

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 08-10-16-K Mortgage and Foreclosure (Law)

- 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 Nation currently offers mortgage programs and a foreclosure process according to section 67.14 of the Real Property law; and
- WHEREAS,** the Real Property law provides the minimum requirements related to the mortgage programs and mortgage foreclosure and the details that govern operation of the individual mortgage options; and the detailed foreclosure process are provided in Division of Land Management standard operating procedures; and
- WHEREAS,** an assessment of the Real Property law and housing programs has determined that it would be beneficial to separate the Real Property law into multiple laws further detailing such processes and formally delegating rulemaking authority pursuant to the Administrative Rulemaking law; and
- WHEREAS,** this law contains additional details related to mortgage programs and delegates joint rulemaking authority to the Land Commission and the Comprehensive Housing Division to create rules naming each mortgage option and the specific requirements related to each; and
- WHEREAS,** this law provides a more detailed foreclosure process that takes both the Nation and the potential mortgagor step-by-step through the process required to foreclose, including the option to enter an agreement to cure prior to foreclosure and a redemption period; and
- WHEREAS,** this law provides that selection and decision making authority related to mortgages lies solely with the Comprehensive Housing Division and that such decisions are not appealable to the Judiciary; and

WHEREAS, this law transfers the hearing body authority related to foreclosure from the Land Commission, as currently assigned in the Real Property law, to the Oneida Judiciary; and

WHEREAS, a public meeting on the proposed Law was held on June 30, 2016 in accordance with the Legislative Procedures Act; and

NOW THEREFORE BE IT RESOLVED, that the Mortgage and Foreclosure law is hereby adopted and repeals section 67.14 of the Real Property law entitled Real Estate Financing; and

NOW THEREFORE BE IT FINALLY RESOLVED, that any standard operating procedures grandfathered in as rules under the Real Property law pursuant to the Administrative Rulemaking law are hereby transferred to rules under this law, provided that any provisions that conflict with this law are void.

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; 7 members were present at a meeting duly called, noticed and held on the 10th day of August, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 1 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."