

# WHAT REALTORS® NEED TO KNOW ABOUT FINCEN'S RESIDENTIAL REAL ESTATE REPORTING RULE

*Federal requirements affect reportable closings  
on and after March 1, 2026.*

# Your Presenter

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Partner | CEO

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LuAnn is an Oliver Springs, Tennessee, native. She graduated from the Graduate School of Banking at LSU in 2021. She holds a Doctorate of Jurisprudence from LMU Duncan School of Law and a Bachelor of Science in Business Administration (Major: Economics) from the University of Tennessee – Knoxville. She was licensed as an Attorney in the State of Tennessee in 2013 and in the Federal District Court for the Eastern District of Tennessee in 2014.

She began her legal practice at a local law firm, preparing documents for real estate closings and handling civil litigation matters for clients in the financial sector. She then went in-house with a local financial institution, serving as Chief Compliance Officer, In-House Counsel, and Secretary to the Board of Directors. LuAnn joined Melrose in September of 2019 and has enjoyed coming full circle in her legal career, focusing once again on Real Estate Law.



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# Agenda

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- **What is FinCEN?**
- **What is the Residential Real Estate Reporting Rule?**
- **What Transactions Are Reportable?**
- **What Will Be Required?**
- **How Will This Affect Closings?**



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# What is FinCEN?

- FinCEN, which stands for the **Financial Crimes Enforcement Network**, is a bureau within the U.S. Department of the Treasury. Think of it as the nation's primary guardian against financial crime. Its mission is as follows:
  - **Safeguard the US financial system from illicit activity**
  - **Counter money laundering and terrorism financing**
  - **Promote national security through financial intelligence**
  - **Collect, analyze, and disseminate financial transaction data**
- FinCEN works behind the scenes to ensure that the financial system you rely on every day remains safe and secure. For title agents, escrow officers, and real estate attorneys using Qualia, FinCEN is a key federal agency whose regulations directly impact the closing process, particularly for all-cash transactions.



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# What is FinCEN?

- FinCEN doesn't work directly with the public. Instead, it collaborates with financial institutions as well as with law enforcement agencies at the federal, state, and local levels.
- Its main functions are:
  - **Collecting Financial Information:** FinCEN collects and maintains specific types of financial reports from banks, credit unions, and other financial institutions across the country. This information gives them a high-level view of financial activities.
  - **Analyzing Data:** Highly trained analysts at FinCEN review this information to identify potential criminal activity. They look for patterns and connections that could signal money laundering or other illicit schemes.
  - **Sharing Intelligence:** When FinCEN uncovers credible threats, it shares this vital intelligence with law enforcement agencies. This information is often the critical first step that helps investigators track down criminals and disrupt their operations.



# What is a RRER Rule?

- **Residential Real Estate (RRE) Reporting Rule** requires settlement professionals to report non-financed residential property sales to legal entities and trusts.

- The new rule replaces the temporary Geographic Targeting Orders (GTOs) with a permanent, national standard designed to increase transparency and combat money laundering in the real estate sector.

- For settlement professionals, this means new responsibilities for identifying, collecting, and reporting transaction information directly to the U.S. Treasury Department.



## DEPARTMENT OF THE TREASURY Financial Crimes Enforcement Network

31 CFR Chapter X  
RIN 1506-AB54

### Anti-Money Laundering Regulations for Residential Real Estate Transfers

AGENCY: Financial Crimes Enforcement  
Network (FinCEN), Treasury.  
ACTION: Final rule.

**SUMMARY:** FinCEN is issuing a final rule to require certain persons involved in real estate closings and settlements to submit reports and keep records on certain non-financed transfers of residential real property to specified legal entities and trusts on a nationwide basis. Transfers made directly to an individual are not covered by this rule. This rule describes the circumstances in which a report must be filed, who must file a report, what information must be provided, and when a report is due. These reports are expected to assist the U.S. Department of the Treasury, law enforcement, and national security agencies in addressing illicit finance vulnerabilities in the U.S. residential real estate sector, and to curtail the ability of illicit actors to anonymously launder illicit proceeds through transfers of residential real property, which threatens U.S. economic and national security.

