

NOTICE OF RESCHEDULED

PUBLIC MEETING

To be held on

Thursday, July 11, 2024

5pm-6pm

In the

Comprehensive Housing Division

Front Conference Room

2913 Commissioner Street, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Comprehensive Housing Division and the Oneida Land Commission are hosting this Public Meeting to gather feedback from the community regarding proposed amendments to the following rule:

Real Property Law Rule No. 2 - CHD Residential Sales

- ◆ Change Real Property Law Rule No. 2 to Rule No. 1
- ◆ Replacing the selection process from a highest qualified offer process to a lottery draw process such that homes will continue to be listed for the appraised value, but buyers will no longer be able to bid over appraised value to gain a competitive advantage; and
- ◆ Determining what happens to residential sales inventory in the event there are no offers received for a given listing.

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD OPEN UNTIL JULY 19, 2024

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to The Comprehensive Housing Division by U.S. mail, interoffice mail, e-mail or fax.

Comprehensive Housing Division
2913 Commissioner Street, Oneida, WI 54155
mhill@oneidation.org
Phone: 920-869-2227
Fax: 920-869-2836



Title 6. Property and Land – Chapter 601

REAL PROPERTY

Rule # 2 – Comprehensive Housing Division Residential Sales

~~2.1. Purpose and Effective Date~~

~~2.2. Adoption, Amendment and Repeal~~

~~2.3. Definitions~~

~~2.4. Advertising and Showings~~

~~2.5. Right of First Refusal to Current Tenant~~

~~2.6. Prequalification~~

~~2.7. Offers to Purchase~~

~~2.8. Final Decision~~

2.1. Purpose and Effective Date

2.2. Adoption, Amendment and Repeal

2.3. Definitions

2.4. Advertising and Showings

2.5. Right of First Refusal to Current Tenant

2.6. Prequalification

2.7. Offers to Purchase

2.8. Offer to Purchase Lottery

2.9. Houses That Do Not Sell

2.1. Purpose and Effective Date

2.1-1. *Purpose.* The purpose of this rule is to provide the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale.

2.1-2. *Delegation.* –The Real Property law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

2.2. Adoption, Amendment and Repeal

2.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

2.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Real Property law.

2.3. Definitions

2.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Appraisal Value” means the estimated worth of the property based on a review of the property and market values.

(b) “Nation” means the Oneida Nation.

(c) “Tribal Member” means an individual who is an enrolled member of the Nation.

(d) “Residential Sales Offer to Purchase” means offer to purchase that is used only for the Nation’s Residential Sales program.

(e) “Prequalification by an approved lender” means the prequalification letter must be from a lender who has done and continues to provide mortgage lending on tribally owned fee and/or trust land.

(f) “Offer to purchase packet” means that the offer to purchase must be submitted with a prequalification letter in a sealed plain envelope on the day Comprehensive Housing Division has determined to be the day they accept the offers to purchase.

2.4. Advertising and Showings

2.4-1. *Advertising.* The Comprehensive Housing Division shall advertise all homes for sale by the Nation both on the Nation’s website and at the Comprehensive Housing Division.

(a) The Comprehensive Housing Division shall use the home’s appraisal value as the listing price on the advertisement.

(b) The Comprehensive Housing Division shall provide the showing dates ~~and, the~~ prequalification and offer periods and the lottery date in the advertisement.

(c) Where the Nation is offering a home for sale as-is that requires improvements before an occupancy permit may be issued pursuant to the Zoning and Shoreland Protection Ordinance, the advertisement shall also include the costs estimated by the Comprehensive Housing Division for the minimum improvements required to make the residence eligible for an occupancy permit. In addition, the cost estimate shall also include estimated costs to address any health and safety issues which may not amount to a code violation affecting an occupancy permit. The estimate shall include a disclaimer that the ~~estimate is just that~~ and actual costs of the improvements may exceed the costs estimated by the Comprehensive Housing Division.

2.4-2. *Showings.* For each home sold by the Nation, the Comprehensive Housing Division shall conduct showings over the course of one (1) week with a minimum of two (2) public showings wherein one (1) showing is required to be conducted during the Nation’s business hours and one (1) showing is required to be conducted after the Nation’s business hours. In addition to the two (2) required public showings, the Comprehensive Housing Division may schedule private showings upon a potential buyer’s request ~~at its,~~ after the public showings, and at Comprehensive Housing Division’s discretion.

