

# Oneida Nation

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Oneida, WI 54155

## **BC Resolution # 02-08-17-A Adoption of Real Property Law Amendments**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee adopted the Real Property Law pursuant to resolution BC-05-29-96-A and amended the Law by resolutions: BC-03-01-06-D, BC-04-28-10-E and BC-02-25-15-C; and
- WHEREAS,** these amendments update the probate process and delegate joint administrative rulemaking authority to the Division of Land Management and the Oneida Land Commission; and
- WHEREAS,** the Division of Land Management and the Oneida Land Commission are required to create rules further defining the process for probate administration; and
- WHEREAS,** these amendments add Wisconsin State real estate education requirements for persons purchasing property on behalf of the Nation; and
- WHEREAS,** these amendments transfer the Oneida Land Commission's original hearing body authority to the Oneida Judiciary; and
- WHEREAS,** these amendments remove provisions related to rental housing opportunities, mortgages and foreclosures and terminations and evictions as such subject matters are addressed in the Landlord-Tenant Law, the Mortgage and Foreclosure Law, the Eviction and Termination Law; and
- WHEREAS,** these amendments remove provisions related to the leasing from the Nation as such subject matter is addressed in the Leasing Law; and
- WHEREAS,** the Leasing Law's effective date is contingent upon approval of the Leasing Law by the Secretary of the Department of Interior; and
- WHEREAS,** public meetings regarding these amendments were held on October 20, 2016 and December 1, 2016, in accordance with the Legislative Procedures Act; and

**NOW THEREFORE BE IT RESOLVED,** that all parties required to create administrative rules to further support the Real Property Law have all such rules finalized to become effective on June 25, 2017, provided that the rules related to residential sales by the Nation may have an earlier effective date.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that in recognition that the Leasing Law is not effective until it receives approval from the Secretary of the Department of Interior, the following provision shall replace section 601.9 of the Real Property Law until the Leasing Law is effective should the Leasing Law not be effective by the effective date of these amendments:

**601.9. Leasing of Real Property**

601.9-1. All leasing of tribal land shall be processed through the Division of Land Management.

601.9-2. Commercial, Agricultural and Residential Leases of tribal trust land are available, with preference given to Oneida tribal citizens and programs.

601.9-3. All leases shall include the responsibility of the lessee and lessor regarding the following principles:

- (a) Possession of Leased Premises;
- (b) Improvements;
- (c) Maintenance of Premises;
- (d) Assignment and Subleasing;
- (e) Options to Renew;
- (f) Destruction of Premises;
- (g) Termination of Lease;
- (h) Breach of Lease;
- (i) Use of Premises;
- (j) Term of Lease; and
- (k) Security Deposit.

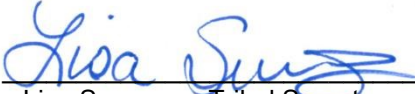
601.9-4. Assignment of leasehold interest for the purpose of financing shall be processed and recorded at the appropriate office by the Division of Land Management. No assignment or related encumbrance to the leasehold interest shall be valid without approval and recordation through procedures established by the Division of Land Management.

601.9-5. In the event of default by the lessee of the terms of an approved encumbrance, and the lessee's assignment reaches the point of sale or foreclosure, the Division of Land Management shall have the right to correct the default. If the default is corrected under these circumstances the lessee will be subject to further proceedings which may lead to termination of lessee's lease, loss of improvements, revised payment schedule and/or garnishment of lessee's wages in order to pay the remainder of the default.

**NOW THEREFORE BE IT FINALLY RESOLVED**, that these Real Property Law amendments are hereby adopted and shall become effective on June 25, 2017.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 8<sup>th</sup> day of February, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Lisa Summers, Tribal Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."