

<p><b>ONEIDA TRIBE OF WISCONSIN STANDARD OPERATING PROCEDURE</b></p>	<p>TITLE: Land Acquisition through Land Management for Residential Leasing with the Nation</p>	<p>ORINATION DATE: 05/21/2021</p>
<p>AUTHOR: Nicole Rommel</p>	<p>APPROVED: Land Commission</p>	<p>Approved: 06/14/2021</p>
<p>DEPARTMENT: Land Management DIVISION: Environmental, Health, Safety, Land, and Agriculture</p>	<p>Nicole Rommel <small>Digitally signed by Nicole Rommel Date: 2021.10.26 14:47:36 -05'00'</small></p> <hr/> <p>APPROVED &amp; Signed: Nicole Rommel, EHSLA Director</p>	<p>Approved: 06/14/2021</p>

## 1.0 PURPOSE

- 1.1 The purpose of this SOP is to create acquisition processes and limitations for the purpose of acquiring land to enter a residential lease, including but not limited to the HIP and THRIFTT programs.

## 2.0 DEFINITIONS

- 2.1 “Appraisal” means a valuation or estimation of value of property completed by a disinterested person of suitable qualifications. For trust property, the appraiser must be a Certified General Appraiser.
- 2.2 “Defect” means a condition that would have a significant adverse effect on the value of the property; that would significantly impair the health or safety of future occupants of the property; or that if not repaired, removed or replaced would significantly shorten or adversely affect the expected normal life of the premises.
- 2.3 “Improvement” means buildings, other structures, and associated infrastructure attached to land.
- 2.4 “Offer to Purchase” means the written agreement in which the Nation commits to purchase a seller’s land under certain circumstances.
- 2.5 “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.
- 2.6 “Residential Lease” means the legal document issued by the Tribe pursuant to its applicable leasing laws and rules which establishes a buyer’s right to occupy Tribal land for residential purposes.
- 2.7 “Survey” means the measurement of the boundaries of land and its area. A survey will reveal building setbacks as well as any encroachments.
- 2.8 “Tax Assessed Value” means the value the local taxing authority uses to distinguish the value of the land from the improvements.
- 2.9 “Title Commitment” means a document that reflects all of the title research done on the property. Its purpose is to inform all parties of any encroachments

affecting the property and to commit to insure the property, subject to certain stated requirements.

### **3.0 WORK STANDARDS / PROCEDURES**

- 3.1 Nation's Acquisition Financial Responsibilities. When the purchase involves simultaneous purchase of residential improvements, for example when using HIP, the Nation shall pay for the tax assessed value of the land. When the purchase does not involve simultaneous purchase of residential improvements, for example THRIFTT, the Nation shall pay for the appraised value of the land. If purchasing individual trust land, the appraisals must meet the requirements of the Bureau of Indian Affairs. The Nation shall pay for any costs associated with the environmental inspection required under 1.5-1(c) and 1.5-2(a)(4). Acquisitions are subject to available funds.
- 3.2 Homeowners Financial Responsibility. All costs not specifically noted in this section are the responsibility of the homeowner, including but not limited to any homeowners' association fees, provided that the Nation will reimburse the homeowner for the cost of the appraisal so long as the purchase closes. If the purchase is not completed, the homeowner will not be refunded the cost of the appraisal.
- 3.3 Land Commission Approval. Oneida Land Commission approval is not required for purchases of land pursuant to this rule unless the applicable tax assessed value or appraised value of the land exceeds \$100,000.00.
- 3.4 Exceptions. The Land Commission may grant exceptions to this rule for strategic purchases where the Land Commission shall determine the basis for defining strategic purchases.
- 3.5 Nation Determines Defects. The Nation reserves the sole right to determine whether defects exist in relation to the contingencies in the title commitment, survey and environmental investigation required under 1.5-1 and 1.5-2.
- 3.6 Educational Information and Training. Land Management shall work with other involved parties, including but not limited to Bay Bank, Bay Title and Mau and Associates, to create educational information and training for real estate agents and brokers. Real estate agents and brokers completing said training shall be placed on a list of trained agents and brokers and made available to consumers, provided that the Nation does not advocate for the representation by any specific real estate agent or broker and accepts no liability for any such agency relationship created.

### **4.0 References**

### **5.0 Forms**