2.5. Right of First Refusal to Current Tenant

2.5-1. *Right of First Refusal to Current Tenant.* If the Nation ~~ehoses~~chooses to cease renting a property with a current tenant and ~~ehoses~~chooses to sell said property as residential property as is, provided that the tenant is in good standing with the rental agreement, the Comprehensive Housing Division shall offer the tenant the right of first refusal to purchase the home subject to the mortgage requirements.

2.6. Prequalification

2.6-1. *Setting the Prequalification Period.* The Comprehensive Housing Division shall set the prequalification period as the week immediately following the showing week.

2.6-2. *Prequalification Required.* All interested buyers shall provide proof of prequalification for the homes listed price in order to be eligible to submit an offer to purchase. ~~-The~~ Prequalification

letter, regardless of lender, must be included with the offer to purchase in the sealed envelope, to be considered a valid offer to purchase for the lottery drawing.

(a) Prequalification may be from the Comprehensive Housing Division or an outside lender who has been confirmed to do lending on tribally owned fee or trust land.

(b) If an interested buyer plans to finance the purchase through a mortgage from the Comprehensive Housing Division, the interested buyer shall schedule a meeting with the Comprehensive Housing Division during the prequalification week in order to determine eligibility.

(c) Where the Nation is offering a home for sale as-is that requires improvements before an occupancy permit may be issued pursuant to the Zoning and Shoreland Protection Ordinance, an interested buyer is required to be pre-approved for the listed price of the home as-is as well as the costs estimated by the Comprehensive Housing Division for the minimum improvements required to make the residence eligible for an occupancy permit and to address any health and safety issues that may not amount to code violations affecting an occupancy permit.

2.7. Offers to Purchase

2.7-1. *Setting the Offer Period.* When the Comprehensive Housing Division offers a home for sale, it shall set an offer period of one (1) business day during which offers to purchase may be submitted at the Bay Bank drop box. The Comprehensive Housing Division may extend the offer period by providing notice of the extension both on the Nation's website, and at Bay Bank and the Comprehensive Housing Division. The Comprehensive Housing Division shall disqualify offers to purchase received outside of the offer period.

2.7-2. *Making an Offer to Purchase.* Tribal members wishing to make an offer to purchase on a home for sale by the Nation may do so by submitting an offer to purchase at the Bay Bank drop box, in person, using the offer to purchase form available on the Nation's website and at the Comprehensive Housing Division. A prequalification letter must be included with the offer to purchase. Offers to purchase that do not include a prequalification letter will be disqualified. Comprehensive Housing Division letters of prequalification must be submitted with offer to purchase. Offers to purchase that are not submitted using the Nation's form will not be accepted by the Comprehensive Housing Division.

(a) Offers to purchase must be for the listing price. Offers received for less than the listing listed price will not be considered. Offers for more than the listed price will not be considered.

(b) Offers to purchase that do not include at least one (1) Tribal member will not be considered.

(d) A non-tribal member will not be considered eligible unless they are married to a tribal member and both are named on the offer to purchase.

(c) Prior to accepting an offer to purchase for the drop box, Bay Bank staff shall date and time stamp ~~all offers to purchase upon receipt. In the event that multiple parties arrive at the same time to submit an offer to purchase (i.e. if parties are waiting to submit prior to business hours), Bay Bank staff shall determine the order of receipt through a lottery system in which each party receives a number by chance. Bay Bank staff shall number the offers having the same date and time stamps by from lowest drawn number to highest drawn number~~ or initial /sign the offer to purchase and ensure it is sealed.

~~(d) There is no limit as to how many offers to purchase a Tribal member may submit within~~

~~an offer period.~~

~~(d.) Multiple offers to purchase will not be considered. If multiple offers to purchase are submitted from the same offeror for a listing, that offeror will be disqualified and all offer to purchases from said offeror will be ineligible for that lottery drawing.~~

~~2.7-3. Comprehensive Housing Division Receipt of Offers to Purchase. Comprehensive Housing Division staff may not collect the offers to purchase until the business day immediately following the close of the offer period. Upon receipt of the offers to purchase from Bay Bank, the Comprehensive Housing Division shall post the dollar amount of the highest prequalified offer to purchase received on the Nation's website; no personal information of the offeror may be included in this posting. Offers to purchase received for which the Comprehensive Housing Division did not receive proof of prequalification will not be considered day of the lottery.~~

