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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CALIFORNIA REINVESTMENT  
COALITION, NATIONAL ASSOCIATION  
FOR LATINO COMMUNITY ASSET  
BUILDERS, DEBORAH LYNN FIELD, and  
RESHONDA YOUNG,

Plaintiffs,

v.

KATHLEEN L. KRANINGER, Director,  
Consumer Financial Protection Bureau,  
In Her Official Capacity and CONSUMER  
FINANCIAL PROTECTION BUREAU,

Defendants.

No. 4:19-cv-02572-JSW

**DECLARATION OF NOEL POYO**

**DECLARATION OF NOEL POYO**

I, Noel Poyo, declare as follows:

1. The facts in this declaration are based on my personal knowledge.

2. I am the Executive Director of National Association for Latino Community Asset Builders (“NALCAB”), a 501(c)(3) nonprofit organization based in San Antonio, Texas.

3. NALCAB’s mission is to strengthen the economy by advancing economic mobility in Latino communities. NALCAB’s vision is to dramatically scale the flow of public and private sector capital that responsibly meets the asset-building needs and opportunities in the communities and families we serve. NALCAB achieves its mission and vision by strengthening and coordinating the capacity of the NALCAB Network to deploy capital and by influencing investors and policy makers with research, advocacy, and technical advice.

4. NALCAB is the hub of a member network of more than 120 mission-driven community and economic development organizations. Our members pay dues and the significant majority of the members of NALCAB’s Board of Directors are employees or board members of our member organizations. NALCAB supports its members by providing training, grant assistance, technical assistance, and other benefits. Our membership list can be seen at <https://nalcab.org/membership/#memberdirectory>. NALCAB has assisted our members to secure more than \$350 million in investment to support their work.

5. NALCAB lends to small-business lenders in our Network for the purpose of improving access to capital in underserved areas. More than \$75 million of the capital we have assisted our members to secure is dedicated specifically for small business investment and local economic development projects. NALCAB also conducts research into business credit needs in local markets, producing reports that are used by business owners, lenders, and policymakers to identify and implement strategies for improving access to capital and strengthen economic development.

6. CFPB’s failure to implement Section 1071 has directly impaired these efforts, making it harder for us to target our efforts and forcing us to spend considerable sums to replicate pieces of the data that implementation of Section 1071 would provide.

1           7.       Our investment activities rely critically on data. We provide capital to local  
2 community development financial institutions (“CDFIs”) and aspiring CDFIs to invest in their local  
3 markets, including by lending to businesses that have limited access to capital and credit. Access to  
4 capital, and lenders’ willingness to lend to small (and, particularly, Latino- and immigrant-owned)  
5 businesses, varies considerably from market to market. To understand where capital is needed, how  
6 to capitalize our loan funds, and what local CDFIs to support, we need to understand the  
7 demographics and geography of small business lending.

8           8.       The data that currently exists, however, does not provide sufficient information for  
9 identifying small business credit deserts. We make use of many data sources, such as the Federal  
10 Reserve’s Small Business Credit Survey and reports published periodically by the Stanford Business  
11 School’s Latino Entrepreneurship Initiative and the U.S. Hispanic Chamber of Commerce. None of  
12 these provide the scale and specificity of the information that Section 1071 requires, giving us only  
13 relatively high-level information about business owners’ locations and access to capital.

14           9.       In order to pursue our mission in the face of this dearth of information, NALCAB has  
15 had no choice but to perform our own research and surveys on credit needs for small businesses in  
16 local markets. We conducted a statewide study in California examining the demographic and  
17 economic characteristics of Latino-owned small businesses and their access to capital, as well as  
18 similar surveys in particular local markets.

19           10.       We have spent more than \$100,000 on these surveys in recent years, and expect to  
20 spend hundreds of thousands more in the coming years as CFPB continues to withhold Section 1071  
21 data. Even with these considerable investments, the data we have generated cannot compare to the  
22 comprehensive nature of data required by Section 1071.

23           11.       In addition to using this data to guide our own investment decisions, we have  
24 incorporated our research and public information into reports and technical assistance services in  
25 order to educate our members, the public, and policymakers on the credit needs of Latino small  
26 business owners. These reports and services help our member lending institutions identify where to  
27 direct resources, help small business owners identify ways to address their needs for capital, and help  
28 policymakers understand credit needs and advocate for policies that address them. NALCAB has

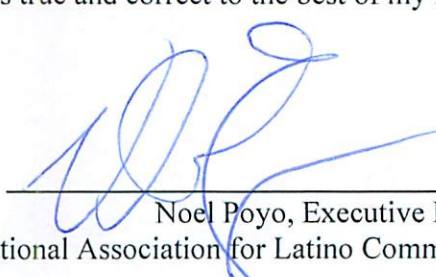
1 also assisted local and state governments to develop economic and small business investment  
2 programs.

3 12. CFPB's failure to implement Section 1071 significantly compromises the quality of  
4 these reports, substantially impeding us from carrying out NALCAB's mission.

5 13. In addition to this harm to NALCAB as a whole, CFPB's failure to implement Section  
6 1071 harms many of the non-profit community development, asset-building, and lending  
7 organizations that make up our membership. Like NALCAB as a whole, many of our individual  
8 members provide or secure loans for members of underserved communities. Without the data  
9 mandated by Section 1071, they are forced to operate without the insights that the data would  
10 provide with respect to identify particular areas of need and potential capital sources and to expend  
11 additional organizational resources to collect data that is less comprehensive in nature. Their  
12 applications for government funding and proposals to private investors are weaker due to the  
13 inability to present Section 1071 data.

14 14. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the  
15 United States that the foregoing declaration is true and correct to the best of my knowledge,  
16 information, and belief.

17  
18 Dated: October 10, 2019

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20 Noel Poyo, Executive Director  
21 National Association for Latino Community Asset Builders  
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