Offered by COUNCILOR FELIX G. ARROYO Turner, Ross, LaMattina, Feeney & Ciommo

CITY OF BOSTON
IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TEN

AMENDING THE MUNICIPAL BANKING COMMISSION AND PROVIDING FOR RESPONSIBLE BANKING PRACTICES IN THE CITY OF BOSTON

WHEREAS, The Boston City Council finds that it is sound economic development policy to invest Boston monies in Boston;

WHEREAS, Through the Request for Proposal process and through other means for obtaining financial services, the city of Boston's monies can be invested in Boston to help fund small businesses, foreclosure prevention programs, private ventures, home-ownership opportunities, and other programs and investments that foster economic growth in the city of Boston; and

WHEREAS, The development of an annual review program that compares financial institutions will serve as an important tool for the City of Boston when it solicits responses to its Request for Proposals for banking services and when it identifies city depositories; ***NOW, THEREFORE***

Be it ordained by the City Council of Boston, as follows that the City of Boston Code be amended by adding the following ordinance:

6.8 MUNICIPAL DEPOSITORIES AND CONTRACTS FOR BANKING SERVICES.

6-8.1 Definitions.

a. *Banking services* shall mean products and services provided by a financial institution to the City including, but not limited to, checking and deposit accounts, lockbox services, balance retrieval and online banking, electronic or direct deposit, electronic stop payment systems, credit or debit or wire transfer systems, ACH payments, credit or debit or purchase cards, and direct banking services;

b. *Boston SMSA* shall mean the Standard Metropolitan Statistical Area of the Greater Boston Region as defined by the United States Bureau of Census;

c. *Census tract* shall mean a standard statistical area as established by the United States Bureau of Census;

d. *Collector-Treasurer* shall mean the Collector-Treasurer of the City of Boston;

e. *Commercial loan* shall mean a loan that is secured by commercial property;

f. *Community development loan* shall mean a loan that is secured for the purposes of constructing or rehabilitating commercial or residential property;

g. *Community reinvestment* shall include residential and mortgage lending services and also meet the definition of "community development" as defined in the federal Community Reinvestment Act regulations, which specifically identifies four activities: (1) affordable housing and community services for low- and moderate-income people (2) community services to low- and moderate income people, (3) activities that promote economic development by financing businesses that meet the size eligibility standards of the Small Business Administration's Development Company or Small Business Investment Company programs and (4) activities which revitalize or stabilize low- and moderate-income communities;

h. *Community Reinvestment Score* shall mean a financial institution's award of points, on a scale of zero (0) to one hundred (100) total points, pursuant to section 6-8.8 as determined by the Municipal Banking and Community Reinvestment Commission;

i. *Consumer financial product* shall mean any product sold by a financial institution to facilitate personal consumption and include, but are not limited to, checking accounts, credit and debit cards or other unsecured revolving accounts, online bill pay services, or balance transfer services;

j. *Consumer loan* shall mean a loan which is secured by an individual or families to finance personal consumption;

k. *Eligible financial institution* shall mean a financial institution that scores in the top 75% of the community reinvestment rankings, as described by sections 6-8.9(b)(1) and 6-8.9(b)(2), and may contract with the city for banking services and serve as a designated city depository;

l. *Financial institution* shall mean any commercial bank, savings bank, savings and loan association, credit union, cooperative bank, mutual bank, trust company, or other entity which makes commercial, community development, consumer, home improvement, residential, small business, student loans, or which is the subsidiary, parent, servicer, trustee or agent of any of the types of entities listed in this subsection;

m. *Financial institution employee* shall mean any person employed by a financial institution or its subsidiaries or other affiliated or related entities;

n. *Home improvement* or *rehabilitation loan* shall mean a loan, the proceeds of which are to be used for the purpose of repairing, rehabilitating, or remodeling an existing residential dwelling;

o. *Ineligible financial institution* shall mean a financial institution that scores within the bottom 25% of the community reinvestment rankings, as described in section 6-8.9(b)(3) and may not contract with the city for banking services or serve as a city depository;

p. *Living wage* means the hourly rate of pay required to be paid by city vendors pursuant to the Boston Living Wage Ordinance, CBC Chapter XXIV, and determined yearly by the Living Wage Division of the City of Boston;

q. *Preferred financial institution* shall mean a financial institution that scores in the top 25% of the community reinvestment rankings, as described in section 6-8.9(b)(1);

r. *Redlining* shall mean the practice of systematically denying credit on the basis of the geographic location of the borrower or property to be borrowed against;

