Center for Responsible Lending
and
Center for Community Self-Help

Comment to the Federal Housing Finance Agency on Request for Input on Climate and Natural Disaster Risk Management at the Regulated Entities

April 19, 2021

<u>Submitted via FHFA website</u>

I. Introduction

The Center for Responsible Lending (CRL) and the Center for Community Self-Help (Self-Help) appreciate the opportunity to comment on the Federal Housing Finance Agency's (FHFA) Request for Input on Climate and Natural Disaster Risk Management at the Regulated Entities. CRL is a nonprofit, non-partisan research and policy organization dedicated to protecting homeownership and family wealth by working to eliminate abusive financial practices. CRL is an affiliate of Self-Help, one of the nation's largest nonprofit community development financial institutions.

For over 40 years, Self-Help has created asset-building opportunities for low-income individuals, rural communities, women, and families of color. In total, Self-Help has provided over $9 billion in financing to 172,000 homebuyers, small businesses, and nonprofit organizations and serves more than 160,000 mostly low-income families through 72 credit union branches in North Carolina, California, Florida, Illinois, South Carolina, Virginia, Washington, and Wisconsin. Since 1989, we have invested $357 million in projects that have created a positive environmental impact in the communities we serve and $41 million in portfolios of home energy efficiency loans. We have built 110 affordable homes that carry energy efficiency guarantees and helped nonprofit partners do the same.

Climate change and natural disasters pose existential risks, but the risks and impacts are not equally borne. As discussed below, climate change and natural disasters have a disproportionate impact on low- to moderate-income communities and communities of color, driven by historic and ongoing inequities and government-sponsored redlining. In assessing how the GSEs should manage and mitigate the risks of climate change, FHFA should apply a racial justice and equity lens. The GSEs' public mission must also remain central.

CRL and Self-Help provide the following recommendations:

1) The GSEs' must serve the entire housing market, including Black and brown families, and should pool risk.
2) FHFA and the GSEs should prioritize transparency.
3) FHFA and the GSEs must utilize a fair lending lens in assessing climate risk and the impact on communities of color.
4) The GSEs should consider adopting a climate resilience and environmental justice mandate utilizing a racial justice lens.
5) FHFA should consult with key stakeholders and pursue a robust research agenda to better understand the impact of climate change, particularly on communities of color.

II. The GSEs' Public Mission Is Central to FHFA's Consideration of Climate and Natural Disaster Risks

In exchange for government support, the GSEs have an explicit public interest mission. This mission is foundational and part of their charters – the GSEs' very reason for existing.[1]

[1] *See* 12 U.S.C. § 1716; 12 U.S.C. § 1451. The legislated purpose of the GSEs, as stated in their charters, is to:
1. provide stability in the secondary market for residential mortgages;
2. respond appropriately to the private capital market;

There are three essential components to their mission. First, the GSEs were created to promote access to credit throughout the Nation, with an emphasis on housing for low- and moderate-income families and underserved areas. To this end, the GSEs must also ensure that fair lending is at the root of all their activities. According to their charters, the GSEs are required to report to Congress on how they "assess underwriting standards, business practices, repurchase requirements, pricing, fees, and procedures, that affect the purchase of mortgages for low- and moderate-income families, or that may yield disparate results based on the race of the borrower, including revisions thereto to promote affordable housing or fair lending."[2]

As part of their mission, the GSEs are to pursue "activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return *that may be less than the return earned on other activities* . . . ."[3] (emphasis added). The GSEs do so pursuing lower required but positive returns for certain purchase and rate-term refinance borrowers, particularly those who are lower-income or lower-wealth. A crucial function of the GSEs is to pool risk nationally; this is key to the GSEs' ability to serve underserved borrowers and meet their charter mission.

