



**US Department Of The Interior
Bureau of Indian Affairs**

LEASING & MORTGAGES ON TRUST LAND

*A General Overview Prepared for the 2018
LAND DATA FOR PROMOTING INDIAN BUSINESS AND HOMEOWNERSHIP ON
RESERVATIONS*

Presented by:
The Bureau of Indian Affairs
Office of Trust Services,
Division of Real Estate Services
Washington, D.C.

PRESENTATION ROAD MAP

- What Brings the BIA Here Today
- BIA's Administration of Leasing on Tribal Land
- Steps Taken at the BIA to Achieve An Approved Residential Lease and Mortgage
- Recent Activity within BIA



**US Department Of The Interior
Bureau of Indian Affairs**

**LEASING & MORTGAGES
ON TRUST LAND
(and, OF COURSE)
THE LEASE
ALWAYS COMES BEFORE THE
MORTGAGE**

LEASING ON INDIAN TRUST LAND

- **Become Familiar with BIA Organizational Structure**
 - 12 BIA Regional Offices
 - 85 BIA Agency Offices
 - 125 Contract or Compact Tribes (Realty)
- **Become Familiar with BIA Regulatory Scheme**
 - 25 CFR 162 – Surface Leases and Permits
 - 25 CFR 169 – Rights of Way on Indian Land
 - 25 USC 415 – Long Term Leasing Act of 1955
- **WHO SHOULD YOU CONTACT IF YOU ARE DOING BUSINESS ON INDIAN LAND?**
 - BIA Regional Office, Regional Director, with Jurisdiction

LOCATING YOUR CONTACTS AT THE BIA

- The first step is determine which of BIA's 12 Region's has jurisdiction over the land in question.
- Generally easily determined by which tribal state the land is located, however, in some cases more than one Region may have oversight of the same state.

BIA's ADMINISTRATION OF LEASING ON INDIAN LAND

- Federally-Recognized Tribes can negotiate long-term leases of tribal trust and restricted lands, for business, residential, agricultural, and other purposes under 25 U.S.C. § 415 (The Indian Long Term Leasing Act) and the BIA's implementing regulations at 25 CFR Part 162 including:
 - Subpart B: Agricultural Leases
 - Subpart C: **Residential Leases**
 - Subpart D: Business Leases
 - Subpart E: Wind and Solar Resource Leases
- **Leases** entered into by tribes under 25 CFR Part 162 **require approval by the Secretary of the Interior**. The Secretary's approval authority for leases is generally delegated to BIA Regional Directors and/or Agency Superintendents.
- The HEARTH Act provides a process where Federally Recognized Tribes can develop their own leasing regulations and execute leases **without** Secretarial approval of lease and leasehold mortgage.

WHY IS LEASING DIFFERENT FROM LOCATION TO LOCATION?

