



**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



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**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 each 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

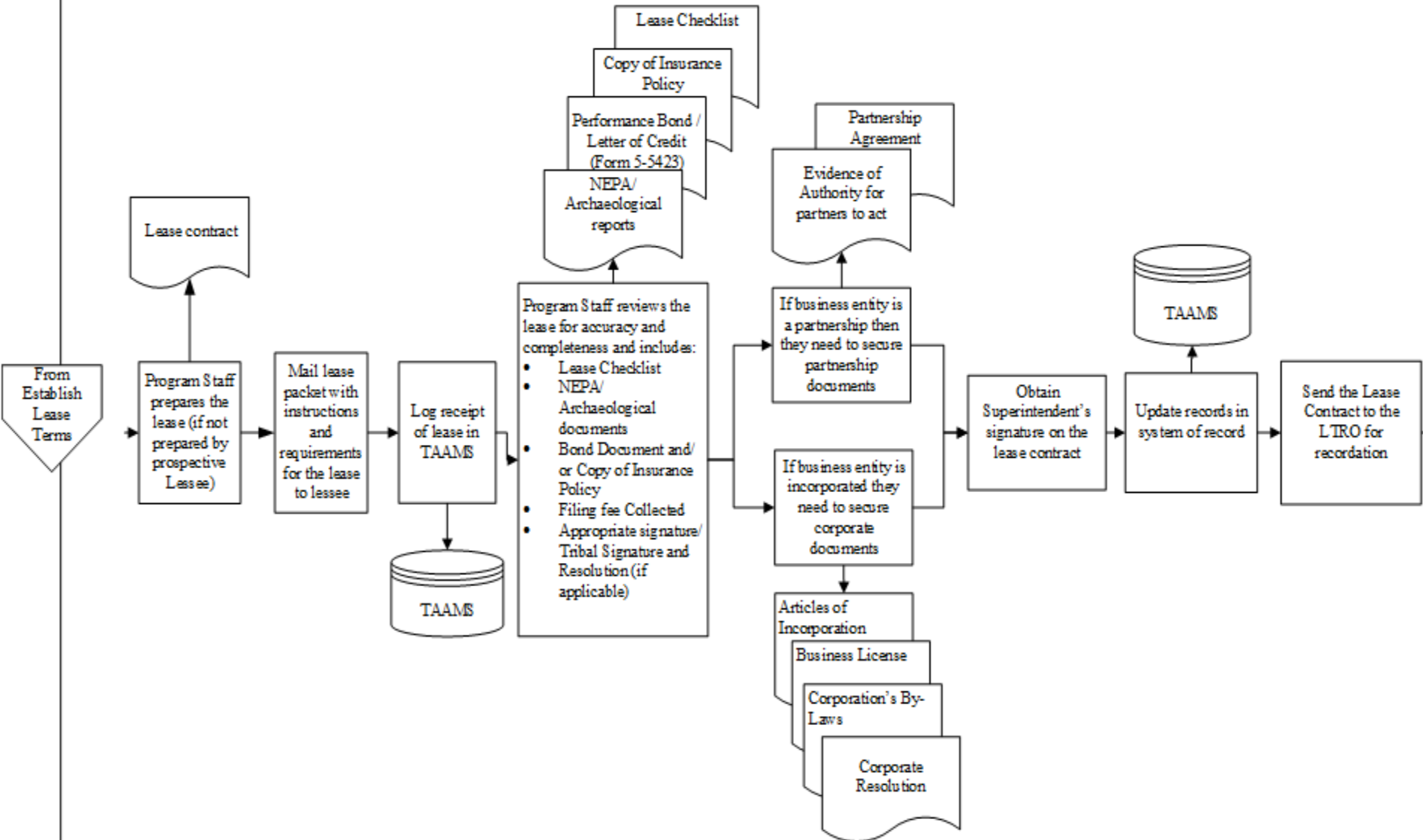
## ➤ Data Source

- TAAMS for BIA
