

Real Estate Agent Guide to FinCEN Real Estate Reports

(For closings after March 1, 2026)

What is the FinCEN Real Estate Report

The real estate report is a new federal anti-money laundering report filed with the U.S. Treasury (FinCEN) for certain residential real estate transfers starting in 2026. It is NOT a public record.

When Is the Report Required

Expect a report when all of the following are true:

- Residential property
- Buyer is an entity (LLC, corporation, partnership) or a trust
- No traditional bank mortgage (cash, private, hard money, seller financing often triggers)

Can include no cost transfers (gifts). Applies in all states. Some transfers are exempt.

The settlement or closing agent files the Report. Real estate agents do not file but should have knowledge of this new requirement.

Process and Timing

Dependent on whether the settlement or closing agent is filing manually on their own or utilizing a third-party filing service.

In the event where the closing agent is using a third-party service, real estate agent should be aware that the third-party filing service typically will email a secure link to a short online form (completing this promptly reduces closing delays).

Many settlement or closing agents will not schedule the closing until this data has been collected.

What Clients Must Provide

Entity Buyer

- Entity legal name, address, jurisdiction, EIN
- Individuals with 25%+ ownership
- Individuals with substantial control (major decision authority)
- If another company owns any part, identify the real people behind it

Trust Buyer

- Trust name, date executed, revocable or not
- All trustees
- Grantors who can revoke or withdraw assets
- Beneficiaries who can demand money or withdraw substantially all assets
- If a trustee is a company, identify the real people behind it

For Each Listed Individual

- Legal name, date of birth, home address
- Taxpayer ID (SSN or ITIN)
- Government ID Image
- (Buyers Only) How funds are paid (wire, check, etc.) and source account information for funds used (number and bank name)

Seller Side

- Sellers may be asked for basic identifying information, including taxpayer ID

This information is not legal advice and may not be suitable for all client situations. This Guide provides general information and does not outline all of the important considerations related thereto.

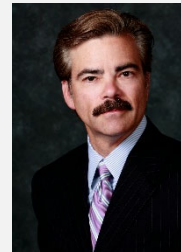
This Guide is not a substitute for legal guidance regarding program details and how those may be applicable to your business. As always, if we can be of assistance with this topic or any other matters, please do not hesitate to contact your HH&K attorney.

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