➤ Authorities differ

- 25 CFR 162
- HEARTH Act regulations

➤ Tribal Governments differ

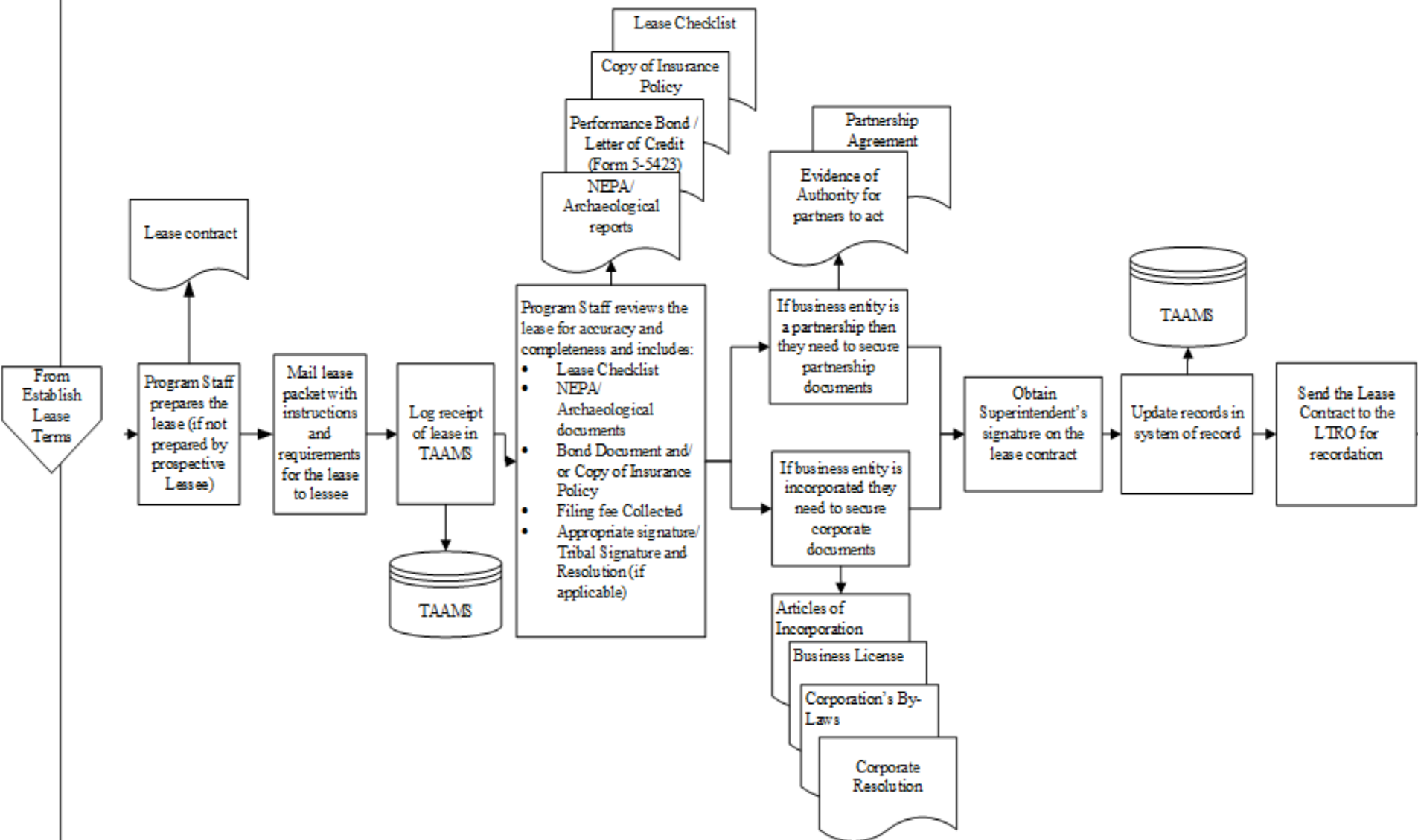
- Direct Service from BIA
- Contract or Compact Realty function
- Tribal Sovereignty

➤ Data Source

- TAAMS for BIA
- Tribes may have their own system

OBJECTIVE (LS4) - To prepare the necessary documentation to lease the land.