- Tribes may have their own system



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

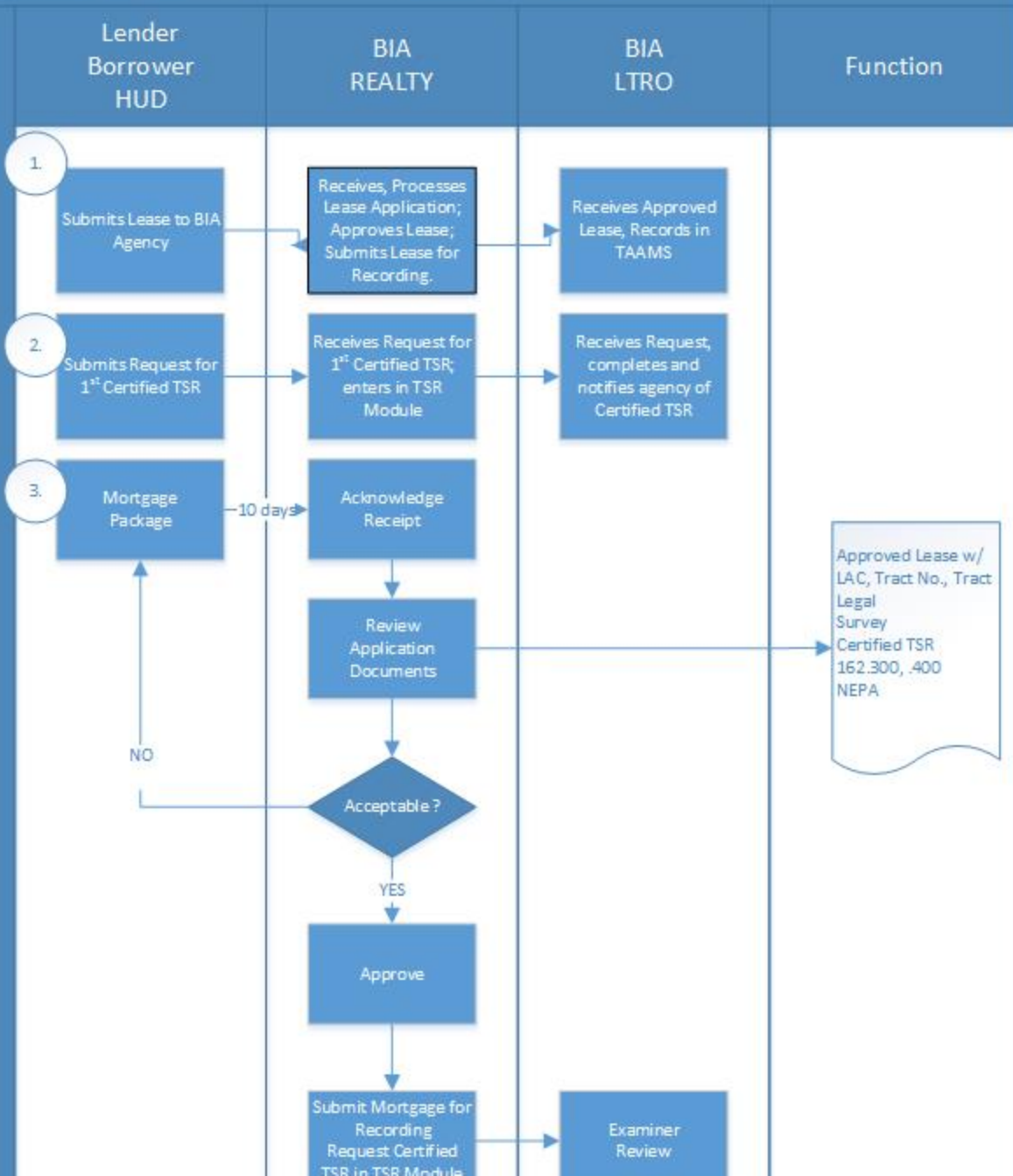
**RISK (R1) - Lease does not comply with regulations, policies, and/or guidelines.**



# 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!***