



Janet Yellen, Secretary of the Treasury
FinCEN 2023-0014/OMB 1506-0076
c/o Andrea Gacki, FinCEN Director
Policy Division, FinCEN
P.O. Box 39
Vienna, Virginia 22183

Honorable Shalanda Young, Director
Office of Management and Budget
FinCEN-2023-0014/OMB 1506-0076
725 17th Street NW
Washington, D.C. 20503

October 30, 2023

RE: (1) FinCEN's Notice of Proposed Rulemaking titled "Beneficial Ownership Information Reporting Deadline Extension for Reporting Companies Created or Registered in 2024," FinCEN-2023-0014, OMB Control No. 1506-0076, 88 Fed. Reg. 66730 (September 28, 2023) (Deadline Extension Notice)

(2) Treasury Notice of Information Collection/Request for Comments titled "Agency Information Collection Activities; Submission for OMB Review; Comment Request; Beneficial Ownership Information Reports" OMB Control No. 1506-0076, 88 Fed. Reg. 67443 (September 29, 2023) ("BOIR Form Notice")

(3) Treasury Notice of Information Collection/Request for Comments titled "Agency Information Collection Activities; Submission for OMB Review; Comment Request; Individual FinCEN Identifier Application," OMB Control No. 1506-0076, 88 Fed. Reg. 67449 (September 29, 2023) ("FinCEN Identifier Application Notice")

Dear Director Gacki and Director Young:

On behalf of the more than 1.5 million members of the National Association of REALTORS® (NAR), I would like to thank the Financial Crimes Enforcement Network (FinCEN), and the Treasury Department for its continued work to combat money laundering, terrorist financing, safeguarding the financial system, and promoting national security.

NAR is America's largest trade association, including NAR's five commercial real estate institutes and its societies and councils. REALTORS® are involved in all aspects of residential and commercial real estate industries and belong to one or more of some 1,200 local associations or boards, and 54 state and territory associations of REALTORS®.

NAR supported the *Corporate Transparency Act* (CTA), and the work of Congress and FinCEN to address current threats and challenges related to money laundering and illicit financial crimes. NAR has also been supportive of the collection of beneficial ownership information by FinCEN as a preventive and practical measure to stop the formation of anonymous shell companies under state law that are sometimes used for nefarious purposes. The proactive collection of beneficial ownership information is a key measure that FinCEN can take to learn more about companies and owners ahead of any real estate transactions the company may engage. It is imperative that FinCEN not only collect beneficial ownership information, but that measures are in place to properly verify the information submitted by reporting companies and beneficial owners.



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NAR appreciates the opportunity to comment on FinCEN's Notice of Proposed Rulemaking that extends the deadline extension notice to require that "newly formed entities" report within 90 days of entity creation or registration, instead of 30 days under the current rule. Providing additional time for new entities to understand compliance obligations and reporting mechanisms is critical, especially for small businesses owners. Many small business owners may not have the resources or money to hire trained professionals, such as accountants or attorneys to assist them with compliance or with completing the Beneficial Ownership Information form, particularly at a time when they are getting their new business off the ground.

FinCEN should consider also extending the reporting timeline for "existing legal entities." While existing entities and owners have until 2025 to comply, there are many small business owners who still may have challenges understanding reporting obligations and what is required under the law. FinCEN should consider how to ease the burden of compliance for these small business owners, who may have little to no familiarity with FinCEN or the Beneficial Ownership Information Reporting law. For example, over 87 percent of NAR members are independent contractors and small business owners many of whom will likely be required to comply with the beneficial ownership rule. Real estate professionals remain focused on helping buyers and sellers in an extremely constrained market with record-low inventory, high interest rates, and rising home costs, while also trying to keep their businesses afloat. Any additional support or deadline extensions that FinCEN can provide to existing businesses will inevitably be helpful.

FinCEN should continue to ensure that it works to reduce barriers and provide support for small business owners. NAR applauds FinCEN's work in developing the many current resources available including the "Small Entity Compliance Guide," the "Frequently Asked Questions" page, and the "Quick Reference" page, and the related videos to promote compliance. While these tools are helpful, additional educational resources and greater public awareness are needed. FinCEN should also consider a having an active hotline or resource line for businesses to obtain support from FinCEN staff if they have questions or concerns in submitting beneficial ownership information.

NAR respectfully requests that the Beneficial Ownership Information Reporting Form only include the relevant personal identifiable information necessary for compliance under the law. The form should only include the full name of beneficial owners; owners' date of birth; the residential or business street address information; any required identification document information from a driver's license, passport, or other relevant document or the FinCEN identifier. FinCEN should consider options to allow reporting companies and owners to save information prior to submitting the Beneficial Ownership Information Reporting form if there is missing information. Additionally, FinCEN should allow filers to easily amend reports filed or make corrections in a simplified and easy manner.

NAR also requests that the process for obtaining a FinCEN Identifier Application be practical, user friendly, and should only require filers to input basic personal identifiable information as outlined in the law. FinCEN should also ensure adequate education and clarity for beneficial owners on how to obtain a FinCEN identifier and ways that the identifier can and should be used in the future.

Again, NAR appreciates FinCEN's work on the Beneficial Ownership Information Reporting process, and FinCEN's efforts to ensure smooth reporting process. NAR welcomes the opportunity to work with FinCEN to educate real estate professionals and stakeholders within the industry regarding the law. Additionally, NAR would like to see FinCEN continue to develop



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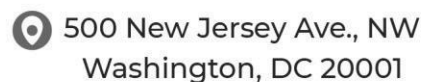
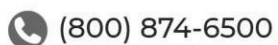
helpful tools for various industries and professionals on beneficial ownership compliance and how easy it can be for small business owners to comply with the law.

NAR welcomes the opportunity to work with FinCEN, the Treasury Department, and Office of Management and Budget on the changes to the rule. If NAR can be helpful to FinCEN as it seeks to develop additional educational resources for the real estate industry, please don't hesitate to connect with us. We look forward to working with you in the future, and if you have any questions or need any additional information, please don't hesitate to reach out to Nia Duggins, NAR Sr. Policy Representative, nduggins@nar.realtor, 202-383-1085.

Sincerely,



Tracey Kasper
2023-2024 President, National Association of REALTORS®



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