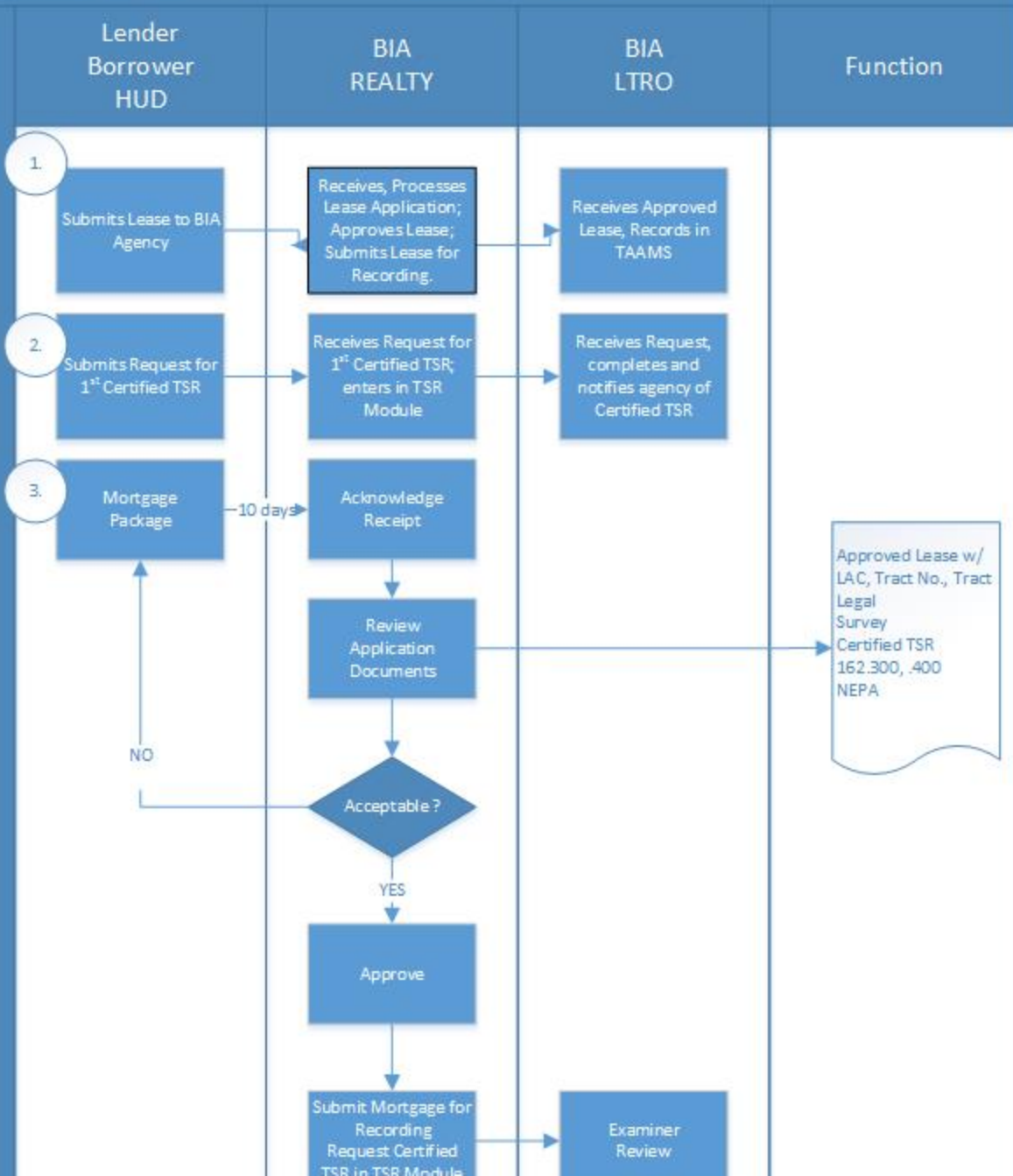
RISK (R1) - Lease does not comply with regulations, policies, and/or guidelines.



MORTGAGE ACTIVITY AT THE BIA

- NATIONWIDE - LEASEHOLD MORTGAGES APPROVED ANNUALLY - 350
- NATIONWIDE - LAND MORTGAGES APPROVED ANNUALLY - 50

Leasehold Mortgage Package Swimlane V.2



WHAT IS THE BASIC LEASEHOLD MORTGAGE PROCESS?

- **STEP 1 - RECEIVE**
- **STEP 2 - REVIEW**
- **STEP 3 - APPROVE**
- **STEP 4 - RECORDING AND
CERTIFIED TITLE STATUS REPORT**
- **STEP 5 - FINAL ACTIONS**

WHAT RECENT DEVELOPMENTS WILL IMPROVE THE LEASE AND MORTGAGE PROCESS?

- **TSR Module in TAAMS**
- **Mortgage Tracker (internal)**
- **Top Priority for this Administration**
 - **Tracking and Monitoring**
 - **Metrics developed**
 - **Dates for Completion established**



THANK YOU!