Second, the GSEs have a countercyclical mandate to provide liquidity through all market cycles. This is reflected in their requirements to "provide stability in the secondary market for residential mortgages", "respond appropriately to the private capital market", meaning fill in for it when it retreats, and "provide *ongoing* assistance to the secondary market for residential mortgages" (emphasis added). Unlike other participants in the housing finance system, the GSEs were created for and are needed to continue providing mortgage liquidity in a crisis or the entire housing finance system will seize up, harming the national economy. For example, during and after the 2008 financial crisis, private-label securities (PLS) funding evaporated; the GSEs, along with Ginnie Mae, continued to provide liquidity throughout the system allowing the mortgage market to continue to function.[4] Moreover, the GSEs are playing a critical role during the COVID-19 crisis. As the Urban Institute found, during the first six months of 2020, the GSEs added $214 billion in net issuance, while the non-agency market dramatically pulled

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3. provide ongoing assistance to the secondary market for residential mortgages (including activities relating to mortgages on housing for low- and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing;

4. promote access to mortgage credit throughout the Nation (including central cities, rural areas, and underserved areas) by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for residential mortgage financing;

5. manage and liquidate federally owned mortgage portfolios in an orderly manner, with a minimum of adverse effect upon the residential mortgage market and minimum loss to the Federal Government.

[2] *See* 12 U.S.C. § 1456(f)(2)(G).

[3] 12 U.S.C. §§ 1716(4) and (3).

[4] David Min, *How Government Guarantees in Housing Finance Promote Stability*, 50 Harv. J. Legis. 437 (2013), at p. 467, https://scholarship.law.uci.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1036&context=faculty_scholarship.

back because of COVID-19 liquidity concerns.[5] While the GSEs' support of the system is necessary, their liquidity during this period has been used to mostly support mortgage lending for the wealthiest families who are disproportionately white.

Third, as the GSEs' regulator, FHFA must promote the safety and soundness of the GSEs *and* the housing finance system. Under the Housing and Economic Recovery Act of 2008 (HERA), FHFA must ensure that the GSEs "operate in a safe and sound manner", but it also has responsibilities to the system as a whole, to ensure that "the operations and activities [of the GSEs] foster liquid, efficient, competitive, and resilient national housing finance markets."[6] The safety and soundness of the GSEs is necessary but not sufficient to meet their responsibility for the stability of the system.

The GSEs' charter obligations are buttressed by series of federal laws, regulations and executive orders that form a strong regulatory framework aimed at ensuring equity in the housing and mortgage markets. These include the Fair Housing Act,[7] Equal Credit Opportunity Act,[8] Federal Housing Enterprises Financial Safety and Soundness Act (Safety and Soundness Act) and its implementing regulations, HERA, and several Executive Orders. The GSEs are required to meet affordable housing goals[9] and have a duty to serve underserved markets, including communities of color.[10] This framework and these obligations underscore the priority that Congress has placed upon fair access to housing, including mortgage lending. They represent Congress' long-term view that all secondary mortgage market participants have an affirmative duty to further fair lending.

These public interest authorities and duties are a crucial backdrop to FHFA's consideration of how to account for climate and natural disaster risks and ensure equity remains a central focus.

Moreover, the Biden Administration has issued executive orders directing federal agencies to ensure racial equity in their work to redress the harm that institutional discrimination has created in Black and brown communities. Specifically, the administration has called for acknowledgment and redress of the impacts of this long history of the nation's and the federal government's housing discrimination, including the racial gap in homeownership. As stated in one of the President's early executive orders:

> Throughout much of the 20th century, the Federal Government systematically supported discrimination and exclusion in housing and mortgage lending. While many of the Federal Government's housing policies and programs expanded homeownership across the country, many knowingly excluded Black people and other persons of color and, promoted and reinforced housing segregation. Federal policies contributed to mortgage redlining and lending discrimination against

[5] Edward Golding, Laurie Goodman and Jun Zhu, *Analysis of the Proposed 2020 FHFA Rule on Enterprise Capital*, Urban Institute (August 2020), at p. 9, https://www.urban.org/sites/default/files/publication/102779/analysis-of-the-proposed-2020-rule-on-enterprise-capital_0.pdf.
[6] 12 U.S.C. § 4513(a)(1).
[7] 42 U.S.C. § 3601 *et seq*.
[8] 5 U.S.C. § 1691 *et seq.*
[9] 12 U.S.C. § 4561. Additionally, section 4564 describes a focus on serving "minority census tracts."
[10] 12 U.S.C. § 4565.

persons of color.[11]

Therefore, FHFA must utilize a racial equity framework that accounts for the history of redlining and ongoing discrimination in the mortgage market in its climate assessments.