s. *Residential loan* shall mean a mortgage or home equity loan which is secured by residential property;

t. S*mall business loan* shall mean a loan or extension of credit to a new or established business with an annual gross profit totaling not more than $1,000,000;

u. *Student loan* shall mean a loan which is secured for the purposes of financing or refinancing a student's attendance at any degree-granting educational institution authorized by law to provide a program of education beyond the high school level, made by, or on behalf of, such an institution or a financial institution;

v. *Whistleblower protections* shall mean procedural safeguards established both by a financial institution and the Municipal Banking Commission that provide financial institution employees with a confidential, reprisal free mechanism for reporting actions involving City funds held in custody by a financial institution holding City funds that constitute fraud, abuse, or waste;

w. *Distressed property status* shall mean that type of property which would be listed on the Real Estate Multiple Listing Service as a "distressed property sale", due to it being sale of a bank owned property or a short sale made subject to approval by the mortgage lender; and

x. *Just cause* shall mean one of the following: (1) the occupant has failed to pay the rent in effect prior to the foreclosure or failed to pay reasonable use and occupancy charges, as long as the foreclosing owner notified the occupant in writing of the amount of rent or the reasonable amount of use and occupancy that was to be paid and to whom it was to be paid; (2) the occupant has materially violated an obligation or covenant of the tenancy or occupancy, other than the obligation to surrender possession upon proper notice, and has failed to cure such violation within 30 days after having received written notice thereof from the foreclosing owner; (3) the occupant is committing a nuisance in the unit, is permitting a nuisance to exist in the unit, is causing substantial damage to the unit or is creating a substantial interference with the quiet enjoyment of other occupants; (4) the occupant is using or permitting the unit to be used for any illegal purpose; (5) the occupant who had a written bona fide lease or other rental agreement which terminated, on or after enactment of this ordinance, has refused, after written request or demand by the foreclosing owner, to execute a written extension or renewal thereof for a further term of like duration; (6) the occupant has refused the foreclosing owner reasonable access to the unit for the purpose of making necessary repairs or improvement required by the laws of the United States, the commonwealth or any subdivision thereof, or for the purpose of inspection as permitted or

required by agreement or by law or for the purpose of showing the unit to a prospective purchaser or mortgagee.

6-8.2 Municipal Banking and Community Reinvestment Commission.

There shall be, in the City of Boston, a Commission known as the Municipal Banking and Community Reinvestment Commission for the purposes of analyzing data and information submitted to the Collector-Treasurer by financial institutions wishing to accept City deposits and contracts for banking services.

a. The Commission shall consist of six (6) members appointed by the Mayor, one (1) member appointed by the City Council President, and three (3) ex-officio members. The Commission shall consist of the following persons:

    1. The Collector-Treasurer of the City of Boston ex-officio or his or her designee;

    2. Two (2) City Council members ex-officio appointed by the City Council President and approved by the City Council;

    3. One (1) individual from an organization that seeks to address community reinvestment needs;

    4. One (1) individual from a non-profit organization which seeks to address the housing needs in the City of Boston;

    5. One (1) individuals residing in the neighborhoods of the City of Boston most affected by redlining activities or underserved by traditional financial institutions;

    6. One (1) individual representing a public or quasi-public agency that has experience in providing loans in city of Boston neighborhoods; and

    7. One (1) individual representing the business community, provided that if an appointed individual is an employee of a financial institution then that institution is disqualified from contracting with the city for banking services or designation as a city depository; and

    8. One (1) individual representing a labor organization or union.

    9. One (1) interested member of the public appointed by the City Council President and approved by the City Council.

b. The chair shall be elected by the members of the Commission from among the non-ex-officio members of the Commission.

c. The term for each member shall be three (3) years; provided, however, that of the members first appointed to the commission, two (2) shall serve for two (2) years and two (2) shall serve for one (1) year. Thereafter, the Mayor or, if applicable, the City Council President with approval by the City Council shall appoint each successor to a term of three (3) years. Any vacancy occurring otherwise than by expiration of term shall be filled by an

appointment of the Mayor or, if applicable, the City Council President with approval by the City Council for the unexpired term.

d. The Commission shall meet at least twice annually.

e. All members of the Commission shall be residents of the City of Boston at the time of their appointment and throughout their tenure. The members may not otherwise be employees of the City of Boston or on its payroll, but shall be special municipal employees for the purposes of Chapter 268A of the General Laws. The members shall not receive pecuniary compensation for their participation on the Commission, except that each member shall be entitled to reimbursement for his or her expenses actually and necessarily incurred in the performance of his or her duties.

