redevelopment is expected in March 2023. It is hard to understand the closing of this branch just when there are major plans underway for much-needed reinvestment in the area to which Fifth Third could contribute and help meet its CRA responsibilities to the community.

3. This request is not frivolous.

Pursuant to 12 U.S.C.A. § 1831r-1(d)(2)(B), the OCC should conclude that this request is not frivolous. All of the conditions necessary to trigger the requirements at 12 U.S.C.A. § 1831r-1(d)(2)(B) have been met and the OCC should consult with community leaders to convene public meetings.

B. The OCC must instruct Fifth Third that it cannot close the branch until it complies with the notice requirements.

Under 12 U.S.C.A. § 1831r-1(b)(2), Fifth Third must provide notice in a conspicuous manner on the premises of the branch it proposes to close. Under 12 U.S.C.A. § 1831r-1(d)(1), the notice must contain the mailing address of the OCC and a statement that comments on the proposed closing of such branch may be mailed to such agency.

Fifth Third has posted notices in a conspicuous manner on the premises, but these notices do not contain information about commenting to the OCC as required. To the contrary, the notices direct customers to contact Fifth Third and do not contain any information about commenting to the OCC. The pictures on the following pages, Exhibits 1 and 2, show the public notices at the branch.

Exhibit 1

This is a large conspicuous notice inside the branch. It does not provide any information about commenting to the OCC.

**WE'RE CHANGING
OUR ADDRESS.**

NOT OUR COMMITMENT TO YOU.

On **March 30, 2023**, Fifth Third Bank Swayne Field Branch will consolidate with the Lagrange Branch.

But our commitment to give you the **highest personal service** remains as strong as ever.

Lagrange
3028 LaGrange St.
Toledo, OH 43608
(419) 729-3871

Saria James-Newbern
Financial Center Manager

HOURS
Monday-Thursday: 9:00 a.m.-5:00 p.m.
Friday: 9:00 a.m.-6:00 p.m.
Saturday: 9:00 a.m.-12:00 p.m.


FIFTH THIRD BANK

FIND A BRANCH NEAR YOU
Tap the "Locations" icon on the Fifth Third Mobile App.
Download the App by texting "Mobile" to 535353.

*Map information is provided solely for informational purposes and does not constitute an offer. © 2023 Fifth Third Bank. Member FDIC. #FifthThird.com CS4470

Exhibit 2

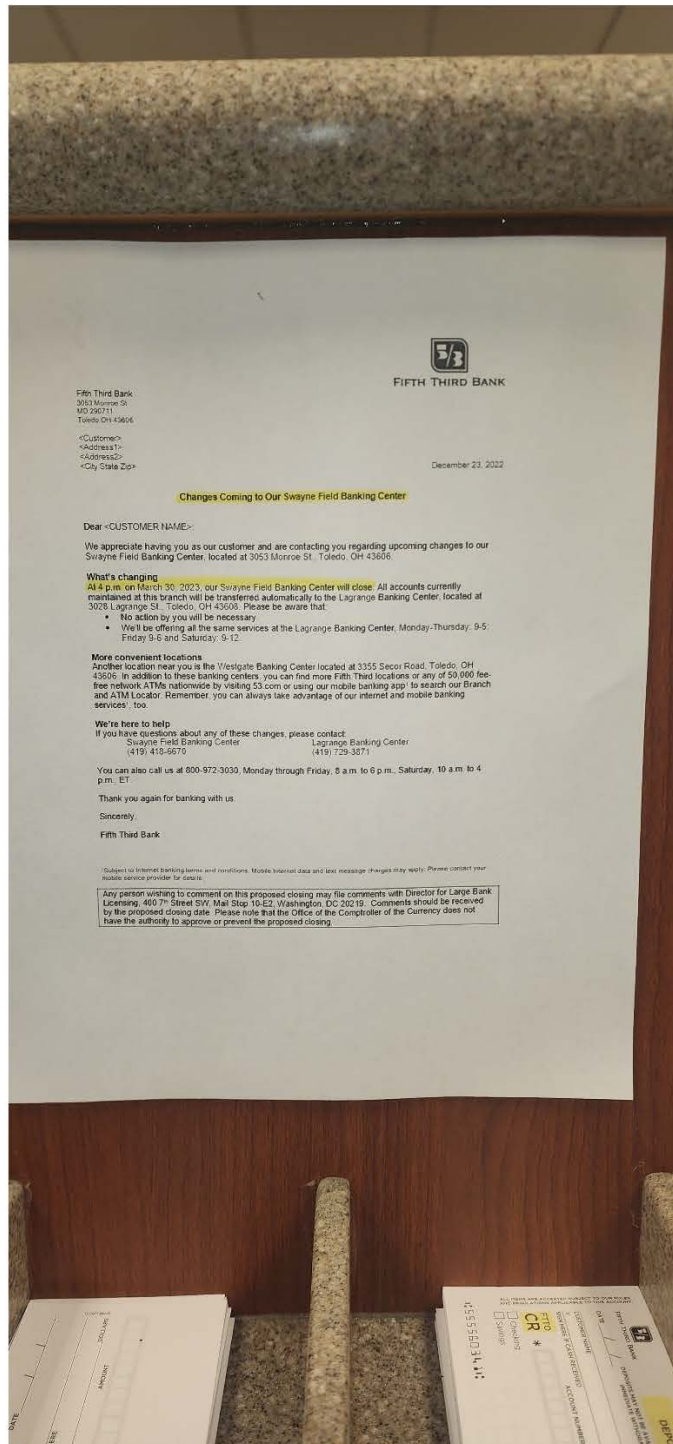
This is a large conspicuous notice easily seen from outside of the branch. It does not provide any information about commenting to the OCC as required.



