



When are FinCEN Reports Required?

Under a new federal requirement, all settlement and title offices nationwide are required to collect information and file a mandatory FinCEN Real Estate Report **whenever a residential property is transferred without financing and any buyer is an entity or trust.**

This is a common new report with nearly one million estimated filings per year across the U.S. for transactions that close after **March 1, 2026**. There is no minimum price threshold for this rule. It applies to gifts and most no consideration transfers.

If you can answer **YES** to these:

Residential Property Criteria

Is the property residential (1-4 family units, condos, dual-use properties, shares in cooperative housing), or vacant land intended for home construction, located anywhere in the US?

Legal Entity or Trust Criteria

Is ANY buyer (or transferee) a legal entity or trust?
Note: This includes any type of entity such as LLCs, corporations, partnerships, estates, associations, statutory trusts, or trusts managed by trustees.

Cash Transaction Criteria

Is the property being purchased WITHOUT FINANCING from a bank, mortgage broker, or other regulated lender with AML obligations or an NMLS number? **Note:** Hard money loans or seller financing are NOT typically regulated lenders.

And these exemptions **DO NOT** apply:

- Transfer is due to a death (will, trust, inheritance)
- Divorce/dissolution settlement
- No-cost transfer to seller's or spouse's own trust
- Transfer to bankruptcy estate
- Court-ordered or supervised transfer
- Easement (no property transfer)
- 1031 exchange to Qualified Intermediary
- Buyer is exempt regulated entity or its subsidiary
- Buyer is government authority
- Trust is a securities reporting issuer or has a public company trustee
- No reporting person involved in transfer

For more details on any of these exemptions, visit FincenRealEstateReport.com/rer-quiz-tool/

Then you **must file** a FinCEN report.