~~2.7 4. Buyer Selection. When~~ **8. Offer to Purchase Lottery**

~~2.8-1. Lottery Date. Upon receipt of the offers to purchase from Bay Bank, the Comprehensive Housing Division receives multiple offers to purchase on a home for sale by the Nation, it shall select host a public (in-person or virtual) lottery date. All sealed offers to purchase will have one half of a two-ticket raffle ticket stapled to the buyer based on sealed envelope with the highest prequalified offer received within other half of the offer period. In the event there is a tie for the highest prequalified offer to purchase received within ticket placed in the lottery bucket.~~

~~2.8-2. Lottery Drawing. If members of the public are present for the offer period, the lottery date, then a citizen shall be asked to select a raffle ticket to select a raffle ticket from the lottery bucket. If no members of the public are present at the lottery date, then a Comprehensive Housing Division administrator shall be asked to select the raffle ticket from the lottery bucket. The offer in the sealed envelope with the matching ticket that was received earliest based on the date drawn from the lottery bucket will be the first offer to purchase eligible for the home contingent on the application packet being complete. Once the first offer to purchase is drawn Comprehensive Housing Division will proceed to pick all remaining tickets and record the ticket number and offeror in chronological order as picked from the lottery bucket. If the first draw is not eligible Comprehensive Housing Division will move on to the second draw and so forth until there is an accepted offer to purchase.~~

~~2.8-3. Comprehensive Housing Division Confirmation of Prequalified Offer. Comprehensive Housing Division staff shall open the selected offer immediately to ensure the offeror prequalified. If the selected offer prequalified as required, Comprehensive Housing Division staff shall inform the selected buyer and proceed to closing and residential lease signing.~~

~~(a) In the event the first selected buyer cannot proceed with closing and a residential lease signing, Comprehensive Housing will move in chronological order to the next ticket drawn at the time stamp of the lottery drawing.~~

~~2.7-58-4. Financing.- If financing is required, the selected buyer may choose to finance either through the Nation's mortgage program or through an outside lender who has been confirmed to do lending on any tribally owned fee and/or trust land and according to their prequalification letter.~~

~~2.8.~~ **Final Decision**

~~2.8-1-5.~~ *No Appeal.* The decisions made in regard to Comprehensive Housing Division residential sales are final. Neither the Oneida Judiciary nor any administrative body, including a board, committee or commission is authorized to hear a complaint in regard to Comprehensive Housing Division decisions related to residential sales.

2.9. Houses That Do Not Sell

2.9-1. Minimum Advertisements. Comprehensive Housing Division shall list each property prepared for sale a minimum of three (3) times before Comprehensive Housing Division asks the Land Commission to consider a use of the property that is potentially not residential. For this section, listing a property for sale entails the entire residential sales process including advertisement, prequalification, offer to purchase submittals and lottery draws.

End.

Original effective date: 03-09-2017
Amendment effective date:



Title 6. Property and Land – Chapter 601

REAL PROPERTY

Rule # 2 – Comprehensive Housing Division Residential Sales

- 2.1. Purpose and Effective Date
- 2.2. Adoption, Amendment and Repeal
- 2.3. Definitions
- 2.4. Advertising and Showings
- 2.5. Right of First Refusal to Current Tenant
- 2.6. Prequalification
- 2.7. Offers to Purchase
- 2.8. Offer to Purchase Lottery
- 2.9. Houses That Do Not Sell

2.1. Purpose and Effective Date

2.1-1. *Purpose.* The purpose of this rule is to provide the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale.

2.1-2. *Delegation.* The Real Property law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

2.2. Adoption, Amendment and Repeal

2.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

2.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Real Property law.

2.3. Definitions

2.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Appraisal Value” means the estimated worth of the property based on a review of the property and market values.

(b) “Nation” means the Oneida Nation.

(c) “Tribal Member” means an individual who is an enrolled member of the Nation.

(d) “Residential Sales Offer to Purchase” means offer to purchase that is used only for the Nation’s Residential Sales program.

(e) “Prequalification by an approved lender” means the prequalification letter must be from a lender who has done and continues to provide mortgage lending on tribally owned fee and/or trust land.

(f) “Offer to purchase packet” means that the offer to purchase must be submitted with a

prequalification letter in a sealed plain envelope on the day Comprehensive Housing Division has determined to be the day they accept the offers to purchase.