**DATES:** Effective December 1, 2025.  
**ADDRESSES:** The FinCEN Regulatory Support Section at 1-800-767-2825 or electronically at [fr@fincen.gov](mailto:fr@fincen.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Executive Summary

Among the persons required by the Bank Secrecy Act (BSA) to maintain anti-money laundering and countering the financing of terrorism (AML/CFT) programs are “persons involved in real estate closings and settlements.”<sup>2</sup> For many years, FinCEN has exempted such persons from comprehensive regulation under the BSA. However, information received in response to FinCEN’s geographic targeting orders relating to non-financed transfers of residential real estate (Residential Real Estate GTOs) has demonstrated the need for increased transparency and further regulation of this sector. Furthermore, the U.S. Department of the Treasury (Treasury)

has long recognized the illicit finance risks posed by criminals and corrupt officials who abuse opaque legal entities and trusts to launder ill-gotten gains through transfers of residential real estate. This illicit use of the residential real estate market threatens U.S. economic and national security and can disadvantage individuals and small businesses that seek to compete fairly in the U.S. economy.

Earlier this year, pursuant to the BSA’s authority to impose AML regulations on persons involved in real estate closings and settlements, FinCEN proposed a new reporting requirement. Under the proposed rule, certain persons involved in real estate closings and settlements would be required to report on certain transfers that Treasury deems high risk for illicit financial activity—namely, non-financed transfers of residential real property to legal entities and trusts.

FinCEN is now issuing a final rule that adopts the proposed rule with some modifications. The final rule imposes a streamlined suspicious activity report (SAR) filing requirement under which reporting persons, as defined, are required to file a “Real Estate Report” on certain non-financed transfers of residential real property to legal entities and trusts. Transfers to individuals, as well as certain transfers commonly used in estate planning, do not have to be reported. The reporting person for any transfer is one of a small number of persons who play specified roles in the real estate closing and settlement, with the specific individual determined through a cascading approach, unless superseded by an agreement among persons in the reporting cascade. The reporting person is required to identify herself, the legal entity or trust to which the residential real property is transferred, the beneficial owner(s) of that transferee entity or transferee trust, the person(s) transferring the residential real property, and the property being transferred, along with certain transactional information about the transfer.

The final rule adopts a reasonable reliance standard, allowing reporting persons to rely on information obtained from other persons, absent knowledge of facts that would reasonably call into question the reliability of that information. For purposes of reporting beneficial ownership information in particular, a reporting person may reasonably rely on information obtained from a transferee or the transferee’s representative if the accuracy of the information is certified in writing to the best of the information provider’s own knowledge.

FinCEN has sought to minimize burdens on reporting persons to the extent practicable without diminishing the utility of the Real Estate Report to law enforcement and believes the final rule appropriately balances the collection of information that is highly useful to Treasury, law enforcement, and national security agencies against the burdens associated with collecting that information, particularly on small businesses.

##### II. Background

###### A. Addressing High-Risk Transfers of Residential Real Estate

###### 1. Authority To Require Reports From Persons Involved in Real Estate Closings and Settlements

The BSA is intended to combat money laundering, the financing of terrorism, and other illicit financial activity.<sup>3</sup> The purposes of the BSA include requiring financial institutions to keep records and file reports that “are highly useful in criminal, tax, or regulatory investigations or proceedings” or in the conduct of “intelligence or counterintelligence activities, including analysis, to protect against international terrorism.”<sup>4</sup> The Secretary of the Treasury (Secretary) has delegated the authority to implement, administer, and enforce compliance with the BSA and its implementing regulations to the Director of FinCEN.<sup>5</sup>