Fifth Third has failed to provide the required content in the notices posted conspicuously on the premises. Further, it only provided information about commenting to the OCC on the bottom of a small letter-size paper in a non-conspicuous location. Fifth Third is directing customers and the public to contact Fifth Third in all of the conspicuously posted notices, instead of providing the required OCC contact information.

Exhibit 3

This is the non-conspicuous notice that contains information about contacting the OCC in small print in a box at the bottom of the page.



Conclusion

The OCC must consult with community leaders and conduct public meetings under 12 U.S.C.A. § 1831r-1. The OCC must also instruct Fifth Third that it cannot close the branch until it provides the required notices with information about commenting to the OCC.

The Fair Housing Center requests that the OCC respond to this letter within fourteen days. Please respond via email to both [REDACTED] and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Housing Conditions & Neighborhood Reinvestment Attorney
The Fair Housing Center
326 N. Erie Street,
Toledo, OH 43604

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CEO and General Counsel
The Fair Housing Center
326 N. Erie St.
Toledo, Ohio 43604

[REDACTED]

[REDACTED]



March 6, 2023

To: The Office of the Comptroller of the Currency

From:

Re: Comment letter regarding Application for Bank branch closure, OCC Control number 2022-LB-Branch Closing-330146, the closure of the Fifth Third Bank Swayne Field branch, 3053 Monroe St., Toledo OH 43606 (certificate #211812A)

Office of the Comptroller of the Currency:

I am commenting on the closure of the Fifth Third Bank Swayne Field branch in Toledo, OH located at 3053 Monroe St., Toledo OH 43606.

My home and business are from the area where this branch is located.

I am requesting that Fifth Third Bank stop the closure immediately and keep this branch open, or that Fifth Third bank make significant commitments for reinvestment in the surrounding area. In addition, I am requesting that the Office of the Comptroller of the Currency (OCC) consult with community leaders and convene public meetings. The OCC must ensure that the community is made aware of the impact of this branch closure and there must be a public review of how the credit needs of the area will be met.

The reasons for this request include the following:

- The loss of the bank branch will have a powerful negative impact on the Toledo area. Fifth Third Bank is operating in a "bank desert" with a scarcity of banking and lending services for community residents.
- The OCC must do more to meet the credit needs of the Toledo area and offset the harm that the loss of this branch will have on the area.
- The subject Bank is across the street from the Swayne Field Shopping Center that has a low occupancy and a high level of disinvestment. The City of Toledo and other stakeholders are in the midst of a major redevelopment process in which several

concepts have been identified to enhance the Center. The close of this branch bank undermines the opportunity to redevelop the Center and overall District.

