



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

2.1-1. *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 This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.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.

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 prequalification and offer periods 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 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.

(a) Prequalification may be from the Comprehensive Housing Division or an outside lender.

(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, 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. 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 for less than the listing price will not be considered.

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

(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.

(d) There is no limit as to how many offers to purchase a Tribal member may submit within an offer period.

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.

2.7-4. *Buyer Selection.* When the Comprehensive Housing Division receives multiple offers to purchase on a home for sale by the Nation, it shall select the buyer based on the highest prequalified offer received within the offer period. In the event there is a tie for the highest prequalified offer to purchase received within the offer period, the Comprehensive Housing Division shall select the offer that was received earliest based on the date and time stamp.

2.7-5. *Financing.* If financing is required, the selected buyer may choose to finance either through the Nation's mortgage program or through an outside lender.

2.8. Final Decision

2.8-1. *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.

End.

Original effective date: 03-09-2017
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