The BSA requires “financial institutions” to establish an AML/CFT program, which must include, at a minimum, “(A) the development of internal policies, procedures, and controls; (B) the designation of a compliance officer; (C) an ongoing employee training program; and (D) an independent audit function to test programs.”<sup>6</sup> The BSA also authorizes the Secretary to require financial institutions to report any suspicious transaction relevant to a possible violation of law or regulation.<sup>7</sup> Among the financial institutions subject to these

<sup>2</sup> See 31 U.S.C. 5311. Section 6003(1) of the Anti-Money Laundering Act of 2020 defines the BSA as section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), Chapter 2 of Title 1 of Public Law 91-508 (12 U.S.C. 1951 et seq.), and 31 U.S.C. chapter 53, subchapter II. AML Act. Public Law 116-243, Division F, section 6003(1) (Jan. 1, 2021). Under this definition, the BSA is codified at 12 U.S.C. 1829b and 1951–1960, and 31 U.S.C. 5311–5314 and 5316–5336, including notes thereto. Its implementing regulations are found at 31 CFR Chapter X.

<sup>3</sup> 31 U.S.C. 5311(1).

<sup>4</sup> Treasury Order 180-01, Paragraph 3(a) [Jan. 14, 2020], available at <https://www.treasury.gov/about/general-information/orders-and-directives/treasury-order-180-01>.

<sup>5</sup> 31 U.S.C. 5316(b)(1)(A)-(D).

<sup>6</sup> 31 U.S.C. 5316(g).

<sup>1</sup> Section 6101 of the AML Act, codified at 31 U.S.C. 5316(h), amended the BSA’s requirement that financial institutions implement AML programs to also combat terrorist financing. This rule refers to “AML/CFT program” in reference to the current obligation contained in the BSA.

<sup>2</sup> 31 U.S.C. 5312(a)(2)(U).



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# What Transactions are Reportable?

## All **FOUR** Criteria Must Be Met

- 1 Residential Real Property (1-4 family structures)
- 2 Non-Financed Transfer (no qualifying institutional lender)
- 3 Transferee Entity or Trust (not an individual buyer)
- 4 No Exemption Applies (not court-supervised, estate, etc.)



# What Transactions are Reportable? - Residential



## What is residential real property?

A property meets the definition of residential real property if it is located in the United States *and* the property is:

- Real property containing a structure designed principally for occupancy by one to four families;
- Land on which the transferee intends to build a structure designed principally for occupancy by one to four families;
- A unit designed principally for occupancy by one to four families within a structure on land; or
- Shares in a cooperative housing corporation.





# What Transactions are Reportable? – Non-financed



## What is a non-financed transfer?

A non-financed transfer of residential real property is a transfer that does not involve an extension of credit to all transferees (the entity or entities buying or receiving the property) that is both:

- Secured by the transferred property; and
- Extended by a financial institution subject to anti-money laundering (AML) program requirements and Suspicious Activity Report (SAR) obligations.

Transfers that are financed by a lender without an obligation to maintain an AML program and a requirement to file SARs are treated under the rule as non-financed transfers that must be reported if other criteria making a transfer reportable are met.



# What Transactions are Reportable? - Transfer

**Transfer =**

**any change in ownership** of US residential real property demonstrated through a deed or, for an interest in a cooperative housing corporation, through stock, shares, membership, a certificate, or other contractual agreement evidencing ownership.

This definition includes purchases of residential real property **for any amount, as well as transfers of ownership for which no consideration is exchanged**, such as a gift.



Which types of transfers do not meet the criteria for a reportable transfer?

The following transfers are **excepted** from the definition of a reportable transfer.

A transfer **does not need to be reported** if it meets any of the following criteria.

- It is a transfer that is a grant, transfer, or revocation of an easement.
- It results from the death of an individual, whether pursuant to the terms of a will, the terms of a trust, the operation of law, or by contractual provision.
- It is incidental to divorce or dissolution of a marriage or civil union.
- It is made to a bankruptcy estate.
- It is supervised by a court in the United States.
- It is for no consideration made by an individual, either alone or with their spouse, to a trust of which that individual, that individual's spouse, or both, are the settlors or grantors.
- It is made to a qualified intermediary for the purposes of a like-kind exchange (see Section 1031 of the Internal Revenue Code).
- It does not have a reporting person.