- Similarly, Fifth Third Bank is located on the edge of the Monroe Auburn Neighborhood. The Monroe Auburn Neighborhood Master Plan was recently adopted by the City of Toledo. The plan was prepared by the Toledo Design Collective and the Monroe Street Neighborhood Center. Closing the Fifth Third Bank branch conflicts with this adopted Plan.

Thank you for your consideration of this request.

Sincerely,

[REDACTED]

[REDACTED]



Lucas County Treasurer

One Government Center, Suite 500 · Toledo, OH 43604-2253
Web: www.co.lucas.oh.us/treasurer · Email: treasurer@co.lucas.oh.us

April 13, 2023,

To: Office of the Comptroller of the Currency
Sent via email to: licensingpubliccomments@occ.treas.gov

I am writing today to request a hearing on the closure of the Swayne Field 5th/3rd Bank Branch-330146 (Cert. # 211812A) pursuant to U.S.C.A. § 1831r-1 (d)(2)(B).

I believe this is a very unique situation in our community, given the fact that the bank branch building is approximately less than 10 years old and it represents a sizable investment in this low to moderate income area in Toledo, OH. The loss of retail banking services will have a significant impact on the community that is already under-banked and challenged with transportation issues. By my calculation, the 5th/3rd branch most likely to absorb this branch's retail business is more than 5 miles from this location. It also represents a significant disinvestment of retail banking services to the urban core of Toledo by this institution.

Many entities have invested or plan on investing significant resources in a targeted and thoughtful way in the adjacent neighborhoods served by this branch location. Those entities include, but are not limited to, the City of Toledo, the County of Lucas, the philanthropic community and indeed, 5th/3rd Bank itself.

This neighborhood needs the assistance of your office "to explore the feasibility of obtaining adequate alternative facilities and services for the affected area, including the establishment of a new branch by another depository institution the chartering of a new depository institution or the establishment of a community development credit union, following the closing of the branch." See generally, U.S.C.A. § 1831r-(d)(2)(B). Additionally, while 5th/3rd Bank attempted to convene a group of stakeholders on 4/12/2023, it was not inclusive nor accessible to the public, and offered very little in the way of concrete solutions to address the problems created by this business decision.

Therefore, as the elected Treasurer of Lucas County, I am a "person from the area in which such a branch is located" (See U.S.C.A. § 1831r-1(d)(2)(A)) and I am respectfully requesting that your office assist our community in directly addressing the harm this business decision is having on our community by convening the stakeholders and helping to lead us to a positive solution.

Sincerely,


Lucas County Treasurer

April 19, 2023

Sent by email to [REDACTED]

[REDACTED]
Regulatory Legal Fellow
Fifth Third Bank, National Association
38 Fountain Square Plaza
Cincinnati, Ohio 45202

Re: Notice by Fifth Third Bank, National Association, Cincinnati, Ohio to close a branch
OCC Control No. 2022-LB-BranchClosing-330146 OCC Charter No. 25190

Dear Regulatory Legal Fellow [REDACTED]

Enclosed is a copy of a letter dated April 18, 2023, from [REDACTED] Lucas County
Treasurer, responding to the Notice of Branch Closing for the *Swayne Field Branch* of the Fifth
Third Bank, National Association branch located at 3053 Monroe Street 0, Toledo, Ohio 43606.
Please place the comment letter in the bank's public file.

If you have any questions, contact [REDACTED] Director for Community Development at [REDACTED]
[REDACTED] or by e-mail at [REDACTED] and reference the OCC control number.

Sincerely,

Digitally signed by [REDACTED]

Date: 2023.04.19

11:42:09 -04'00'

[REDACTED]
Director for Large Bank Licensing

Enclosure: Public Comment Letter

cc: Director for Community Development

National Appraisal Bias Task Force Inc
(nuballpartners@gmail.com)

([REDACTED])

10/3/2023

Fifth Third Bank Fifth Third Center

900 Main Street, Cincinnati, OH 45202

Subject: Complaint Regarding Violations of the Fair Housing Act and Community Reinvestment Act

[REDACTED]/Third Bank,

We are writing to express our serious concerns regarding the lending practices of 5/3 bank, which we believe may be in violation of the Fair Housing Act (FHA) and the Community Reinvestment Act (CRA). As a concerned citizen who advocates with several Fair Housing and Community Development Organizations, we feel compelled to bring these matters, and violations, to your attention.