III. Climate Change, Natural Disasters, and Environmental Hazards Have a Disproportionate Impact on Communities of Color, which is Due to and Perpetuated by Redlining

Due to our nation's history of redlining and continued disinvestment in communities of color, communities of color are at increased risk of the negative outcomes of climate change and natural disasters.

Recent major natural disasters caused by hurricanes and other violent weather have devastated whole communities, including coastal regions. Reports show that 2019 saw $14 billion dollar in weather and climate disaster events, and that these disasters cost more than a record setting $525 billion dollars between 2015 and 2019.[12] According to an analysis of federal data, federal taxpayers hold greater than 60% of mortgages in homes in some areas outside of specially designated federal floodplain, which do not require flood insurance.[13] In these areas, redlining forced Black and brown families to live in the lowest lying areas that are more susceptible to climate induced impact and these communities face a far higher risk of flooding today.[14] According to recent data, 8.4% of homes in historically redlined communities face high flood risk compared with 6.9% of homes in non-redlined communities.[15] The property devastation that occurs from storms and fires increases the likelihood of mortgage delinquency and default as well as communities' long-term ability to sustain homeownership. According to research in the wake of Hurricane Harvey, there was a 205% increase in the 90-day delinquency rate for properties that experienced damage and a 167% increase for those homes that did not experience damage but were in FEMA-designated counties.[16] Moreover, inequitable distribution of natural disaster relief assistance has pushed families of color to abandon their properties in these areas.[17]

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[11] The White House, *Memorandum on Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies* (January 26, 2021), https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-redressing-our-nations-and-the-federal-governments-history-of-discriminatory-housing-practices-and-policies/.
[12] Lindsay Owens, *A Policy Agenda to Prepare for a Climate-Triggered Housing Crash*, The Great Democracy Initiative, July 2020, https://greatdemocracyinitiative.org/wp-content/uploads/2020/07/Climate-and-Housing-Report-Final-Copy.pdf.
[13] Zack Colman, *How Climate Change Could Spark the Next Home Mortgage Disaster*, Politico, November 29, 2020, https://www.politico.com/news/2020/11/30/climate-change-mortgage-housing-environment-433721.
[14] Kriston Capps and Christopher Cannon, *Redlined, Now Flooding*, Bloomberg CityLab (March 15, 2021), https://www.bloomberg.com/news/newsletters/2021-03-15/citylab-daily-mapping-how-redlined-areas-face-higher-flood-risk; Lily Katz, *A Racist Past, A Flooded Future*, Redfin (March 17, 2021), https://www.redfin.com/news/redlining-flood-risk/.
[15] *Id.*
[16] Amy Gromowski, *The Impact of Natural Catastrophe on Mortgage Delinquency*, Core Logic (Sept. 28, 2018), https://www.corelogic.com/blog/2018/09/the-impact-of-natural-catastrophe-on-mortgage-delinquency.aspx.
[17] Gary Rivlin, *Why New Orleans's Black Residents Are Still Underwater After Katrina*, The New York Times Magazine, August 18, 2015, https://www.nytimes.com/2015/08/23/magazine/why-new-orleans-black-residents-are-still-under-water-after-katrina.html.

Furthermore, previous and continuing systemic environmental racism means that many LMI communities and communities of color are disproportionately affected by pollution, high energy costs, and other environmental ills. Climate change magnifies inequities even further. Today, Black Americans are 75% more likely than others to live near facilities that produce hazardous waste.[18] Additionally, Black Americans are subjected to 1.5 times more air pollution than white Americans – regardless of their income level. Air pollution is associated with lung disease, asthma, heart disease, premature death, and now COVID-19. And disproportionate energy costs add to the burdens that low-wealth families shoulder. Low-income households, Black, Latino, Native American, renters, and older adult households all have disproportionately higher energy burdens than the national median household, with a median spend of 8.1% of their income versus 2.3% spent by households that are not low-income.[19]

IV. The GSEs' Must Not Sidestep Their Duty to Serve the Entire Housing Market, Including Black and Brown Families, and Should Pool Risk

Climate and natural disaster risks are systemic risks and affect entire communities. Furthermore, the risks can be unpredictable, and they are cumulative in communities that already suffer from environmental racism. The GSEs' risk mitigation efforts must recognize this dynamic and ensure that risks are appropriately pooled.

