



January 28, 2026

Chief Counsel's Office
Attention: Comment Processing
Office of the Comptroller of the Currency
400 7th Street SW, Suite 3E-218
Washington, DC 20219

Re: Real Estate Lending Escrow Accounts; Docket ID OCC-2025-0736

To Whom It May Concern:

The Housing Policy Council¹ (HPC) appreciates the opportunity to respond to the Office of the Comptroller of the Currency's (OCC) notice of proposed rulemaking to codify powers of national banks and Federal savings associations (collectively, national banks) to establish or maintain real estate lending escrow accounts, including account terms and conditions. HPC strongly supports the proposed rule and appreciates OCC's efforts to codify this longstanding authority of national banks and federal savings associations in a manner that promotes regulatory clarity, consistency, and effective supervision across market participants.

HPC agrees with each aspect of the proposed rule. Namely, HPC supports the proposed definition of "escrow accounts," the express codification of national banks' powers to establish and maintain escrow accounts, and the clarification that the terms and conditions of escrow accounts (including the extent of any compensation paid to customers) are business decisions to be made by each bank. Additionally, HPC members would find it helpful if the OCC could further clarify that mortgage subservicing activity on behalf of a national bank should be explicitly included in the preemption so there is not a question when a national bank owns the mortgage servicing rights but utilizes a third-party non-bank servicer to perform servicing functions on its behalf.

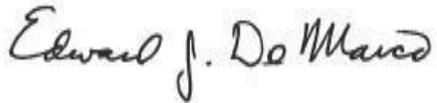
The proposed rule is aligned with the underlying statutes as well as OCC's longstanding interpretations of national banks' real estate lending authority and the business of banking. As the OCC has recognized, escrow practices have historically been shaped by a combination of federal requirements and varied state approaches, which can create operational complexity for regulated entities and their service providers. This proposal, particularly in conjunction with the concurrent

¹ The Housing Policy Council is a trade association comprised of the leading national mortgage lenders and servicers; mortgage, hazard, and title insurers; and technology and data companies. Our interest is in the safety and soundness of the housing finance system, the equitable and consistent regulatory treatment of all market participants, and the promotion of lending practices that create sustainable homeownership opportunities in support of vibrant communities and long-term wealth-building for families. For more information, visit www.housingpolicycouncil.org.

proposal on the preemption determination of state interest-on-escrow laws, is beneficial in providing clarity for national banks, consumers, and other market participants on national banks' authority under federal law.

We appreciate the opportunity to comment on the proposed rulemaking and thank you for your consideration of HPC's position.

Yours truly,

A handwritten signature in black ink that reads "Edward J. DeMarco". The signature is written in a cursive style with a large, prominent initial "E".

Edward J. DeMarco
President
Housing Policy Council