We have completed a comprehensive analysis of your lending practices through your most recent HMDA data. And we have found that your actual loan numbers for African American Black borrowers are below the goals you set in your Community Benefits Agreement (CBA) signed with National Coalition Redevelopment Corporations (NCRC). We do know your agreement has since expired, however again you have not met goals set forth in the agreement (CBA). We also have great concern for the community's financial well-being prospective as well, as to your low loan numbers in 2022-2021 HMDA data for Ohio. We have completed an analysis of your loan denial rates based on your most recent HMDA data analysis. Your current loan denial rates in Ohio are at 42.3% rate for Blacks and 21.7% for Whites, double that of Black borrowers.

We are also currently investigating your loan denial based on redlining through undervaluing African American Black communities, and homeowners. We will provide further details of this in our next letter to your institution.

These patterns of undervaluation, appraisal bias, we have observed are impacting African American Black borrowers and homeowners and have been disproportionately denied loans or made loans subject to unfavorable lending terms.

These types of lending practices we believe are in violation of the Fair Housing Act which prohibits discrimination in housing-related transactions based on race, color, national origin, religion, sex, familial status, or disability.

Our information, investigation, and analysis show that 5th/3rd CRA rating may be in question and should be reviewed by regulators. We are requesting a former review of your CRA compliance and your commitment to the Community Benefits Agreement you signed with NCRC. Again, we are requesting a full audit of that agreement, by a community approved third party and what goals the bank met in the agreement. We do believe based on the evidence that the bank's lending practices are affecting its obligation to meet the credit needs of the communities it serves, particularly in low- and moderate-income areas and African American/Black communities.

We can provide additional relevant documents, data, or reports that support our findings and/or conclusions. This could include loan denial records, lending data broken down by race, or community investment reports.

We are requesting a thorough investigation into the bank's lending practices by the appropriate regulatory agencies, such as the Consumer Financial Protection Bureau (CFPB) or the Office of the Comptroller of the Currency (OCC), Housing Urban Development (HUD)


We strongly urge and desire for the 5th/3rd Bank to take corrective action if any violations, or compliance questions are confirmed, such as revising lending policies, implementing fair lending training, or offering restitution to affected borrowers or others impacted by those violations. It is our hope that the bank will address these concerns promptly and in accordance with federal laws. We thank 5th/3rd in advance for their immediate attention to this matter and we express our sincere hope for a positive resolution.

Please add this letter to the 5th/3rd Corporate CRA file to meet all CRA regulations and be informative to the community at large of our concerns.

National Appraisal Bias Task Force Inc

P.O. Box 16038 Cincinnati, Ohio 45216

513-813-8446

Signature: 

Member/Director

cc

Office of the Comptroller of the Currency (OCC)

Consumer Financial Protection Bureau (CFPB)

National Coalition Redevelopment Corporations (NCRC)

Housing Opportunity Made Equal (HOME)

Fair Housing Center (FHC)

Housing Urban Development (HUD)



FIFTH THIRD BANK

October 11, 2023

VIA MAIL

[REDACTED]
Member/Director
National Appraisal Bias Task Force Inc
P.O. Box 16038
Cincinnati, Ohio 45216

RE: Complaint against Fifth Third Bank, National Association

Dear [REDACTED]

I am writing you today on behalf of Fifth Third Bank, National Association (the "Bank") in response to the letter from the National Appraisal Bias Task Force, Inc. dated October 3, 2023 (the "October 2023 Letter"). Please know that the Bank takes the allegations contained within the October 2023 Letter seriously and as requested, a copy of the October 2023 Letter will be included within the Bank's Community Reinvestment Act ("CRA") public file.

Fifth Third Bank is committed to fair and responsible banking by treating all individuals equitably wherever it conducts business. Fifth Third regularly conducts fair lending reviews of its mortgage lending operations to ensure that customers receive fair and equitable treatment. We continue to work with organizations such as Village Capital Corporation and Enterprise Community Partners to rehab homes and assist new homebuyers as well as make connections with realtors.