Moreover, in exchange for government benefits, the GSEs' must serve the entire market. As discussed above, the GSEs' charters require the GSEs to "foster liquid, efficient, competitive, and resilient national housing finance markets." The GSEs would act in contravention of their charters if they began to institute place-based pricing with respect to climate risk. Furthermore, given our nation's history of redlining, Black and brown families have been relegated to areas more prone to natural disasters such as floods and hurricanes. Risk-based pricing on an individual property-level is likely to intensify existing pricing disparities and making mortgage credit more expensive and less available, thereby aggravating the racial wealth gap.

Rather, climate risk must be pooled, and climate mitigation efforts must take place at the community level. Indeed, as quasi-insurance companies, a vital function of the GSEs is to pool risk nationally. The GSEs must not require lower-wealth families to pay for large-scale and systemic events – such as climate change or natural disasters – which they did not create and from which they disproportionately suffer.

Although there may be affirmative steps that some individual homeowners or developers can take to protect their properties against certain climate impacts – such as elevating properties, adding wind-resistant roofs, or improving energy efficiency (to mitigate extreme heat risk) – much disaster risk mitigation must occur at the community level. The actions of individual home borrowers are important measures but need to be paired with a full range of responses: building codes, infrastructure investments, and in some cases, planned retreats from places that have become unstable. The GSEs

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[18] *See* Lesley Fleischman and Marcus Franklin, *Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities*, NAACP and Clean Air Task Force(Nov. 2017), https://www.naacp.org/wp-content/uploads/2017/11/Fumes-Across-the-Fence-Line_NAACP-and-CATF-Study.pdf.
[19] Ariel Drehobl, Lauren Ross, and Roxana Ayala, *How High Are Household Energy Burdens? An Assessment of National and Metropolitan Energy Burden across the United States*, American Council for an Energy Efficient Economy (Sept. 2020), https://www.aceee.org/research-report/u2006.

should consider products and policies that support such efforts and FHFA should assess and eliminate regulatory constraints that may hamper such efforts. Additionally, in creating any new climate risk mitigation products, FHFA and the GSEs must ensure consumer protection and fair lending safeguards.

FHFA and the GSEs should align products and policy to ensure that homeowners are incentivized to make their homes energy efficient and reduce the carbon footprint of the house as well as decrease its cost of operation. Additionally, energy efficient homes (using Energy Star certification) have been documented to carry reduced default and prepayment risks.[20] Along with energy and water efficiency measures, consumers should be able to access financing for climate resilience measures such as wind-resistant roofs and windows. The existing GSE green lending products – such as Fannie's HomeStyle Mortgage – are an important first step. However, barriers must be overcome to achieve wider deployment, especially in reaching lower income borrowers. In order for a consumer to use the product, they must investigate the resilience and efficiency measures available for their home, evaluate costs and benefits of those measures, and find reputable contractors to install the measures. Many consumers do not have appetite to take on additional complexity at the time they are securing a mortgage. From the lender's perspective, a loan for energy measures adds transaction costs because they need to manage construction payments. Both these disincentives need to be overcome to achieve deeper penetration of green lending products in the market.

V. FHFA and the GSEs Should Prioritize Transparency

Climate risk calls for FHFA to grapple with complex uncertainties. However, taking action to increase transparency is an action immediately available to FHFA and the GSEs and will have an immediate positive impact.

