



Title 6. Property and Land – Chapter 601

REAL PROPERTY

Rule # 4 – Comprehensive Housing Division Residential Sales

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4.1. Purpose and Effective Date

4.1-1. *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.

4.1-2. *Delegation.* The Real Property law delegated the Comprehensive Housing Division and Land Commission joint rulemaking authority pursuant to the Administrative Rulemaking law.

4.2. Adoption, Amendment and Repeal

4.2-1. This rule was jointly adopted by the Comprehensive Housing Division and Land Commission in accordance with the procedures of the Administrative Rulemaking law.

4.2-2. This rule may be amended or repealed by the joint approval of the Comprehensive Housing Division and Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

4.2-3. 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.

4.2-4. 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.

4.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Real Property law.

4.3. Definitions

4.3-1. 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) “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.

4.4. Advertising and Showings

4.4-1. *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.

4a) 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.

4.4-2. *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 Comprehensive Housing Division's discretion.

4.5. Right of First Refusal to Current Tenant

4.5-1. *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.

4.6. Prequalification

4.6-1. *Setting the Prequalification Period.* The Comprehensive Housing Division shall set the prequalification period as the week immediately following the showing week.

4.6-2. *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.

(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.

4.7. Offers to Purchase

4.7-1. *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.

4.7-2. *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 from Comprehensive Housing Division or another a lender approved by Comprehensive Housing Division must be included with the 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, and Comprehensive Housing Division will not accept offers above the listing price.

(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 ensure it is sealed and initial and date the sealed offer.

(d) Offers may submit a maximum of one (1) offer to purchase per residential sale site. If multiple offers to purchase are submitted from the same offeror for a listing, that offeror will be disqualified resulting in all the offeror's offers to purchase being disqualified and removed from consideration in the offeror selection lottery drawing.

4.7-3. *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.

4.8. Offer to Purchase Lottery

4.8-1. *Lottery Date.* Upon receipt of the offers to purchase from Bay Bank, 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.

4.8-2. *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. 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.

4.8-3. *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. 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.

4.8-4. *Financing.* If financing is required, the selected buyer may choose to finance either through the Nation’s mortgage program or through an outside lender approved by Comprehensive Housing Division.

4.8-5. *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.

4.9. Houses That Do Not Sell

4.9-1. *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.

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