2.4. Advertising and Showings

2.4-1. *Advertising.* The Comprehensive Housing Division shall advertise all homes for sale by the Nation both on the Nation's website and at the Comprehensive Housing Division.

(a) The Comprehensive Housing Division shall use the home's appraisal value as the listing price on the advertisement.

(b) The Comprehensive Housing Division shall provide the showing dates, the prequalification and offer periods and the lottery date in the advertisement.

(c) Where the Nation is offering a home for sale as-is that requires improvements before an occupancy permit may be issued pursuant to the Zoning and Shoreland Protection Ordinance, the advertisement shall also include the costs estimated by the Comprehensive Housing Division for the minimum improvements required to make the residence eligible for an occupancy permit. In addition, the cost estimate shall also include estimated costs to address any health and safety issues which may not amount to a code violation affecting an occupancy permit. The estimate shall include a disclaimer that the actual costs of the improvements may exceed the costs estimated by the Comprehensive Housing Division.

2.4-2. *Showings.* For each home sold by the Nation, the Comprehensive Housing Division shall conduct showings over the course of one (1) week with a minimum of two (2) public showings wherein one (1) showing is required to be conducted during the Nation's business hours and one (1) showing is required to be conducted after the Nation's business hours. In addition to the two (2) required public showings, the Comprehensive Housing Division may schedule private showings upon a potential buyer's request, after the public showings, and at Comprehensive Housing Division's discretion.

2.5. Right of First Refusal to Current Tenant

2.5-1. *Right of First Refusal to Current Tenant.* If the Nation chooses to cease renting a property with a current tenant and chooses to sell said property as residential property as is, provided that the tenant is in good standing with the rental agreement, the Comprehensive Housing Division shall offer the tenant the right of first refusal to purchase the home subject to the mortgage requirements.

2.6. Prequalification

2.6-1. *Setting the Prequalification Period.* The Comprehensive Housing Division shall set the prequalification period as the week immediately following the showing week.

2.6-2. *Prequalification Required.* All interested buyers shall provide proof of prequalification for the homes listed price in order to be eligible to submit an offer to purchase. The prequalification letter, regardless of lender, must be included with the offer to purchase in the sealed envelope, to be considered a valid offer to purchase for the lottery drawing.

(a) Prequalification may be from the Comprehensive Housing Division or an outside lender who has been confirmed to do lending on tribally owned fee or trust land.

(b) If an interested buyer plans to finance the purchase through a mortgage from the Comprehensive Housing Division, the interested buyer shall schedule a meeting with the Comprehensive Housing Division during the prequalification week in order to determine eligibility.

(c) Where the Nation is offering a home for sale as-is that requires improvements before an occupancy permit may be issued pursuant to the Zoning and Shoreland Protection Ordinance, an interested buyer is required to be pre-approved for the listed price of the home as-is as well as the costs estimated by the Comprehensive Housing Division for the minimum improvements required to make the residence eligible for an occupancy permit and to address any health and safety issues that may not amount to code violations affecting an occupancy permit.

2.7. Offers to Purchase

2.7-1. *Setting the Offer Period.* When the Comprehensive Housing Division offers a home for sale, it shall set an offer period of one (1) business day during which offers to purchase may be submitted at the Bay Bank drop box. The Comprehensive Housing Division may extend the offer period by providing notice of the extension both on the Nation's website, and at Bay Bank and the Comprehensive Housing Division. The Comprehensive Housing Division shall disqualify offers to purchase received outside of the offer period.

2.7-2. *Making an Offer to Purchase.* Tribal members wishing to make an offer to purchase on a home for sale by the Nation may do so by submitting an offer to purchase at the Bay Bank drop box, in person, using the offer to purchase form available on the Nation's website and at the Comprehensive Housing Division. A prequalification letter must be included with the offer to purchase. Offers to purchase that do not include a prequalification letter will be disqualified. Comprehensive Housing Division letters of prequalification must be submitted with offer to purchase. Offers to purchase that are not submitted using the Nation's form will not be accepted by the Comprehensive Housing Division.

(a) Offers to purchase must be for the listing price. Offers received for less than the listed price will not be considered. Offers for more than the listed price will not be considered.

(b) Offers to purchase that do not include at least one (1) Tribal member will not be considered.

(d) A non-tribal member will not be considered eligible unless they are married to a tribal member and both are named on the offer to purchase.

(c) Prior to accepting an offer to purchase for the drop box, Bay Bank staff shall date and time stamp or initial /sign the offer to purchase and ensure it is sealed.