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# What Transactions are Reportable? – Entity or Trust



What is a transferee entity and a transferee trust?

A transferee entity is defined as any person other than a transferee trust or an individual. For example, a transferee entity may be a corporation, partnership, estate, association, or limited liability company.

Statutory trusts, which are trusts created or authorized under the Uniform Statutory Trust Entity Act or as enacted by a state, are also considered transferee entities, rather than transferee trusts, for the purposes of this reporting requirement. There are 16 kinds of entities that are exempt from the definition of a transferee entity.

A transferee trust is any legal arrangement created when a grantor or settlor places assets under the control of a trustee for the benefit of one or more beneficiaries or for a specified purpose, whether formed under the United States or a foreign jurisdiction. A transferee trust also includes legal arrangements that are similar to such legal arrangements in either structure or function. However, certain types of trusts are exempted from the definition of a transferee trust.



Which types of entities do not meet the criteria of a transferee entity?

The following regulated entities are **excepted** from the definition of a transferee entity.

Transfers to these types of entities **do not need to be reported**.

1. Securities reporting issuer
2. Governmental authority
3. Bank
4. Credit union
5. Depository institution holding company
6. Money services business
7. Broker or dealer in securities
8. Securities exchange or clearing agency
9. Other Exchange Act registered entity
10. Insurance company
11. State-licensed insurance producer
12. Commodity Exchange Act registered entity
13. Public utility
14. Financial market utility
15. Registered investment company
16. Subsidiary of an excepted entity



Which types of trusts do not meet the criteria of a transferee trust?

These following trusts are **excepted** from the definition of a transferee trust. With the exception of transfers to a statutory trust, transfers to these types of trusts **do not need to be reported**.

1. Securities reporting issuer
2. Trusts that have a trustee that is a securities reporting issuer
3. Statutory trust\*
4. Subsidiary of an exempted trust

\*Note: A statutory trust is treated as a transferee entity and, thus, may need to be reported.



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## What is the Purpose?

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- Money-laundering occurs in residential transactions that helps:
  - Terrorists
  - Drug Lords
- Entities and Trusts identification in land records do not disclose who is the Beneficial Owner (the person who controls the money) unless a separate report is made
- FinCEN wants to know the individual's name because then
  - They can correlate to other data to stop money-laundering
  - Hopefully, money-launderers quit using the residential real estate market

# What Information is Required?



- Property Details
- Buyer
  - Entity/Trust Details and Identification of the Beneficial Owner including address, SSN, and/or Passport Number
  - Banking Information, including Source of Funds
- Seller
  - Individual's Information or if an entity or trust, information about the entity or trust and Beneficial Owner Information

***REQUIRED: Buyer and Seller Collection of Information Forms.***



## Real Estate Report

FOR REFERENCE PURPOSES ONLY

Home

Reporting Person &  
Property Information

Transferee  
Information

Transferor  
Information

Payment  
Information



### Real Estate Report

OMB No. 1506-0080

Version number: READ-ONLY  
Release Date: 12/01/2025

#### Report Preparation & Submission Instructions:

Instructions

1. Complete the report in its entirety with all required information. Click Instructions for help.

Validate

2. Click Validate to ensure all entered data is properly formatted and that all required fields are completed.

Finalize

3. Click Finalize to sign with your PIN and lock the entries in the report in preparation for submission. Click Edit Report to unlock and make edits as needed.

Save

4. Click Save to retain a local copy of the report (this can be done at any time during report preparation).

Print

5. (Optional) Click Print to print a hard copy of your finalized report.

