

AMENDED IN ASSEMBLY APRIL 26, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2581

Introduced by Assembly Member Bradford

February 19, 2010

An act to add Division 18 (commencing with Section 40000) to the Financial Code, relating to banking development districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2581, as amended, Bradford. Banking development districts.

Existing law provides for various programs and activities in the development of economic opportunities for businesses in the state. The California Small Business Financial Development Corporation Law establishes small business financial development corporations and provides for their regulation by the Business, Transportation and Housing Agency. Existing law, the Banking Law, provides for the regulation of banks by the Department of Financial Institutions.

This bill would create a Banking Development District Program, within the Treasurer's office, ~~which~~ *that* would encourage the establishment of banking branches in ~~special~~ designated geographic locations where there is ~~a demonstrated need for banking services~~ *an underserved community, as defined*. The bill would require the Treasurer and the Department of Financial Institutions to adopt rules and regulations for the establishment and maintenance of banking development districts and to evaluate and approve applications for designation of banking development districts. The bill would require the Treasurer and the department to develop and provide certain incentives to banks located in a banking development district. The bill

would also require the Treasurer and the department to collaborate to create a performance review process for the program, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Too many Californians are disconnected from the financial
4 mainstream. National estimates show that 10 percent of households,
5 including nearly one-quarter of the minority population, are
6 “unbanked,” meaning they lack a basic checking or savings
7 account. In California, 12 percent of adults do not have a checking
8 or savings account, according to the United States Census. Recent
9 market research indicates that Fresno and Los Angeles have the
10 second and third highest percentages of unbanked residents in the
11 country. In San Francisco, the Brookings Institution found that
12 one in five adults, and half the city’s African-Americans and
13 Latinos, do not have bank accounts. The unbanked are most likely
14 to be people who are less educated and have lower incomes.

15 (b) The unbanked poor pay more to conduct their financial lives.
16 Utilizing check cashing outlets and money order services to pay
17 bills and expenses can have costly side effects as the result of fees
18 and service charges.

19 (c) Families without accounts often do not have a safe place to
20 keep their money. They may walk around with large amounts of
21 cash in their pockets, or keep it at home in a coffee can. Robberies
22 can be more prevalent around check cashing outlets. A burglary,
23 or a fire, could cost them their life’s savings in a matter of
24 moments.

25 (d) Lower income households often pay more for financial
26 services. According to a recent Brookings Institution study, a
27 full-time worker without a checking account could potentially save
28 as much as \$40,000 during his or her career by relying on a
29 lower-cost checking account instead of check cashing services.
30 As a result without a checking account or lower-cost checking
31 account, lower income families have added difficulty saving for
32 and investing in wealth-building assets, the investments they do

1 make are too often not in their best financial interest, and business
2 opportunities in lower income markets are unduly depressed.

3 (e) A bank account is also the first step to financial security and
4 asset building for many families. A bank account helps people
5 take the first step onto this path. Without an account, it is much
6 more difficult to get well-priced car loans, credit cards, or
7 mortgages, which are the exact financial tools needed to climb up
8 the economic ladder. Many families stay stuck on a different path
9 going to pawn shops, payday lenders, and rent-to-own stores where
10 the interest rates can reach several hundred percent.

11 (f) While financial institutions may see the long-term business
12 potential of underserved areas, they may have a short-term concern
13 that it would take a number of years before they can attract enough
14 retail deposits to become viable. Those concerns are magnified by
15 the fact that lower income workers often need to use banking
16 services in off-business hours because they work in multiple jobs,
17 making it more difficult for banks to attract customers with
18 standard business practices.

19 (g) In 1999, the State of New York established a Banking
20 Development District Program and made available a range of state
21 and city incentives to participating financial institutions. The
22 incentives provided through the program aim to help banks get
23 over short-term obstacles to profitability, enabling them to branch
24 into neighborhoods with long-term business potential, and better
25 serve low-income consumers with existing bank branches.

26 (h) It is the intent of the Legislature in enacting this act to create
27 a Banking Development District Program to spur increased and
28 enhanced banking services in underserved communities that will
29 spur greater financial inclusion and promote local economic
30 development. The desired outcome is that more Californians will
31 enter the financial mainstream and build savings and wealth
32 through participating banks' offerings and marketing of reasonably
33 priced transactional, loan, and credit products.

34 SEC. 2. Division 18 (commencing with Section 40000) is added
35 to the Financial Code, to read:

DIVISION 18. BANKING DEVELOPMENT DISTRICT
PROGRAM

40000. The Banking Development District Program is hereby created in order to encourage the establishment of banking branches that provide needed products and services in specifically designated geographic locations where there is ~~a demonstrated need for banking services~~ *an underserved community*. These designated locations shall be known as banking development districts. Financial institutions may seek to participate in the program to do either of the following:

(a) Open a new outlet in ~~a lower income, underserved area~~ *an area designated as a banking development district*.

(b) Develop and market a new product line or group of services in an existing outlet in ~~an underserved community area~~ *that is designated as a banking development district*.

40001. For purposes of this division, the following definitions shall apply:

(a) "Bank" refers to any commercial bank, savings bank, or savings association.

(b) "Unbanked" refers to a person who lacks both a basic checking account and a savings account.

(c) "Underbanked" refers to a person who has a bank account but is not fully integrated in the financial mainstream.