(d.) Multiple offers to purchase will not be considered. If multiple offers to purchase are submitted from the same offeror for a listing, that offeror will be disqualified and all offer to purchases from said offeror will be ineligible for that lottery drawing.

2.7-3. *Comprehensive Housing Division Receipt of Offers to Purchase.* Comprehensive Housing Division staff may not collect the offers to purchase until the day of the lottery.

2.8. Offer to Purchase Lottery

2.8-1. *Lottery Date.* Upon receipt of the offers to purchase from Bay Bank, the Comprehensive Housing Division shall host a public (in-person or virtual) lottery date. All sealed offers to purchase will have one half of a two-ticket raffle ticket stapled to the sealed envelope with the other half of the ticket placed in the lottery bucket.

2.8-2. *Lottery Drawing.* If members of the public are present for the lottery date, then a citizen shall be asked to select a raffle ticket to select a raffle ticket from the lottery bucket. If no members of the public are present at the lottery date, then a Comprehensive Housing Division administrator shall be asked to select the raffle ticket from the lottery bucket. The offer in the sealed envelope

with the matching ticket that was drawn from the lottery bucket will be the first offer to purchase eligible for the home contingent on the application packet being complete. Once the first offer to purchase is drawn Comprehensive Housing Division will proceed to pick all remaining tickets and record the ticket number and offeror in chronological order as picked from the lottery bucket. If the first draw is not eligible Comprehensive Housing Division will move on to the second draw and so forth until there is an accepted offer to purchase.

2.8-3. Comprehensive Housing Division Confirmation of Prequalified Offer. Comprehensive Housing Division staff shall open the selected offer immediately to ensure the offeror prequalified. If the selected offer prequalified as required, Comprehensive Housing Division staff shall inform the selected buyer and proceed to closing and residential lease signing.

- (a) In the event the first selected buyer cannot proceed with closing and a residential lease signing, Comprehensive Housing will move in chronological order to the next ticket drawn at the time of the lottery drawing.

2.8-4. Financing. If financing is required, the selected buyer may choose to finance either through the Nation's mortgage program or through an outside lender who has been confirmed to do lending on any tribally owned fee and/or trust land and according to their prequalification letter.

2.8-5. No Appeal. The decisions made in regard to Comprehensive Housing Division residential sales are final. Neither the Oneida Judiciary nor any administrative body, including a board, committee or commission is authorized to hear a complaint in regard to Comprehensive Housing Division decisions related to residential sales.

2.9. Houses That Do Not Sell

2.9-1. Minimum Advertisements. Comprehensive Housing Division shall list each property prepared for sale a minimum of three (3) times before Comprehensive Housing Division asks the Land Commission to consider a use of the property that is potentially not residential. For this section, listing a property for sale entails the entire residential sales process including advertisement, prequalification, offer to purchase submittals and lottery draws.

End.

Original effective date: 03-09-2017
Amendment effective date:



Statement of Effect

Amendments to the Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales

Summary

The amendments to the Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales:

- Change the selection process from a highest qualified offer process to lottery draw process; and
- Addresses the minimum advertisement requirements for houses that do not sell.

Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office

Date: June 4, 2024

Analysis by the Legislative Reference Office

The Administrative Rulemaking law provides authorized agencies the opportunity to promulgate rules interpreting the provisions of any law enforced or administered by it; provided that, a rule may not exceed the rulemaking authority granted under the law for which the rule is being promulgated. [1 O.C. 106.4-1]. Rulemaking authority is defined as the delegation of authority to authorized agencies found in the Nation’s laws, other than the Administrative Rulemaking law, which allows authorized agencies to implement, interpret and/or enforce a law of the Nation. [1 O.C. 106.3-1(i)]. An authorized agency is defined as “any board, committee, commission, department, program or officer of the Nation that has been granted rulemaking authority.” [1 O.C. 106.3-1(a)].

The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation’s employees dealing with real property transactions. [6 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder’s rights and responsibilities. [6 O.C. 601.1-1].

The Real Property law delegates joint administrative rulemaking authority to the Oneida Land Commission and the Comprehensive Housing Division to provide process requirements,

including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property. [6 O.C. 601.12-1].