Ready to File

6. Click Ready to File (activated after the report is finalized and saved locally) to begin the submission process.

\* Filing name

#### Filing Information

1. \* Type of filing

☐

a. Initial report

☐

b. Correct/Amend prior report

Prior report BSA Identifier (BSA ID)

☐

c. FinCEN directed back-filing

2. Date prepared

(Auto-filled when report is finalized)

3. Note to FinCEN

Ask AI Assistant

Why is this information important?



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Purchase - Both Sides  
TEST-FinCEN

0 2 / 30 2 / 2 11

Send Message

ORDER

## General

## Basic Info

Properties

Contacts

Loan

Earnest &amp; Commissions

Taxes &amp; Prorations

Payoffs

Title

## CLOSING

Charges

Disclosures

Proceeds

## TASKS

Documents

Accounting

Shield

Marketplace

Connect

## INTEGRATIONS

Envelopes &amp; Shipping

Recording

## PREVIEW

Order TEST-FinCEN x



## Basic Info

## Dates

ESTIMATED CLOSING DATE

03/02/2026

FUNDING DATE

03/02/2026

DISBURSEMENT DATE

03/02/2026

## Closings

Schedule Closing

BUYER'S CLOSING

Not Set

SELLER'S CLOSING

Not Set

## Amounts

PURCHASE PRICE

\$500,000.00

LOAN AMOUNT

\$0.00



Cash Only



HELOC



Construction Loan

## Type

TRANSACTION TYPE

Purchase - Both Sides

REPRESENTING

N/A

ACCOUNTING MODE

Normal

## Configuration

ORDER #

TEST-FinCEN

CHANGE

SETTLEMENT STATEMENT

CD

SWITCH

WORKFLOW

Connect Purchase

CHANGE

## Reporting

SOURCE OF BUSINESS

Buyer

EDIT

STATUS SUMMARY

## Taxes



1099 Eligible



FinCEN Reportable

## Settlement Team

SETTLEMENT AGENCY BRANCH

Knox

ESCROW OFFICER

Dylan Daniel

ORDER OPENER

LuAnn Hileman Crass Esq.

ATTORNEYS

2 Selected

Erica L. Braund Esq.

LuAnn Hileman Crass Esq.

ASSISTANT

POST-CLOSER

Nancy King

SIGNATORY

Erica L. Braund Esq.

POLICY

1 Selected

Sonya Lockmiller

## Place of Closing



ADDRESS

151 Major Reynolds Place

APT, SUITE, ETC.

Ste 102

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Fulfill FinCEN Info for Order #TEST-FinCEN  



Dylan Daniel (Melrose Title Company, LLC)  <notifications@qualia.com>  
to me 

Wed, Jan 21, 11:48 AM (1 day ago)



### You Have a New Task for Your Closing

Your settlement agency has asked you to provide information for their required FinCEN submission.

Task	Fulfill FinCEN Info
Order	Order #TEST-FinCEN
Estimated Length	20 Minutes

[Confirm Information](#)

This link is just for luannahileman@gmail.com. If you forward this email and someone else clicks the link, a security code will be sent to luannahileman@gmail.com.

Having trouble signing in?

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595 Market St Suite 2570  
San Francisco, CA 94105



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[Purchase](#)

# New Order

Order #TEST-FinCEN

[Overview](#)[Tasks](#) **1**[Inbox](#)[Documents](#)[Learn](#)[Activity](#)**You Have 1 Outstanding Task**

Check the Tasks page to complete all requests and keep your closing on track.

[View Task](#)**Closing Status**[Request Update](#)**Your order is On Track To Close**

Current stage is Processing

Melrose Title Company, LLC is researching and analyzing historical property ownership information to make sure there are no title issues. This process usually takes a few days.

[View All Stages ▾](#)**Melrose Title Company, LLC****Parties** **1**[Share Access](#)

[Purchase](#)

# New Order

Order #TEST-FinCEN

[Overview](#)[Tasks](#) **1**[Inbox](#)[Documents](#)[Activity](#)[Tasks](#) > [All Tasks](#)  
0 of 1 tasks complete

## FinCEN Required Information - Buyer

Sent Jan 21st

20 mins.

