

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 04-22-26-B Amendments to the Real Property 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 Real Property Law ("the Law") was adopted by the Oneida Business Committee through resolution BC-5-29-96-A, and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A and BC-05-09-18-A; and
- WHEREAS,** the purpose of this Law is to provide regulations and procedures for the transfer, control and management of all Tribal land; and to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold concurrent jurisdiction; and
- WHEREAS,** the amendments to the Law uphold the Nation's prohibition on the sale of Tribal land, while establishing one new, narrowly tailored exemption for certain off-Reservation transactions provided the transaction is approved by formal resolution of the Oneida Business Committee; and
- WHEREAS,** the amendments to the Law clarify that the Nation's exercise of eminent domain is limited to a right of last resort; and
- WHEREAS,** the amendments to the Law provide that any party contesting the Nation's authority to exercise eminent domain, or disputing the adequacy of consideration offered, may challenge the acquisition by filing a civil complaint with Oneida Nation Trial Court; and
- WHEREAS,** the amendments to the Law reinstate trespass provisions previously contained in the Public Use of Tribal Land law and add enforcement provisions similar to those contained in the Public Use of Tribal Land law; and
- WHEREAS,** the amendments to the Law remove rulemaking authority over applicant selection for the issuance of rental agreements from both the Land Commission and the Comprehensive Housing Division; and
- WHEREAS,** the amendments to the Law authorize officers of the Oneida Police Department or designated wardens to take any action necessary to prevent, mitigate, or remove violation of this Law, require proof of eligibility to access Tribal land, issue citations, and enforce any order not complied with at the expense of the owner; and

- WHEREAS,** the amendments to the Law increase the minimum number of Land Management employees primarily responsible for real estate acquisitions from one (1) to two (2), contingent upon budgetary resources; and
- WHEREAS,** the amendments to the Law remove the provisions regarding probate; and
- WHEREAS,** the amendments to the Law specify that the Oneida Nation Register of Deeds shall provide public access to land records and title documents, subject to applicable fees outlined in the fee schedule established by Land Management and approved by the Land Commission; and
- WHEREAS,** the amendments to the Law delegate exclusive rulemaking authority to the Comprehensive Housing Division for establishing process requirements such as advertising, notice, prequalification, and selection- applicable to all residential improvements sales by the Nation; and
- WHEREAS,** the amendments to the Law clarify the duties Land Management is responsible for; and
- WHEREAS,** the amendments to the Law establish the legal framework for granting easements in specific circumstances where access to property is restricted. Three types of easements are outlined:
- Easement by Necessity, which allows landlocked property owners to petition the Oneida Judiciary for access through adjacent land, provided they can prove the parcels were once under common ownership and the landlocked condition resulted from a severance;
 - Prescriptive Easement, which permits individuals to seek continued use of land if they've used it openly, adversely, and continuously for twenty (20) years;
 - Easement by Written instrument which recognizes property rights acquired through uninterrupted adverse possession over seven years; and
 - Additionally, it protects Tribal land from unauthorized claims, by prohibiting adverse possession claims against the Nation; and
- WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Comprehensive Housing Division, Land Management, Oneida Law Office, CEO; and
- WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and
- WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on November 14, 2025, with two (2) individuals providing oral comments, and the public comment period for the amendments to this Law was held open until November 21, 2025, with four (4) individuals providing written comments; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Landlord Tenant Law, which shall become effective on April 22, 2026.

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; 6 members were present at a meeting duly called, noticed and held on the 22nd day of April, 2026; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."