



April 9, 2026

The Honorable Andrea Gacki  
Director  
Financial Crimes Enforcement Network  
U.S. Department of the Treasury  
P.O. Box 39  
Vienna, VA 22183

Director Gacki:

The American Land Title Association (ALTA) has appreciated working with your team in preparation for the March 1 implementation date of the Anti-Money Laundering Regulations for Residential Real Estate Transfers (the "Rule"). Given the March 19 ruling from a federal court in the Eastern District of Texas vacating the Rule, ALTA urges FinCEN to use the current pause to make simple changes to the Rule's parameters that would significantly reduce the burden on small businesses while still providing law enforcement with the data that underlies this effort.

If FinCEN appeals this decision and seeks a stay of the district court ruling, ALTA also welcomes the opportunity to work with you to ensure any guidance for restarting reporting does not create additional issues and burdens on reporting persons. Following the court order and subsequent guidance from FinCEN<sup>1</sup> that reporting is not currently required while the order is in effect, companies have stopped collecting data needed to meet the obligations of the Rule. Resuming data collection on reportable transactions is not easy, and the industry needs an appropriate amount of lead time before having to report. If FinCEN seeks a stay pending appeal of the March 19 order, FinCEN should issue guidance allowing no less than 90 days of lead time to ensure the industry is able to meet its compliance obligations. Additionally, if reporting resumes, FinCEN should clarify that the timing for which transactions are reportable is based on the date the purchase and sale contract is entered into, rather than the date the closing is scheduled to occur. Closing dates can change in the normal process of a transaction and this will help prevent future confusion for reporting persons and buyers and sellers alike.

ALTA conducted a recent survey of more than 850 title companies on their experience complying with the Rule since March 1. We believe these results show there are myriad ways this Rule can be narrowed to reduce the burden on the title industry while still achieving the goal of combating money laundering in real estate.

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<sup>1</sup> Financial Crimes Enforcement Network, Residential Real Estate Reporting Rule, <https://www.fincen.gov/rre>

**More than half of respondents reported that FinCEN reporting requirements had delayed real estate closings**, with 16 percent saying delays occurred frequently and 39 percent occasionally. Closing delays cause real harm to buyers and sellers with rate locks, lease expirations, and coordinated move dates that cannot easily be extended.

**Consumer resistance was widespread.** Approximately 84 percent of respondents reported that buyers or sellers expressed privacy or data security concerns, 55 percent reported concerns about delays, and 48 percent reported that clients refused to provide information necessary for reporting. The sensitivity of the data required, particularly bank account information, generated the resistance we warned about during the rulemaking process. Some buyers restructured purchases to vest title individually rather than in an entity to avoid reporting. Some sellers conditioned offers on whether a transaction would trigger reporting. These are precisely the transaction distortions a more targeted rule would avoid.

**The operational burden fell across every step of the process.** Respondents most frequently identify collecting required data from customers (65 percent), educating buyers and sellers (52 percent), identifying beneficial owners (50 percent), and staff training (45 percent) as the greatest burdens. More than half assigned dedicated staff to FinCEN reporting, and 42 percent outsourced to a third-party vendor. Additionally, more than 63 percent of respondents reported that employees expressed concerns about criminal and civil liability under the Rule, a consequence of subjecting non-law enforcement practitioners to federal criminal exposure. These are real costs and concerns for these small businesses and the homebuyers they serve.

As ALTA has urged throughout this rulemaking, we ask FinCEN to use this opportunity to narrow the Rule in ways that would significantly reduce its burden on small title companies across the country while preserving its core purpose. Specifically, the following changes would create a meaningful difference based on the real-world experience of title professionals who complied with the Rule:

1. Impose a nominal dollar threshold, as included in other anti-money laundering regulations, to exclude gratuitous and low-value transfers and focus reporting on higher-value transactions.
2. Exempt transfers from a seller to an entity the seller controls, such as a single-member LLC or revocable living trust, which represent a change in the form of title, not beneficial ownership.
3. Exempt transfers that are the result of foreclosure proceedings, whether judicial or otherwise.
4. Limit payment information collection to what settlement agents can realistically obtain, such as information available on a wire transfer receipt or on the face of a check.
5. Eliminate seller and transferor information collection. Collecting seller tax identification numbers and financial details adds significant workflow burden while its law enforcement value remains unclear.

ALTA and its members take anti-money laundering compliance seriously and remain committed to being productive partners in this effort. The data shared here reflects real experiences from real businesses operating under this Rule, and we hope it will be useful to FinCEN as it considers next steps. We welcome the opportunity to meet with you and your staff to discuss these recommendations further and help facilitate conversations with title companies

across the country. Your staff can contact ALTA's General Counsel, Steve Gottheim, at [steve@alta.org](mailto:steve@alta.org) to schedule such a conversation.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Morton".

Chris Morton  
Chief Executive Officer  
American Land Title Association