Your settlement agency has asked you to provide information for their required FinCEN submission.

[Confirm Information](#)

# How Will This Affect Closing?

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- Buyers and Sellers will have to submit information to our office **BEFORE CLOSING** using their Qualia Connect portal.
- This process will require **Buyers and Sellers** to certify the accuracy of the information in writing to Melrose.
- After closing, our office will handle the reporting to FinCEN.



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# Who Must Report?

## Cascading Order

1. Settlement agent listed on settlement statement
2. Settlement statement preparer
3. Deed filer for recordation
4. Owner's title insurance issuer
5. Greatest funds disburser
6. Title examiner
7. Deed preparer or legal instrument drafter

\*If multiple parties are involved in the cascade, a **Written Designation Agreement** can be used to choose one among them to be the official "reporting person".

## Designation Agreement for FinCEN Residential Real Estate Reports

Created pursuant to C.F.R. 1031.320(c)(4).

<b>Date of Agreement:</b>	
<b>Transferor Information</b>	
Full Legal Name	
Street Address (No PO Box)	
<b>Transferee Information</b>	
Full Name of Entity or Trust	
Street Address (No PO Box) (Entity - Principal Place of Business) (Trust - Trustee's Principal Place of Business)	
<b>Information about the Property</b>	
Street Address:	
Legal Description: (Attach Addendum if needed)	
Date of Closing:	

### Information About Designated Reporting Person

Name:	
Address:	

### Information About All Other Persons to Agreement

Name:	
Address	

\_\_\_\_\_  
Signature (Designated Reporting Person)

\_\_\_\_\_  
Signature (All Other Persons)

(Add more as needed)

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## Will there be charges?

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**YES.**

Like with most regulatory changes, there are expenses to implement processes for compliance.

The following charge will be added to reportable transactions:

**\$200**

**FinCEN Reporting  
Compliance Fee**

# Process Timeline

## FinCEN Regulation Overview



### Order Open

Day 0

Receive a new Purchase & Sale Agreement with buyer information and begin work on the file



### Determine Reportability

Day 1-3

Review the buyer information and financing terms to make a yes or no decision if the file meets the requirements.



### Collect Required Data

Day 3-15

Begin collecting the required reporting information from all transferees, beneficial owners, and transferors of the property.



### Closing

Day ~30

Confirm that all data has been gathered and is verified by all beneficial owners to be accurate **prior to closing.**



### Reporting Deadline

30-60 days after closing\*

Manually complete the reporting form on the website using the data you collected during closing prep.

\*Filing deadline countdown starts 30 days after closing or the last day of the following month, whichever is later.

# This is Required. No One Wants to Go to Jail.

Mens Rea	Fine or Penalty?	Criminal?
Negligent?	Not more than \$1,394 per violation; up to \$108,489 for a pattern	No
Willful?	Criminal – up to \$250,000 Civil – Not more than the greater amount involved in the transaction (not to exceed \$278,937) or \$69,733	Yes, up to five years in prison



