

FinCEN RER Information

Multi-State



Date: May 20, 2026

To: FNF Agency Operations

From: Elizabeth J. Wysong Berg, Esq., Vice President of Education – Agency Operations

Subject: Additional FinCEN FAQs

On May 15, 2026, the Financial Crimes Enforcement Network (FinCEN) filed a notice of appeal to the order made by the Eastern District Court of Texas that vacated the agency’s Residential Real Estate Rule. Afterward, FinCEN issued new FAQs confirming that no reporting is required at this time, and there will be no retroactive reporting if the rule is reinstated. The full FAQs are:

1. What is the status of the Residential Real Estate (RRE) Rule?

On March 19, 2026, a judge in the U.S. District Court for the Eastern District of Texas ruled that FinCEN lacked legal authority to issue the Residential Real Estate Rule (RRE Rule) and, accordingly, ordered that the RRE Rule be vacated. This order renders the RRE Rule without legal effect so long as the order remains in force, meaning covered entities are not required to file reports at this time.

In contrast, two other judges have rejected challenges to the RRE Rule, and FinCEN, through the U.S. Department of Justice, is appealing the order vacating it.

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2. Are reporting persons currently required to file Real Estate Reports?

No. Reporting persons are not currently required to file Real Estate Reports with FinCEN and are not subject to liability if they fail to do so while the court’s order remains in force.

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3. If the order is overturned, will reporting persons be required to retroactively file Real Estate Reports for transfers that otherwise would have been reportable while the order was in effect?

No. If the court’s order is overturned and the RRE Rule again becomes legally effective, reporting persons will not be required to file reports for covered transactions that would have been required to be reported while the court’s order was in force. If the order is overturned, FinCEN will provide further guidance on when reporting will be required.

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The FAQs are available at: <https://www.fincen.gov/rre-faqs>.

Note: 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. You should consult your legal counsel and subject-matter experts to determine appropriate policies, procedures, and strategies applicable to your office or organization.