(d) "Underserved community" is a remote location or impoverished area that lacks banking services commensurate with the services provided to higher income areas with a population of similar size.

(e) "Banking development district" is a specifically designated geographic location ~~where there is a demonstrated need for banking services~~ *comprising an underserved community* that has been designated as such by the Treasurer and the Department of Financial Institutions pursuant to this division.

(f) "Local agency" means a city, county, whether general law or chartered, city and county, or town.

40002. (a) The Banking Development District Program shall be established within the Treasurer's office.

(b) *The Treasurer, the Department of Financial Institutions, and local agencies may compile a list of underserved communities or regions that lack a concentration of banks and services in order*

1 *to provide banks with a clear demonstration of those areas that*
2 *are in the most need.*

3 ~~(b)~~

4 (c) In order to participate in the Banking Development District
5 Program, a local agency, in conjunction with a bank, shall submit
6 an application to the Treasurer and the Department of Financial
7 Institutions for the designation of an underserved community as
8 a banking development district.

9 ~~(c) The Treasurer, the Department of Financial Institutions, and~~
10 ~~local agencies may compile a list of underserved communities or~~
11 ~~regions that lack a concentration of banks and services in order to~~
12 ~~provide banks with a clear demonstration of those areas that are~~
13 ~~in the most need.~~

14 (d) The application shall include, but not be limited to, all of
15 the following components:

16 (1) Clearly define the current and anticipated bank product and
17 service needs of the community.

18 (2) Demonstrate that these needs are not currently being met
19 by existing institutions, including, in particular, their branches in
20 the community.

21 (3) Demonstrate that by coming into the community, or
22 introducing and effectively marketing additional product lines or
23 services suited for lower income consumers in an existing branch,
24 the bank in question is prepared to specifically meet the community
25 needs.

26 40003. The Treasurer and the Department of Financial
27 Institutions shall set forth the selection criteria to evaluate a bank's
28 *local agency's* application. The selection criteria shall aim to satisfy
29 the following:

30 (a) Result in needed and responsible bank products and
31 marketing of those products to local consumers.

32 (b) Be flexible and allow for differences in local markets.

33 (c) ~~Encourage viable business practices~~ *safety and soundness.*

34 40004. The Treasurer and the Department of Financial
35 Institutions shall evaluate and approve applications and designate
36 banking development districts with an emphasis on evaluating the
37 extent to which the bank is prepared to offer and to market products
38 suited for lower income consumers, including those products that
39 accomplish the following:

(a) Help unbanked Californians open starter accounts. These accounts shall have features to help people overcome barriers that prevent them from opening accounts that may include the following:

(1) “Second Chance” type features for clients who are listed on Chex Systems or similar databases.

(2) No monthly balance requirements.

(3) Limited low-cost overdraft protection plans.

(b) Build financial literacy of community members.

(c) Provide effective ways to help low-income consumers build savings.

(d) Provide effective ways to help low-income consumers build or improve a credit record.

(e) Provide competitively priced mortgages and auto loans.

(f) Offer microloans and microlending products and services.

(g) Provide a range of well-priced loans and other products for small businesses.

(h) Provide specialized marketing to inform community members about the products.

(i) Provide specialized training of staff, including both frontline and customer service staff, to meet the needs of community members.

40005. The Treasurer and the Department of Financial Institutions shall develop and provide a range of incentives to help banks overcome short-term costs that prevent them from offering products and services that have long-term business potential. The incentives shall be all of the following:

(a) Valuable to banks.

(b) Significant enough to encourage banks to locate in an underserved community or develop new products and services within existing branches but small enough that a branch’s financial success requires services to the community.

(c) Require reauthorization every two years.

40006. Upon designation of a banking development district by the Treasurer and the Department of Financial Institutions, the bank located within the banking development district shall be eligible for a range of incentives. The range of incentives may include, but shall not be limited to, the following:

1 (a) Access to priority of deposits of public funds and access to
2 below market-rate public funds as deemed appropriate and
3 approved by the Treasurer.

4 (b) Incentives offered by local agencies as deemed appropriate
5 by the local agency and the Treasurer.

6 40007. The Treasurer may work with local agencies and
7 economic development officials to develop additional local
8 incentives for participating banks. These local incentives may
9 include, but shall not be limited to, the following:

10 (a) Local agency deposits.

11 (b) Local agencies may help banks locate suitable commercial
12 space for branches and may provide real estate assistance.

13 (c) Local tax incentives. Banks may be eligible for additional
14 incentives if a banking development district overlaps with an
15 enterprise zone.

16 (d) Workforce development. Customized training may be
17 developed for tellers, back-office or administrative staff,
18 information technology, security, and other select job categories.

19 40008. The Treasurer and the Department of Financial
20 Institutions shall adopt rules and regulations for the establishment
21 and maintenance of banking development districts, as provided
22 for in this division.

23 40009. The Treasurer and the Department of Financial
24 Institutions shall collaborate to create a performance review process
25 to ensure that banks taking part in the Banking Development
26 District Program are meeting their goals and initiatives and that
27 their services are having a recognizable impact on underserved
28 communities.

29 40010. Banks have an affirmative obligation to serve the
30 convenience and needs of the communities where they provide
31 services commensurate with the federal Community Reinvestment
32 Act.