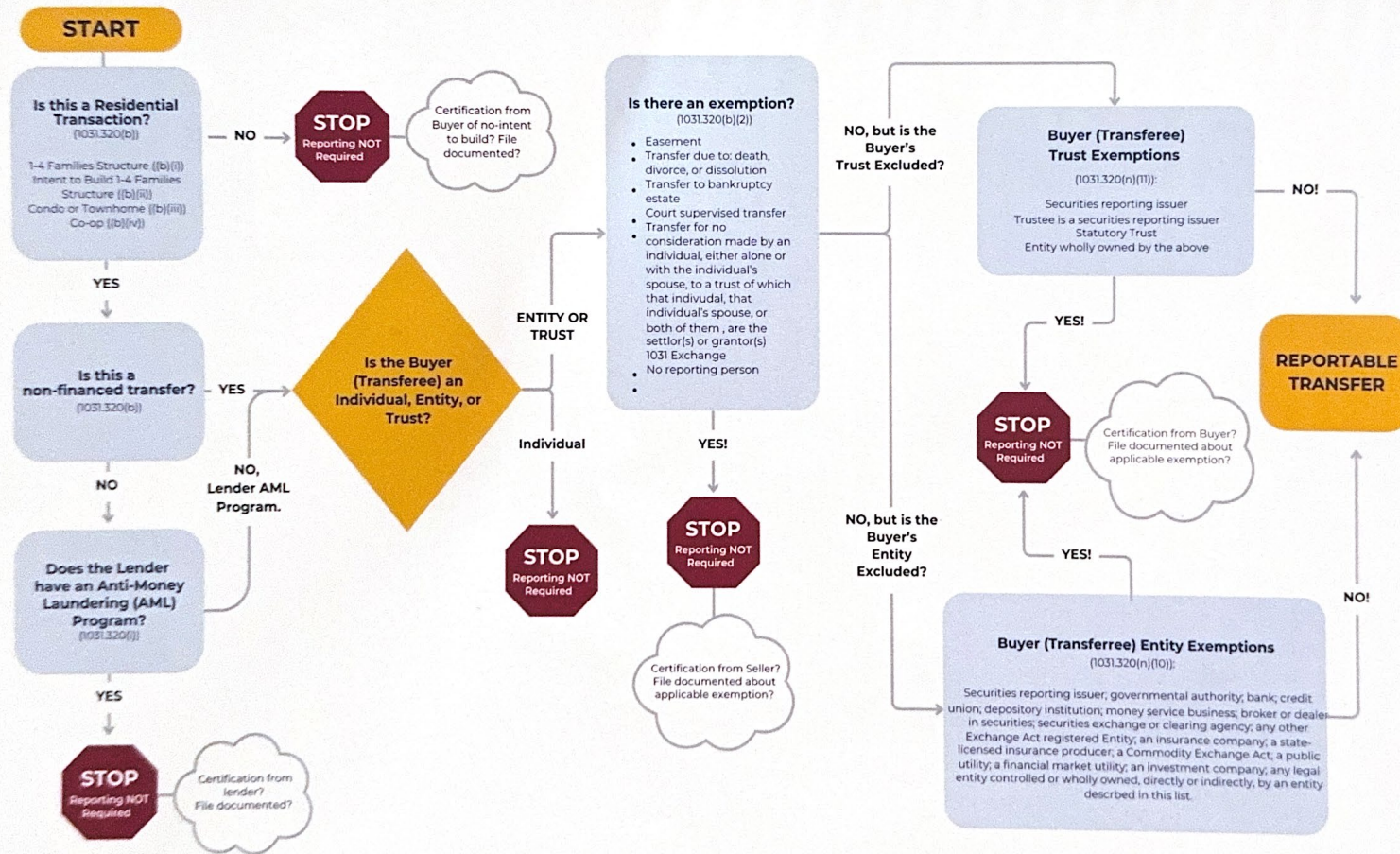
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## How Can We Work Together to Make this SMOOTHER?

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- Ask Your Buyers At Contracting Whether an Entity or Trust Will Be Used
- Tell Us at Order Entry
- If a Buyer Changes Their Mind, Tell Us ASAP so Closing is NOT Delayed
- If Your Buyer is Hesitant
  - Required by Federal Government – NOT title company specific
  - Stopping Money-Laundering
  - Information Obtained is Stored Securely
  - Have Them Speak to Us About Our Process

# FinCEN Real Estate Report Required?



This information is for your reference only and is not intended to represent the only approach to any particular issue. These guidelines should not be construed as legal, financial or business advice. We recommend you consult your legal counsel and subject-matter experts to determine appropriate policies, procedures and strategies applicable to your office or organization.

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# QUESTIONS?

If you would like a copy of the presentation,  
scan the QR Code below.



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