The purpose of the Real Property Law Rule No. 2 – Comprehensive Housing Division Residential Sales (“the Rule”) is to provide the requirements for both the Nation and potential buyer when the Comprehensive Housing Division offers a residential property for sale. [Rule 2.1-1]. The proposed amendments to the Rule:

- Change the selection process from a highest qualified offer process to lottery draw process, through the following revisions:
 - Require the Comprehensive Housing Division to provide the lottery date in the advertisement. [Rule 2.4-1(b)].
 - Clarify that the prequalification letter, regardless of lender, must be included with the offer to purchase in the sealed envelope, to be considered a valid offer to purchase for the lottery drawing. [Rule 2.6-2, 2.7-2].
 - Require that offers to purchase must be for the listing price. Offers to purchase for less than the listing price will not be considered, while offers to purchase for over the listing price do not provide the offeror with a competitive advantage as the Comprehensive Housing Division will not accept payment over the listing price. [Rule 2.7-2(a)].
 - Provided that a non-tribal member will not be considered eligible unless they are married to a tribal member and both are named on the offer to purchase. [Rule 2.7-2(c)].
 - Provide that prior to accepting an offer to purchase for the drop box, Bay Bank staff shall date and time stamp or initial/ sign the offer to purchase and ensure it is sealed, while also eliminating the provision which addressed how Bay Bank Staff handled receipts of offers to purchase made at the same time and date. [Rule 2.7-2(d)].
 - Eliminate the provision which provides there is no limit as to how many offers to purchase a Tribal member may submit within an offer period, and clarify that multiple offers to purchase will not be considered. If multiple offers to purchase are submitted from the same offeror for a listing, that offeror will be disqualified and all offer to purchases from said offeror will be ineligible for that lottery drawing. [Rule 2.7-2(d)].
 - Revise when the Comprehensive Housing Division can collect the offers to purchase from the business day immediately following the close of the offer period to the date of the lottery. [Rule 2.7-3].
 - Eliminate the provisions that provide that upon receipt of the offers to purchase from Bay Bank, the Comprehensive Housing Division shall post the dollar amount of the highest prequalified offer to purchase received on the Nation’s website; and that offers to purchase received for which the Comprehensive

Housing Division did not receive proof of prequalification will not be considered. [Rule 2.7-3].

- Provide that upon receipt of the offers to purchase from Bay Bank, the Comprehensive Housing Division shall host a public (in-person or virtual) lottery date in which all sealed offers to purchase will have one half of a two-ticket raffle ticket stapled to the sealed envelope with the other half of the ticket placed in a lottery bucket. [Rule 2.8-1].
- Provide for who does the selection of the lottery drawing and how an offer to purchase is selected through the lottery drawing. [Rule 2.8-2].
- Require the Comprehensive Housing Division to immediately confirm the selected offer to purchase was prequalified, and if so, inform the selected buyer and proceed to closing and residential lease signing. [Rule 2.8-3].
- Require that in the event the first selected buyer cannot proceed with closing and a residential lease signing, Comprehensive Housing will move in chronological order to the next ticket drawn at the time of the lottery drawing. [Rule 2.8-3(a)].
- Include a new provision which addresses minimum advertisement requirements for houses that do not sell and requires that the Comprehensive Housing Division list each property prepared for sale a minimum of three (3) times before Comprehensive Housing Division asks the Oneida Land Commission to consider a use of the property that is potentially not residential. [Rule 2.9-1].

Conclusion

There are no legal bars to adopting the amendments to the Real Property Law Rule No. 2 - Comprehensive Housing Division Residential Sales.

Summary Report for Real Property Law Rule No. 2 – CHD Residential Sales

Original effective date: 03-09-2017

Amendment effective date: asap

Name of Rule: Real Property Law -Rule No. 2 CHD Residential Sales

Name of law being interpreted: Real Property Law

Rule Number: No. 2

Other Laws or Rules that may be affected: None

Brief Summary of the proposed rule:

We are changing the process of how CHD sells our Residential Sales homes. We are deleting the highest accepted offer from the current rule and changing it to a lottery draw contingent upon applicant's prequalification. We will no longer accept offers above asking/listed price.

Statement of Effect: Obtained after requesting from the Legislative Reference Office.

Financial Analysis: See Attached.

Note: *In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.*

Financial Analysis for Real Property Law Rule No. 2 CHD Residential Sales

Type of Cost	Description/Comment	Dollar Amount
Start Up Costs		0
Personnel		0
Office		0
Documentation Costs		0
Estimate of time necessary for an individual or agency to comply with the rule after implementation		0
Other, please explain		
Total		0