As required by the Home Mortgage Disclosure Act (HMDA), Fifth Third annually publishes specific detailed information about its mortgage lending activities in the areas where it does business. This HMDA data includes the type of loan, whether there was a co-applicant, whether the loan was approved or denied, and the gender, ethnicity, race and income of the applicant(s). The publicly reported data does not, however include significant information at an individual loan-level concerning creditworthiness that a lender would use to determine whether or not to approve an application (including relevant details of an applicant's credit history, for example).

Examining denial rates across different race, ethnicity, and gender groups as reflected in HMDA data does little to explain why potential differences in those denial rates exist. However, examining differences in numbers of applications and in loan denial rates can still be valuable to lenders in evaluating their lending operations.

To that end, Fifth Third is committed to regularly examining its data to ensure that credit decisions are being made based on credit characteristics as specified in its underwriting criteria, and not on race, ethnicity, or gender. Moreover, Fifth Third has implemented fair lending training and compliance programs to ensure that its underwriting criteria are applied fairly and consistently to all applicants.

Sincerely,

[REDACTED]

[REDACTED]

[REDACTED]



Urban Coalition of Appraisal Professionals
P O Box 6046
Florence, KY 41022-6046

October 12, 2023

[REDACTED] Fifth/Third Bank,
8100 Burlington Pike
Florence, KY 41042

Subject: Complaint Regarding Violations of the Fair Housing Act and Community Reinvestment Act;

In a joint investigation with the National Appraisal Bias Taskforce regarding Fifth Third's possible violations of the Fair Housing Act (FHA) and the Community Reinvestment Act (CRA). The Urban Coalition of Appraisal Professionals (UCAP), a national organization, a community advocate for appraiser's rights, CRA issues, and Fair Housing violations, we have uncovered several issues. We believe that it is important to bring these concerns to your attention.

One of, UCAP's major responsibilities is to engage with all relevant stakeholders to address an equitable path toward addressing the continual misevaluations and undervaluation of properties experienced by families in communities of color and focus on issues of racial bias in the appraisal process.

We have completed a thorough analysis, using some of the most recent HMDA data of your lending practices. This research revealed that your actual loan numbers for African American Black borrowers, in Ohio, are below the goals you set in your Community Benefits Agreement (CBA) signed with National Coalition Reinvestment Corporation (NCRC).

We also found some discrepancies relating to patterns of undervaluation in certain communities and appraisal bias. Clearly, these types of lending practices are in violation of the Fair Housing Act which prohibits discrimination in housing-related transactions based on race, color, national origin, religion, sex, familial status, or disability.

In legal terms, we understand your CBA agreement with NCRC, has since expired, April 2021. However, what was revealed in our analysis of 2021-2022 HMDA data for Ohio,

implies that your denial rate for African American Black borrowers is twice that, of Caucasian borrowers. In fact, records indicated that of the Black or African American, Loans Originated, that there was a 45.7% denial rate. Almost twice the rate of White, Loans Originated. These numbers are disturbing. Our concerns are further amplified when you examine only lower to moderate income (LMI) communities.

Home ownership is one of the best paths for building intergenerational wealth. Bias in the mortgage approval process has historically been influenced by racial, ethnic, and other prejudices. Homeownership comprises nearly 30% of American household wealth, making mortgage lending, a very important business. For many families, their home is their single biggest asset, and can represent a significant proportion of their overall wealth. This is particularly the case for African American Black borrowers and Hispanic families, whose houses can account for a significant portion of their overall wealth.

In the press release dated November 18, 2016, former President & CEO [REDACTED] of Fifth Third Bank Corp, stated "Fifth Third is deeply committed to both investing significant resources into the community as well as engaging community members and leaders". Were any of the landmarks in the community benefits agreement of \$30 billion achieved?

The Urban Coalition of Appraisal Professionals would like to schedule a meeting to discuss some of these matters and others that we currently have concerns about.

