Extension request for OCC's Escrow Law Preemption Determination

COMMENT LETTER

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January 15, 2026
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Chief Counsel's Office
Attention: Comment Processing, Office of the Comptroller of the Currency
400 7th Street, SW, Suite 3E-218
Washington, DC 20219
Attention: Comments (OCC-2025-0735)

Re: Preemption Determination: State Interest-on-Escrow Laws (RIN 1557-AF45)

The Conference of State Bank Supervisors ("CSBS")1, National Conference of State Legislatures ("NCSL"), and the American Association of Residential Mortgage Regulators ("AARMR") respectfully request that the Office of the Comptroller of the Currency ("OCC") extend the 30-day comment period for the notice of proposed rulemaking entitled "Preemption Determination: State Interest-on-Escrow Laws"2 ("proposal") for an additional 60 days.

The proposal, which was released on December 23, would purport to override consumer protection laws that have been in place for approximately half a century in twelve states and preclude other states from applying similar policies to all mortgage servicers operating in their states. The question of when and how the OCC can preempt the application of state consumer protection laws to national banks has been a subject of extensive debate and was painstakingly re-defined by Congress in 2010. This proposal is the first application of that statutorily mandated standard and process: it will have significant implications for the confines of National Bank Act preemption generally, as well as for mortgage borrowers, the mortgage servicing industry, and the ability of states to protect their residents from abusive or deceptive mortgage servicing practices.

Given the immediate impact of this preemption determination itself, as well as its broader implications for the confines of national bank preemption in the future, a 30-day comment period is insufficient to allow comprehensive and thoughtful engagement from all impacted stakeholders. Additionally, the timing of this 30-day window, which encompasses end-of-year holidays and the start of many states' legislative sessions, is likely to further limit meaningful engagement from impacted parties.

We respectfully request that the OCC extend the comment period by an additional 60 days, for a total of 90 days from the date of publication in the Federal Register. This extension would allow for more considered responses from impacted stakeholders and better inform the OCC's analysis of their statutory obligations when preempting state consumer financial laws.

Sincerely,
American Association of Residential Mortgage Regulators
Conference of State Bank Supervisors
National Conference of State Legislatures

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  The Conference of State Bank Supervisors (CSBS) is the nationwide organization of banking and financial regulators from all 50 states, the District of Columbia and the U.S. territories. State regulators supervise state-chartered banks as well as nonbank financial services providers such as mortgage companies and money services businesses. Created in 1902, CSBS has for more than a century given state regulators a national forum to coordinate supervision and develop policy, provide training to state banking and financial regulators and represent its members before Congress and federal financial regulatory agencies.
  2 OCC, Notice of Proposed Rulemaking, Preemption Determination: State Interest-on-Escrow Laws, 90 Fed. Reg. 61093 (Dec. 30, 2025).

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