f. The Commission shall submit an annual report to the Mayor and the City Council evaluating financial institutions that seek contracts for banking services with the city, or that seek to be designated as city depositories, and recommend to the Collector-Treasurer those institutions whose performances best reflect the City's goal of community reinvestment. The report shall contain a description of the scoring and ranking system and the criteria and methodology by which points in each category, pursuant to section 6-8.8 of this section, are awarded to or deducted from a financial institution.

g. The Commission shall be authorized to receive information from whistle blowers regarding fraud, abuse, waste, or misuse of City funds by a financial institution holding such funds, and to ensure that no reprisal is taken against any such employee. The Commission shall establish whistle blowing procedures to further the purposes of this section.

h. The Commission shall be authorized to investigate the veracity of any information it receives pursuant to any whistleblower procedures, and to make its findings public within 14 days of determining that City funds are being subject to fraud, waste, abuse, or misuse by the financial institution.

6-8.3 Disclosures of Lending Information and Banking Practices.

Any institution desiring a contract for banking services with the city or to become a city depository, as designated by the Collector-Treasurer in accordance and in conjunction with the provisions of Section 5b of Chapter 40, Sections 36, 44, and 46 of Chapter 41 and Sections 53-55B, inclusive, of Chapter 44 of the General Laws, shall be required to annually disclose, on forms approved by the Collector-Treasurer, for the entire City of Boston, for each census tract within the City of Boston, for each census tract outside the City of Boston that is within the Boston SMSA, and for Boston residents, including but not limited to, low and moderate income, minority, and female applicants, the financial institution's:

a. *Residential Lending Information.* The total number and the total dollar amount of residential loans for one (1) to four (4) dwelling units, five (5) to eight (8) dwelling units, and more than eight (8) dwelling units applied for and originated during the previous calendar year, and the percentage of such applicants whose applications were denied, in each of the following categories:

1. Home purchase loans, listing separately conventional loans, mortgage loans which are insured under title II of the Housing Act of 1949 or which are guaranteed under chapter 37 of title 38 of the United States Code (FHA, FMHA, or VA loans), mortgage loans which are insured or financed by the Massachusetts Housing Finance Agency (MHFA), and mortgage loans offered through the Mass Housing Partnership SoftSecond mortgage program or other comparable affordable mortgage products. The financial institution shall also include separate information and data on loans to households with incomes below 80% of area median income, to households with incomes between 80% and 120% of area median income, and to demographics as reported under the federal Home Mortgage Disclosure Act, 12 U.S.C. 2801;

2. Refinancings of home purchase loans. The financial institution shall also include separate information and data on loans to households with incomes below 80% of area median income, to households with incomes between 80% and 120% of area median income, and to demographics as reported under the federal Home Mortgage Disclosure Act, 12 U.S.C. 2801;

3. Home improvement loans;

4. Home equity loans;

5. Multi-family loans; and

6. Loans to non-occupant owners of single family housing;

7. Modifications of distressed loans and type of modification, including interest rate reductions, principal reduction, or repayment plans in which the outstanding loan amount increases, and an indication of whether the modification was executed under the federal Home Affordable Modification Program (HAMP) or another federal program, Massachusetts' Home Modification Loan Program (HMLP) or another state program, or the institution's own modification program; and

8. Defaults and delinquencies on home loans, the number of resulting foreclosures, the number of eviction actions filed, and the financial institution's policies around foreclosure activities, including interactions with the occupants of the property and any actions taken to evict or otherwise displace them.

9. The financial institution shall also provide information on the total number of foreclosed (REO) property in the City of which the financial institution, or its parent or subsidiary, is the owner, in addition to the number of such properties owned by an entity for which the financial institution is the servicer, trustee, or agent and the length of time each REO property has remained on the market.

