

Eastern Region Residential Leasing Process

Lease Issuance

- Once a complete package is received, the BIA will proceed with review and approval of a lease. At a minimum, a complete lease package must contain:
 - ✓ The completed lease (model lease form), executed by all parties, with addresses.
 - ✓ Tribal resolution:
 - granting lease to applicant and authorizing tribal official to execute lease documents on behalf of tribe;
 - Identifying the property being leased;
 - Set term of years;
 - addressing rental waiver, and;
 - any waiver of appraisal entitlement.

Lease Issuance

- Continued.....
 - ✓ Survey plat map of the leasehold premises with legal description either in body of lease or attached. The location of all existing structures should also be identified on the plat.
 - ✓ Subdivision Plat (If applicable). If unrecorded in LTRO; submit for review and recording.
 - ✓ NEPA-Compliance Document (EA or Cat Ex.).
 - ✓ NHPA-Section 106 Compliance.

Lease Issuance

- Upon receipt, BIA will:
 - ✓ Ensure the lease is in compliance with 25 CFR 162, any other applicable laws, tribal ordinances, etc.
 - ✓ Ensure the purpose of lease will be for housing purposes.
 - ✓ Check for ingress and egress.
 - ✓ Request TSR or prepare endorsement.

Lease Issuance

- Continued.....
- ✓ Review the survey and legal description.
- ✓ Check the duration of lease, bonding requirements, insurance, etc.
- ✓ Check the rental payment and where payment is to be made (lockbox).
- ✓ Document review and recommendation for approval or denial of the lease. All files will contain all supporting documentation to support an administrative decision.

Lease Issuance

- Continued.....
- ✓ Determine the appropriate administrative fee as applicable for covering costs for:
 - Leases
 - Amendments
 - Assignments
 - Subleases
 - Mortgages
- ✓ Upon approval, assign a contract and Lessee identification number via manual and automated system and enter into TAAMS.

Lease Issuance

- Continued.....
- ✓ The original approved lease is sent to LTRO for recording purposes. LTRO will return the recorded copy of the lease to RES for a permanent record.
- ✓ Provide a copy of the approved lease to the lessee.

Leasehold Mortgage Process

- A residential lease may be mortgaged without further consent of the Indian landowners if the lease contains a general authorization for such a mortgage.
- At a minimum, the leasehold mortgage package will include:
 - ✓ The executed mortgage agreement, completed lender's application, promissory note, if applicable.
 - ✓ Copy of approved lease, including the survey and legal description.

Leasehold Mortgage Process

- Continued.....
- Upon receipt of the leasehold mortgage package, the BIA will:
 - ✓ Ensure the leasehold mortgage is for the purpose of borrowing capital for the development and improvement of the leased premises.
 - ✓ Ensure that the encumbrance only applies to the leasehold interest and does not encumber the trust real estate.
 - ✓ Check that the Borrower is able to perform lease obligations without being adversely affected by cumulative mortgage obligations.

Leasehold Mortgage Process

- Continued.....
 - ✓ Obtain approval for the mortgage from the delegated official.
 - ✓ Send the mortgage to the LTRO for recordation and return recorded mortgage to lender.

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