

## FinCEN Residential Real Estate Rule on Hold: What Florida Realtors Need to Know Now

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A significant development at the federal level is reshaping the immediate compliance landscape for residential real estate professionals. On March 19, 2026, a federal district court in Texas vacated the Financial Crimes Enforcement Network's (FinCEN) Residential Real Estate Anti-Money Laundering (AML) Rule. The court determined that FinCEN exceeded its statutory authority under the Bank Secrecy Act (BSA) and violated the Administrative Procedure Act (APA). As a result, the rule has been set aside—at least for now.

FinCEN has since issued a clear statement: *“In light of a federal court decision, 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 order remains in force.”*

### What This Means for Florida Realtors

For agents across Florida, the immediate impact is straightforward: **there is currently no requirement to comply with FinCEN's new residential reporting obligations.** The rule, which officially took effect December 1, 2025, and was set to require reporting beginning March 1, 2026, is not enforceable while the court's decision stands.

Importantly, this pause does **not** shift reporting responsibility to Realtors. Even prior to the ruling, the obligation to report fell primarily on designated “reporting persons,” typically closing agents such as title companies or attorneys—not real estate licensees.

### A Quick Refresher on the Rule

The FinCEN Residential Real Estate AML Rule was designed to address money laundering risks tied to **non-financed (all-cash) residential transactions**, particularly those involving **legal entities or trusts**. The rule required detailed reporting of certain transaction data to FinCEN in an effort to increase transparency in high-risk purchases.

While Realtors were not tasked with filing reports, the expectation was that agents would be knowledgeable enough to guide clients through the process and collaborate effectively with closing professionals.

### What Comes Next

At this stage, the situation remains fluid. Neither the Department of Justice (DOJ) nor FinCEN has announced whether they intend to appeal the ruling. Several scenarios could unfold:

- **Appeal Filed:** The DOJ may appeal the decision, potentially seeking a stay that could temporarily reinstate the rule and its requirements.
- **No Immediate Action:** The rule could remain on hold for an extended period while legal proceedings evolve.
- **Revised Rulemaking:** FinCEN may revisit and revise the rule to address the court's concerns.

## How Realtors Should Respond

While there is no active compliance burden today, this is not a moment to disengage. Instead, it's an opportunity to remain informed and prepared.

- **Stay Educated:** Maintain a working understanding of the rule and its intent. Clients—particularly those purchasing through entities or in cash—may still have questions.
- **Communicate with Your Closing Partners:** Title companies and attorneys will continue to monitor developments closely. Aligning with them ensures consistent, accurate messaging to clients.
- **Set Expectations with Clients:** For now, reassure clients that no additional federal reporting is required under this rule, while noting that the regulatory environment may shift.
- **Remain Agile:** Should an appeal or stay be issued, timelines could change quickly. Being ready to pivot reinforces your role as a trusted advisor.

## The Bottom Line

The vacating of the FinCEN Residential Real Estate AML Rule represents a pause—not necessarily a permanent end—to increased federal oversight of certain real estate transactions. For Florida Realtors, there is **no current reporting obligation**, but there is a continued expectation of professionalism, awareness, and readiness.

In a market where discretion and trust define the client experience, staying informed is not just prudent—it is a competitive advantage.