

Real Estate Services Update



Presented by

Mike Black
Director, Bureau of Indian Affairs

EMERGING TRENDS IN REAL ESTATE SERVICES

■ The Hearth Act of 2012

- Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012
- Signed into law July 30, 2012
- The Hearth Act allows tribes to draft their own leasing regulations and upon approval by the Secretary, allows tribes to approve leases of tribal land.

■ New Leasing Regulations

- 25 CFR Part 162
- Includes subparts specific to residential & business leasing, and leasing for wind & solar energy
- Final rule became effective January 4, 2013

HEARTH ACT

- Allows tribes to process leases on tribal land under their own regulations, as long as BIA has approved their leasing regulations
- The Act is only applicable to tribal land and does not apply to lands held in trust for individual Indian landowners
- BIA has 120 days to review and approve or deny a tribe's leasing regulations

HEARTH ACT

- Requirements for Tribal leasing regulations
 - Must be *consistent* with the new leasing regulations under 25 CFR Part 162
 - Must provide for an environmental review process that:
 - Provides for identification and evaluation of significant effects on the environment
 - Provides for public notice and comment relating to significant effects on the environment and for the tribe to respond to relevant comments prior to approving a lease
 - Tribes can define “public”

HEARTH ACT

- For now, review of tribal leasing regulations will occur at BIA's Central Office
 - Central Office has published a National Policy Memorandum with a list of criteria for use in determining whether tribal regulations are “consistent with” 25 CFR 162
 - Ultimately, this review may occur at the Regional level



- Other features of the HEARTH Act

- BIA will provide technical assistance to tribes in developing an environmental review process
- Allows for lease terms up to 75 years in certain instances

WHO DO TRIBES CONTACT

- Contact your Regional Realty Officer or BIA's Central Office realty staff for questions

Matthew C. Kirkland
Chief, Division of Real Estate Services
Phone: 202.208.3615
E-mail: matthew.kirkland@bia.gov

- Staff Recommendations
 - When defining terms be consistent with Part 162
 - Consider collaborating with BIA Realty to review in draft
 - Do not include Tribal approval of individually allotted lands

HEARTH ACT (CONTINUED)

Submit Leasing Regulations to:

**Mr. Bryan Rice, Deputy Bureau Director
BIA-Office of Trust Services
1849 C Street, NW, MS 4639-MIB
Washington, D.C. 20240**