For each of the above categories, fixed rate loans shall be reported separately from adjustable rate loans.

b. *Small Business Lending Information.* The total number, the total dollar amount, and terms of small business loans and commercial loans originated during the previous calendar year (a) for the entire City, (b) for each census tract within the city, and (c) for resident-owned business enterprises in the entire City and in each census tract, and (d) for minority women business enterprises for the entire City and for each census tract. Loans to small businesses with revenues above $1 million dollars shall be reported separately from loans to small businesses with revenues under $1 million. The financial institution may use the data reporting procedures mandated by the federal Community Reinvestment Act for reporting small business loans.

c. *Community development loans and investments.* The number and dollar amount of community development loans and investments including loans and investments for affordable housing, small business development, economic development, and community reinvestment and facilities for the entire City and for each census tract. For each loan and investment, the institution shall indicate if the loan or investment was for affordable housing, small business development, community facilities, and other such categories requested by the Collector-Treasurer or Municipal Banking Commission.

d. *Consumer loans and other lines of credit.* The number and dollar amount of consumer loans and other lines of credit, including the minimum, median, and maximum nominal and effective interest rates applied; the number and dollar amount of all credit card loans charged above an eighteen (18) percent rate of interest.

e. *Student loans.* The number and dollar amount of student loans.

f. *Branches and deposits.* The number of branches, ATMs, and number and dollar amount of deposits for the entire City and for each census tract; deposit information, including but not limited to, the number of savings and checking accounts and the total aggregate dollar balances in savings and checking accounts; the percentage of accounts held by City residents assessed with overdraft fees and the value of such fees.

g. *Workforce composition.* Compliance information with the Boston Jobs and Living Wage Ordinance, CBC Ch. XXIV.

h. The most recent annual report or SEC 10-K report with quarterly financial updates.

i. The most recent "Community Reinvestment Act Evaluation" issued by the state and federal regulatory agency authorized to conduct such evaluations.

j. A copy of the financial institution's branch closing policy. It shall be the policy of the City to require that financial institutions give written notice to the Mayor, City Council, and Collector-Treasurer one hundred and twenty (120) days prior to the closing of any branch of such financial institution located within the City of Boston. The notice shall identify the location of the branch, the date on which the branch is expected to close, and the reason for the closing of the branch.

k. Any additional information requested by the Collector-Treasurer.

6-8.3A Financial Strength

Any institution desiring a contract for banking services or designation as a city depository with the city shall be required by the Collector-Treasurer in the process for Request for Proposals to provide evidence of its financial strength. At minimum, the financial institution shall provide an audited balance sheet and income statement for its two most recent fiscal years. If the financial institution is a subsidiary of a larger organization, this information should be included for both the parent and offering entities.

6-8.4 Pledge.

Beginning in January of 2011, any institution desiring a contract for banking services with the city shall be required in the process for Request for Proposals, or prior to the deposit of any City monies in a financial institution, the Collector-Treasurer shall obtain the following pledges from an authorized official of the institution:

a. *Community Reinvestment.* To develop lending and financing opportunities and make best efforts to undertake a defined lending program in support of residential and commercial development in Boston's neighborhoods, to cooperate and support non-profit neighborhood development organizations through financing programs and investments, to offer banking products and services that would work with qualified borrowers who become unemployed to be eligible for loan modifications to avoid foreclosure, and cooperate and support non-profit neighborhood development organizations in their purchase of occupied properties in foreclosure or owned or serviced by the financial institution.

b. *Just Cause Evictions.* To refrain from taking any steps to evict from foreclosed or otherwise distressed residential property in the City owned or serviced by the institution, other than for "just cause" as that term is defined in section 6-8.1(w) of this ordinance, any occupants of such property, whether those occupants are the former owners of the property or tenants of the former owners.

c. *Nonretaliatory Practices.* To establish whistle blowing mechanisms that protect employees if they bring forth any evidence of acts that they reasonably believe constitute a fraud, abuse, misuse or waste of City funds on deposit by a financial institution selected under this section, and to provide information obtained through these procedures to the Collector-Treasurer.

d. *Usury Laws.* To make best efforts to abide by state usury laws, M.G.L. c. 140 s. 114b, which sets a maximum interest rate on consumer credit cards at eighteen (18) percent.

e. *Predatory Lending.* Not to engage in predatory lending activities, including marketing consumer financial products, consumer loans, commercial loans, and residential loans to residents of the City of Boston that cannot reasonably repay those loans without undue hardship.

f. *Discrimination.* Not to discriminate against any individual or group seeking a commercial, community development, consumer, home improvement, residential, small business or student loan in the fixing of the amount, interest rate, duration, down payment, modification, or other terms or conditions of the loan, because of race, color, religion, sex, disability or handicap, gender identity or expression, or national origin of the individual or group or of any individual or group associated with him or her in connection with the loan or other financial assistance for the purposes of the loan or other financial assistance, or the dwelling or dwellings, if any, in relation to which the loan or other financial assistance is to be made or given; and

g. *Redlining.* Not to engage in redlining activities against any City neighborhood, including arbitrarily rejecting mortgage loans for residential properties within a specific geographic area in Boston because of the location or age of the property; and to make and affirmatively market loans available to low and moderate income individuals in all the neighborhoods of the City of Boston within the limits of legal restrictions and prudent financial practices; and

6-8.5 Statement of Community Investment Goals.