Market transparency about real flood risk is a crucial need. Flood maps are outdated. It should not take a PhD in hydrology to find out what the current flood risk is of a given parcel. New tech companies like Kat Risk, The Climate Service, Jupiter and others are packaging this information for private clients. Private sector companies, including insurance companies, are already using predictive models and are outpacing FHFA and the GSEs in assessing risk. Additionally, complex and often opaque models are enabling lenders to steer away from homes in areas that project extreme climate impacts. The history and continuing impact of redlining should be factored into how these companies assess risk. Moreover, a national disclosure should be created, possibly integrating seismic risk and wildfire risks.[21] This data should be made available to the public, who have a right to know their climate risk, and could be housed in the National Mortgage Database.[22]

We recognize that transparency may cause pain in specific geographies because risk transparency will make those locations less valuable or less marketable or might exacerbate trends of climate gentrification. FHFA and the GSEs must collaborate across federal agencies to ensure effective support

[20] *See* Nikhil Kaza, Roberto Quercia, and Chao Yue Tian, *Home Energy Efficiency and Mortgage Risks*, Cityscape: Vol. 16, No. 1 (2014).

[21] Michael D. Berman, *Flood Risk and Structural Adaption of Markets: An Outline for Action*, Community Development Innovation Review, Federal Reserve Bank of San Francisco (Oct. 17, 2019).

[22] Lindsay Owens, *A Policy Agenda to Prepare for a Climate-Triggered Housing Crash*, The Great Democracy Initiative, July 2020, https://greatdemocracyinitiative.org/wp-content/uploads/2020/07/Climate-and-Housing-Report-Final-Copy.pdf.

to low-wealth people, including families of color, whose livelihoods and financial stability are affected, while standing vigilant that speculators are not rewarded.

A second area of transparency, that of utility costs, is needed to empower consumers to understand the true cost of ownership when they buy a house. Prospective buyers are not easily able to gain information about the energy performance. Availability varies across individual utility service providers, and the process for obtaining historical data on a house is opaque and inaccessible. Even if consumers are able to access the data, relevant benchmarks are not easily available. Due diligence for a mortgage should include disclosure of past electric, natural gas, and water usage data. It should be conveyed to the borrower by mandatory disclosure (in appraisal, inspection report or elsewhere in process), allowing them to make educated decisions about the cost of ownership for the home.

In tandem with transparency to consumers, the GSEs must be transparent to stakeholders about the carbon footprint of their portfolios. Measuring and disclosing this metric is the crucial first step for organizations to be able to set targets and disclose progress. As discussed above, every organization must play a part to avert the climate emergency. FHFA and the GSEs must not just avert climate risk; they must help drive decarbonization. The Partnership for Carbon Accounting Financials (PCAF) provides a robust methodology to disclose the footprint of investment portfolios. The GSEs should commit to joining the financial institutions who have pledged to disclose the carbon footprint of their mortgage portfolio. Other financial institutions who have joined PCAF in North America include Citi, Morgan Stanley, Fifth Third Bank, and TD Bank Group. Smaller institutions such as Self-Help Credit Union have also taken this leadership step. Worldwide, institutions who are participating in the PCAF disclosures represent total financial assets of $29.3 trillion.[23]

VI. A Fair Lending Lens Must Be Part of Assessing Climate Risk and the Impact on Communities of Color

FHFA has broad authority to monitor the GSEs' compliance with fair lending laws, including by conducting supervisory examinations and initiating enforcement actions.[24] FHFA's Office of Fair Lending Oversight should play a central role in helping the agency and the GSEs understand how their fair lending obligations may intersect with climate and disaster risk mitigation. Given historic and continuing discrimination, it is likely that climate and natural disaster risk mitigation efforts will increase costs for and could have a discriminatory effect on Black and brown communities. FHFA should review proposed programs at an early stage for fair lending risk and ensure that climate risk mitigation initiatives do not result in disparate treatment or disparate impact for protected groups. Additionally, FHFA should take affirmative steps to develop policies, products, and programs that help borrowers in vulnerable communities understand and mitigate their climate and natural disaster risk, including actions to address current environmental racism.

We further urge FHFA to monitor how the GSEs and lenders are deploying technology, including artificial intelligence and machine learning, to assess climate and disaster risk. Some of these models may rely on biased or inaccurate data, creating discriminatory outcomes. And because algorithmic systems are black boxes, it can be virtually impossible to unpack the bias within them. Moreover, by relying on biased

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[23] Partnership for Carbon Accounting Financials, https://carbonaccountingfinancials.com/financial-institutions-taking-action.