Sincerely,

[REDACTED]
Executive Director
The Urban Coalition of Appraisal Professionals

Cc: [REDACTED]



FIFTH THIRD BANK

November 16, 2023

VIA MAIL

[REDACTED]
Executive Director
Urban Coalition of Appraisal Professionals
PO Box 6046
Florence, KY 41022-6046

RE: Complaint against Fifth Third Bank, National Association

Dear [REDACTED],

I am writing you today on behalf of Fifth Third Bank, National Association (the "Bank") in response to the letter from the Urban Coalition of Appraisal Professionals dated October 12, 2023 (the "October 2023 Letter"). Please know that the Bank takes the allegations contained within the October 2023 Letter seriously. A copy of the October 2023 Letter will be included within the Bank's Community Reinvestment Act ("CRA") public file.

Fifth Third Bank is committed to fair and responsible banking by treating all individuals equitably wherever it conducts business. Fifth Third regularly conducts fair lending reviews of its mortgage lending operations to ensure that customers receive fair and equitable treatment. We continue to work with organizations such as NAREB and NAHREP to assist new homebuyers as well as make connections with realtors and real estate industry professionals.

As required by the Home Mortgage Disclosure Act (HMDA), Fifth Third annually publishes specific detailed information about its mortgage lending activities in the areas where it does business. This HMDA data includes the type of loan, whether there was a co-applicant, whether the loan was approved or denied, and the gender, ethnicity, race and income of the applicant(s). The publicly reported data does not, however, include significant information at an individual loan-level concerning creditworthiness that a lender would use to determine whether or not to approve an application (including relevant details of an applicant's credit history, for example).

Examining denial rates across different race, ethnicity, and gender groups as reflected in HMDA data does little to explain why potential differences in those denial rates exist. However, examining differences in numbers of applications and in loan denial rates can still be valuable to lenders in evaluating their lending operations.

To that end, Fifth Third is committed to regularly examining its data to ensure that credit decisions are being made based on credit characteristics as specified in its underwriting criteria, and not on race, ethnicity, or gender. Moreover, Fifth Third has implemented fair lending training and compliance programs to ensure that its underwriting criteria are applied fairly and consistently to all applicants.

Sincerely,

[REDACTED]

[REDACTED]

Urban Coalition of Appraisal Professionals

January 06, 2024

Fifth Third Bank
201 N Tryon Street
Suite 18
Charlotte, NC 28202

Dear [REDACTED]

We hope this letter finds you well. We acknowledge the concerns expressed in your recent correspondence regarding our assessment of Fifth Third Bankcorp Community Reinvestment Act (CRA) performance. We value open communication and the opportunity to address these concerns directly.

Firstly, we appreciate your dedication to enhancing community development and financial services in the areas you serve. As a non-profit organization committed to advocating for equitable access to financial resources, we recognize the significance of responsible and inclusive banking practices.

Our previous communication may have appeared critical and raucous and for any unintended offense caused, we extend our deepest apologies. Our intent was not to disparage but rather to highlight the importance of robust and comprehensive CRA initiatives that can profoundly impact underserved and low to moderate income communities positively.

We understand the complexities involved in meeting CRA requirements and the challenges banks encounter in fulfilling these obligations. Nonetheless, our organization remains committed to advocating for the equitable allocation of resources to benefit all community members.

In the spirit of collaboration, we welcome the opportunity to engage in a constructive dialogue to explore potential avenues for improving contracting opportunities with qualified and component black appraisers. We believe that an open exchange of ideas and experiences can foster innovative solutions that further align with the shared goal of community development.

We would greatly appreciate the chance to schedule a meeting or discussion to delve deeper into our concerns and work together towards mutually beneficial solutions. Your input and insights are invaluable in shaping strategies that address the needs of underserved populations effectively.

Please let us know a convenient time for us to connect. We eagerly anticipate the opportunity to engage in a meaningful conversation and collaborate for the betterment of the communities we both serve.

Thank you for your attention to this matter. We look forward to the possibility of fruitful discussions.

Sincerely,



Executive Director
The Urban Coalition of Appraisal Professionals
P O Box 6046
Website: ucaptraining.org
Email: [REDACTED]
Florence, KY 41042

Cc: [REDACTED]
[REDACTED]