Any institution desiring a contract for banking services with the city or designation as a city depository shall submit annually to the Mayor, City Council, and Collector-Treasurer a plan and statement of community reinvestment goals. The plan shall describe goals in terms of loans, investments, and services. The statement shall describe the financial institution's current and proposed policies and initiatives to address the credit needs of the City's residents and businesses, including but not limited to low- and moderate-income, minority, and female residents, in each of the following categories:

a. Home mortgage and home improvement loans;

b. Affordable home mortgage loans, including commitments to the Massachusetts Housing Partnership SoftSecond program;

c. Mortgage loans to non-occupant borrowers for small rental properties;

d. Commercial and small business loans for small business enterprises and minority women business enterprises;

e. Participation in City-sponsored neighborhood development programs and consortiums;

f. Equitable contributions to community based non-profit organizations in the City;

g. Full service banking in City neighborhoods;

h. Products and services, including programs for loan modifications and principal reductions for borrowers; and

i. Goals established for production and service levels for demographic targets as described in the first paragraph of section 6-8.3

j. Reasonable account fees and maximum and minimum interest rates.

k. The statement shall also contain a description of and declaration that the financial institution has or shall pursue:

i. A program that allows borrowers who become unemployed to qualify for loan modifications based on unemployment insurance and forbearance for six (6) months to one (1) year;

ii. Programs that allow borrowers whose personal financial circumstances change during the life of a loan, or for other reasons are at risk of defaulting on their loans, to qualify for loan modifications in order to avoid default and otherwise continue their relationship with the financial institution; and

iii. A policy that allows an occupant to remain in the property after foreclosure at the same rental or for a reasonable use and occupancy throughout the period of time that the property is owned by the institution, its parent, or subsidiary, or owned by an entity for which the institution is the servicer, trustee, or agent..

iv. Programs that allow local non-profit organizations to purchase occupied 1-4 unit residential properties , through short sale or post foreclosure bid, at fair market value reflecting the distressed status of the property.

6-8.6 Failure to Provide Information.

If any financial institution refuses or fails to provide any of the information described in sections 6-8.3 through 6-8.5, inclusive, the Collector-Treasurer shall report the refusal or failure to the Mayor and the City Council. If such institution has previously been designated by the Collector-Treasurer as an eligible financial institution, the City may, upon recommendation of the Mayor and City Council, withdraw such designation. The Collector-Treasurer shall also maintain a list of all financial institutions that refuse or fail to provide information and that list shall be a public record.

6-8.7 Public Disclosure.

The disclosures made by a financial institution pursuant to sections 6-8.3 through 6-8.5 shall be posted on the City's website for public viewing within 30 days of submission to the Collector-Treasurer and shall be available for public inspection and copying.

6-8.8 Evaluation of Data; Community Reinvestment Performance.

Consistent with section 6-8.2(f) of this section, the Commission's report and recommendations shall be based on review of the information submitted required by sections 6-8.3 though 6-8.5, inclusive.

The Commission shall devise a scoring and ranking system that will evaluate the lending and banking practices of each financial institution that desires a contract for banking services with the city or wishes to begin or maintain a business relationship with the City as a city depository. Each such financial institution shall be ranked against its peers and be scored on a scale of zero (0) to one hundred (100) total points, which shall then be known as the financial institution's Community Reinvestment Score.

a. Each financial institution will be evaluated in five (5) categories, each earning twenty (20) points towards its total point score, which shall include the following:

    1. Residential and Mortgage Lending Performance, which shall be determined utilizing information submitted pursuant to sections 6-8.3(a) and 6-8.3(k);

    2. Small Business Lending Performance, which shall be determined utilizing information submitted pursuant to sections 6-8.3(b) and 6-8.3(k);

    3. Community Reinvestment Performance, which shall be determined utilizing information submitted pursuant to sections 6-8.3(c) and 6-8.3(k);

    4. Personal Lending Performance, which shall be determined utilizing information submitted pursuant to sections 6-8.3(d) through 6-8.3(f) inclusive, 6-8.3(i), 6-8.3(j), and 6-8.3(k);

