

# RESCINDED

OCC Bulletin 2025-49 | December 23, 2025

## Real Estate Lending Escrow Accounts: Notice of Proposed Rulemaking

Replaced - See OCC 2026-20

To

Chief Executive Officers of All National Banks, Federal Savings Associations, and Federal Branches and Agencies; Department and Division Heads; All Examining Personnel; and Other Interested Parties

### Summary

The Office of the Comptroller of the Currency (OCC) is issuing a notice of proposed rulemaking to codify longstanding powers of national banks and federal savings associations to establish or maintain real estate lending escrow accounts and to exercise flexibility in making business judgment as to the terms and conditions of such accounts, including whether and to what extent to offer any compensation or to assess any fees related thereto. Comments on all aspects of the proposed rule are due 30 days after it is published in the *Federal Register*.

## Note for Community Banks

The proposed rule would apply to all community banks.<sup>1</sup>

## Highlights

The proposal would codify that

- the powers of national bank and federal savings associations include establishing and maintaining escrow accounts in connection with real estate loans; and
- the terms and conditions of such escrow accounts (including, but not limited to, the investment of escrowed funds, fees assessed for the use of such accounts, and whether and to what extent interest or other compensation is calculated and paid to customers whose funds are placed in the escrow account) are business decisions to be made by each national bank in its discretion.

## Further Information

Please contact Karen McSweeney, Special Counsel; Graham Bannon, Counsel; or Priscilla Benner, Counsel, Chief Counsel's Office, at (202) 649-5490.

Adam J. Cohen

Senior Deputy Comptroller and Chief Counsel

## Related Link

- [Real Estate Lending Escrow Accounts: Notice of Proposed Rulemaking](#) (PDF)

---

<sup>1</sup> “Banks” refers collectively to national banks, federal savings associations, covered savings associations, and federal branches and agencies of foreign banking organizations. OCC News Release 2025-89 (September 18, 2025) identifies “community banks” as institutions with up to \$30 billion in assets.

Topic(s): ■ LAWS & REGULATIONS

RESCINDED