

## ***“Open Agenda” Notes for the December 19, 2017 meeting of ANC1D***

### **Agenda approval**

#### **Celeste Duffie, DPW**

Inclement weather planning, Side Walk Shoveling Exemption, Mayor’s List of Recyclables and all other DPW services and initiatives in November and December.

### **Public discussion**

“Each Commission shall set aside a portion of each public meeting *to hear the views of residents* within the Commission area and other affected persons on problems or issues of concern within the Commission area and on proposed District government actions that affect the Commission area.”

### **Committee reports:**

**Transportation (Jon)**

**Public Space (Stuart)**

**Housing (Paul)**

### **Secretary’s report**

Minutes of the November 14 meeting (draft sent out November 16).

### **Treasurer’s report**

Consent items: Checks to James True, \$75, postering for the December meeting; HearSay Interpreting, \$100, interpreting at the December meeting; Julio Lopez, \$30, for assistance at the December meeting.

## ***Unfinished business***

### ***New business***

#### **1715 Kenyon HPRB (Jon)**

1715 Kenyon Street NW, HPA 18-111, concept/addition; at rear and third floor on two-story row house

#### **Clarify trailer parking law to be applicable only to large, commercial trailers (Jack)**

Resolved, that ANC1D advises the Council of the District to revise DCMR 18, 2405.5 to be applicable only to large, commercial trailers, exempting small, personal-use trailers.

Why: DCMR 18, 2405.5 imposes a very heavy penalty, currently one thousand dollars, for parking trucks and trailers on residential streets. The regulation is explicit in limiting application to trucks "longer than twenty-two feet or wider than eight feet", thus exempting pickup trucks and the like owned by residents for their personal use. The reference to trailers, however, includes no such specification, and so is applicable to any trailer, of whatever dimensions. A resident renting a small trailer for personal use would be subject to this draconian fine, as if the resident were a commercial entity, and not just an individual needing a small trailer for personal use.

This has in fact happened in Mount Pleasant, where a visiting family with a trailer no larger than a car, including its hitch, had this thousand-dollar fine inflicted on them by the Metropolitan Police. Fortunately an examiner dismissed the parking ticket, perceiving that this was not warranted by the circumstances. But it should not be necessary for a resident, or a resident's visitor, to take the ticket downtown to have it rescinded. The law should be explicit: only large commercial trailers should be subject to this heavy fine. If small, personal-use trailers are to be restricted, regulations appropriate for such trailers should be devised, with fines appropriate for individuals, rather than the extremely heavy fine evidently required to deter commercial entities.

### **Concerning Wells Fargo (Stuart)**

Resolved, that ANC 1D advises the Council of the District of Columbia Committee on Finance and Revenue to recommend that the full Council consider and pass the resolution entitled Sense of the Council Urging Reassessment of Relationship with Wells Fargo Resolution of 2017.

ANC 1D further advises the following:

That the District of Columbia Office of the Chief Financial Officer (OCFO) provide ANC 1D with record of public comment periods for any District financial action with Wells Fargo and with assessments of Community Development Plans as required by § 26-431.04 of the District of Columbia Code.

That the District of Columbia Department of Insurance, Securities and Banking (DISB) conduct a study of commercial banks with the capacity to serve the District of Columbia government's banking needs and to detail the banks' investment portfolios, including the banks' investments in the District and their provision of banking services in all 8 wards and to recommend, in consultation with the OCFO's office, how DC government banking needs could be met by socially responsible commercial bank(s);

That DISB make public its progress on feasibility study (funded with \$200,000 from the FY 2018 budget) of a District of Columbia public bank.

Why:

The District of Columbia government has embraced a vision of sustainable and equitable development for the District. The Sustainable DC Plan calls for DC to become "the healthiest, greenest, and most livable city in the United States<sup>1</sup>." The goal of the District of Columbia Economic Strategy is for DC to "become the global model for inclusive prosperity and resilience, showcasing how diversity and innovation can drive equitable economic growth<sup>2</sup>."