[24] *See* 12 U.S.C. §§ 4513b, 4514, 4517; 24 C.F.R. § 81.47.

systems, market actors may be exacerbating existing redlining and creating a new form of climate redlining that builds on preexisting redlining trends. As stated above, technology already exists for lenders and insurance companies to steer away from homes in areas that project extreme climate impact. These areas frequently overlap with where communities of color live. It is critical that FHFA uses a fair lending lens and consults with its Office of Fair Lending Oversight on any models the GSEs may develop for climate and natural disaster risk mitigation to ensure that there is not a disproportionate impact on people of color.

Moreover, HUD is responsible for oversight of the GSEs' fair lending responsibilities[25] and must actively supervise their climate assessments to ensure compliance with the Fair Housing Act. Additionally, both HUD and CFPB should actively work with the enterprises as consultants at the outset, providing guidance in their development of climate risk assessments to account for potential fair housing issues under the Fair Housing Act and Equal Credit Opportunity Act

VII. The GSEs Should Consider Adopting a Climate Resilience and Environmental Justice Mandate Utilizing a Racial Justice Lens

In contemplating FHFA and the GSEs' role in climate issues, the entities should consider adopting a climate resilience and environmental justice finance mandate. The mandate might draw from the thought leadership of advocates who have urged the federal banking agencies to consider enhancements to the Community Reinvestment Act, in order to ensure that CRA focuses on quality investments in projects that have the strongest potential to advance community resilience in the most climate-vulnerable communities, particularly communities of color.[26] The Center for American Progress's recent report provides analysis for how to fine-tune geographic targets with the inclusion of race and environmental justice criteria in CRA examinations.[27] Such an approach, adapted for the GSEs' business, would be valuable. The GSEs should conduct robust research and convene stakeholders, including local community members, to consider how they can support liquidity for investments that address climate resilience and help cure environmental racism in low-income communities of color.

VIII. FHFA Should Consult with Key Stakeholders and Pursue a Robust Research Agenda to Better Understand the Impact of Climate Change, Particularly on Communities of Color

In order to better understand climate risk and the disproportionate impact on communities of color, FHFA should consult and collaborate with a diverse array of stakeholders, including other government agencies, civil rights organizations, housing advocates, environmental justice advocates, and local

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[25] Housing and Economic Recovery Act of 2008, Pub. L. 110-289, § 1122(b) (HUD retention of fair housing responsibilities).

[26] *See* Melissa Malkin-Weber, David Beck, Brian Schneiderman and Philip E. Otienoburu, *The Climate Imperative and Community Finance: Regulatory and Policy Tools to Drive a Just Response* (Feb. 2021), https://www.self-help.org/docs/default-source/PDFs/climate-imperative--final-release-2102021.pdf?sfvrsn=2&_ga=2.71793811.185401322.1612972311-706907950.1607038725; Michela Zonta and Zoe Willingham, *A CRA to Meet the Challenge of Climate Change*, Center for American Progress (Dec. 2020), https://www.americanprogress.org/issues/economy/reports/2020/12/17/493886/cra-meet-challenge-climate-change/.

[27] *Id.*

community members. The conversation about risk mitigation strategies must acknowledge current and potential impacts on Black and brown families.

Indeed, as recognized in President Biden's recent Executive Order, addressing climate risk requires a whole-of-government approach, and must prioritize equity. The order stated: "Together, we must combat the climate crisis with bold, progressive action that combines the full capacity of the Federal Government with efforts from every corner of our Nation, every level of government, and every sector of our economy."[28] The order also emphasized the intersection with equity issues by stating that it was the Administration's policy "to secure environmental justice and spur economic opportunity for disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, and health care."[29]

Additionally, FHFA should pursue a robust research agenda that incorporates the climate challenges LMI communities and communities of color face. FHFA should use its expertise and vast data access to thoroughly review the issues and publish public findings. It should also consider conducting focus groups with impacted communities.

Conclusion

Thank you for considering our comments and we look forward to continued engagement with FHFA and the GSEs on these critical issues.

[28] Executive Order on Tackling the Climate Crisis at Home and Abroad, Section 201, Exec. Order No. 14008, 86 Fed. Reg. 7619 (Jan. 27, 2021), https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf.
[29] *See id.* at Section 219.