    5. Boston Resident Lending and Hiring Performance, which shall be determined utilizing information submitted pursuant to section 6-8.3 as a whole, section 6-8.3(g) specifically, and section 6-8.3(k);

b. Each financial institution may be awarded additional points for the following:

    1. Compliance with state usury laws, M.G.L. ch. 140 sec.114b;

    2. Confirmation that no steps were taken in the prior year to evict from residential property in the City obtained via foreclosure, other than for "just cause" as that term is defined in M.G.L. c. 186A, any occupants of such property, whether those occupants are the former owners of the property or tenants of the former owners; and

    3. Other factors as may be determined by the Commission.

c. Each financial institution may be deducted points for the following:

    1. Unreasonable percentage of default in any of the five (5) categories identified in section 6-8.8(a) above;

    2. Excessive charge of overdraft fees, as determined by the Commission;

    3. Use of unfair marketing practices targeted at financially vulnerable populations, as determined by the Commission;

    4. Unfair discrimination or retaliation against employees who bring forth evidence of acts that they reasonably believe constitute a fraud, abuse, misuse or waste of City funds on deposit by a financial institution contracted with for banking services with the city or designated as a city depository under this section;

    5. Eviction from foreclosed or otherwise distressed residential property in the City of which the institution, or its parent or subsidiary, is the owner, or such property owned by an entity for which the institution is the servicer, trustee, or agent, other

than for "just cause", any occupants of such property, whether those occupants are the former owners of the property or tenants of the former owners; and

6. Other factors as may be determined by the Commission.

Each financial institution's rank and score shall be disclosed publicly pursuant to section 6-8.7 of this section.

6-8.9 Eligibility and Bid Preference.

a. The Collector-Treasurer shall include in each of the City's request for proposals for banking services a provision that describes additional bid preference, consistent with state and federal law, for those financial institutions that maintain the best performance scores, as described in this section.

b. The Collector-Treasurer shall describe, within the City's request for proposals, banking services for which the City seeks to utilize local banks and financial institutions for account services and shall make best efforts to reach out to eligible local banks and financial institutions, as described in M.G.L. ch. 44, sec. 55, who may submit proposals for banking services.

c. Upon making such evaluation and ranking, the Collector-Treasurer may:

1. Maintain or increase the value of City banking services contracts or city deposits held by a preferred financial institution, which is an eligible financial institution that scores in the top 25% of local reinvestment performance;

2. Maintain or decrease the value of City banking services contracts or city deposits held by an eligible financial institution that scores between the 25th and 75th percentiles of local reinvestment performance, not inclusive of the classifications described in section 6-8.9(b)(1); provided that, the Collector Treasurer may increase the level of City banking services contracts or city deposits held by an eligible financial institution that scores between the 25th and 75th percentiles of local reinvestment performance when it has been determined by the Collector Treasurer that preferred financial institutions' capacities to maintain city deposits are at their maximum;

3. Terminate City banking services contracts or city deposits from an ineligible financial institution, which is a financial institution that scores in the bottom 25% of local reinvestment performance;

4. Commence and negotiate business relationships with a financial institution that does not presently do any banking business with the City, provided that the financial institution scores within the top 75% of local reinvestment performance;

5. Enter into negotiations with a financial institution aimed at promoting institutional programs and behavior that are consistent with the public policy goals heretofore stated;

6. Take other such steps, consistent with sound fiscal practice and applicable law, as may be necessary or desirable.

d. No contract for banking services shall be awarded to and no city deposits shall be made in a financial institution that has exhibited a pattern of discriminatory or other illegal credit practices or has committed past criminal or civil violations that have resulted in significant harm to the City of Boston's financial interests.

e. The Collector-Treasurer shall submit the names of all eligible or ineligible financial institutions to the Mayor and to the City Council at the time of their designation by the Collector-Treasurer. The Mayor, with the majority vote of the City Council, shall have thirty (30) days from the date of submission of the names by the Collector-Treasurer to approve the designation of each financial institution as an eligible or ineligible financial institution.

f. A financial institution that fails to disclose the required information pursuant to sections 6-8.4 and 6-8.5 or scores in the bottom 25% of local reinvestment performance shall not be eligible to receive City deposits or conduct any other banking transaction with the City until such financial institution submits the required forms and has been reviewed by the City Council and approved by the Mayor.

6-8.10 Severability Clause.

Each of the provisions and subsections of this section are severable. If any of its provisions, sections, or subsections shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decisions of such court shall not affect or impair any of the remaining provisions, sections, or subsections.

Filed on: September 28, 2010