Despite this emphasis on sustainability and equitable growth, the city is also a customer of Wells Fargo Bank—a bank which, in recent years, has committed pervasive account fraud, engaged in

lending discrimination against minorities, and invested in environmentally damaging industries. A summary of these activities is below:

Wells Fargo was recently fined \$185 million for employing high-pressure sales tactics, deceiving its customers and fraudulently collecting fees<sup>3</sup> for at least 3.5 million unauthorized customer banking accounts<sup>4</sup>;

The U.S. Department of Justice found Wells Fargo to have targeted African-American and Hispanic borrowers for risky subprime mortgages and charged them higher fees than other borrowers because of their race or national origin, rather than objective criteria related to borrower risk, and agreed to pay more than \$175 million in relief to homeowners to settle those claims<sup>5</sup>;

Wells Fargo agreed to pay \$1.2 billion to settle a civil mortgage lawsuit claim with the Federal Housing Administration (FHA) for faulty mortgage loans that contributed to the 2008 housing crash<sup>6</sup>;

Wells Fargo agreed to pay \$35.5 million to settle a class action lawsuit earlier this year alleging the bank engaged in an ongoing nationwide pattern and practice of racial discrimination against its own employees<sup>7</sup>;

Wells Fargo currently faces a federal lawsuit alleging it illegally denied student loans to young immigrants because of their citizenship status, despite those individuals being protected from deportation and legally allowed to work and study in the U.S.<sup>8</sup>;

Wells Fargo settled for \$80 million with 570,000 auto loan customers after adding those customers involuntarily to Wells Fargo auto insurance policies, which—after customers failed to pay insurance premiums that they were unaware of—caused almost 20,000 of those customers to lose their cars to repossession<sup>9</sup>;

Wells Fargo was fined \$24 million by regulators for overcharging active duty military servicemen, including improper seizures of soldiers' vehicles<sup>10,11</sup>; and Wells Fargo has directly invested in the Potomac, Keystone XL, and Dakota Access Pipelines<sup>12</sup> and stands to profit from these projects, which threaten the water supplies of the Standing Rock Sioux Tribe, and countless other communities, farms, sensitive natural areas and wildlife habitats through which the pipelines pass.

In light of the investigations, settlements and allegations against Wells Fargo, multiple cities and organizations across the country, including Seattle, Washington (divested \$3 billion), Davis, California (divested \$124 million), Santa Barbara, California (divested \$40 million), and the University of California system (divested \$475 million) have officially moved to divest from Wells Fargo & Company.

The District of Columbia government has been a customer of Wells Fargo even as the bank engaged in the fraudulent, discriminatory, and environmentally damaging activities listed above. Currently, the city's relationship with Wells Fargo consists of Wells Fargo managing the District's \$2 billion general portfolio and the city paying Wells Fargo \$12 million as part of at least one financial services contract.

The District's own laws prevent its relationship with Wells Fargo from continuing. According to the District of Columbia code § 26-431.06.f, "to apply for a deposit services contract with the District government, a financial institution must receive at least a 'satisfactory' rating on its most recent Community Reinvestment Act exam." Wells Fargo received a grade of 'needs to improve' on its CRA exam as reviewed by the United States Office of the Comptroller of the Currency due to "an extensive and pervasive pattern and practice of discriminatory and illegal credit practices across multiple lines of business within the bank, resulting in significant harm to large numbers of consumers<sup>13</sup>."

Additionally, the District of Columbia's Office of the Chief Financial Officer (OCFO) has not shown evidence that it correctly enforced § 26-431.04 of the District of Columbia Code, which requires Community Development Plans from banks be posted for public comments as part of the OCFO's assessment for any financial action. If the most recent contract(s) with Wells Fargo were awarded outside the guidelines in the District of Columbia Code, then these contracts should be ended and renegotiated with a bank that meets these requirements.

The government of the District of Columbia should not support financial institutions that discriminate against immigrants and people of color, commit countless acts of fraud, and invest in environmentally destructive projects. Indeed, engaging in a partnership with Wells Fargo Bank violates the laws and stated vision of the city government itself. Instead, the District of Columbia government should partner with business entities and financial institutions—such as credit unions and/or a public bank—that are committed to engaging in responsible, equitable, and environmentally sustainable business practices and that are accountable to customers and citizens alike.