

**CROW TRIBAL LEGISLATURE
MARCH 13, 2007 SPECIAL SESSION**

BILL NO. CLB07-07

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED:

**“AN ACT TO AMEND TITLE 15, CHAPTER 1, OF THE CROW LAW AND ORDER
CODE TO GIVE TRIBAL MEMBERS RENTAL PRIORITY”**

WHEREAS, there is a serious shortage of adequate housing on the Crow Reservation; and

WHEREAS, the Crow Tribe has previously adopted laws to promote home loans for members of the Apsaalooke Nation; and

WHEREAS, the Federal National Mortgage Association (Fannie Mae) and Housing and Urban Development (HUD) have entered into agreements with the Crow Tribe to offer home loans for members of the Apsaalooke Nation; and

WHEREAS, the United States Department of Veterans Affairs (DVA) and the Crow Tribe wish to enter into an agreement to make home loans available to Crow veterans; and

WHEREAS, DVA guidelines for such an agreement require that certain provisions be included in the law to allow property to be rented pending sale; and

WHEREAS, members of the Apsaalooke Nation should have priority to rent property located on the Crow Reservation; and

WHEREAS, the interests of the Crow Nation will be served by enacting this legislation,

NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. Title 15, Chapter 1, of the Crow Law and Order Code is amended as follows:

Title 15, Chapter 1, Section 9. Foreclosure of Individual Trust Land.

a. Any individual Indian owner who has entered into a mortgage pursuant to 25 U.S.C. Sec. 483a2 and 15 C.F.R. Sec 152.343 shall be regarded under those provisions as being vested with unrestricted fee simple title to the lands involved, and such land shall be subject to foreclosure in Tribal Court in accordance with this Chapter.

- b. In the case of foreclosure of individual trust land pursuant to 25 U.S.C. Sec. 483a or otherwise, only the Crow Tribe, members of the Crow Tribe, tribal corporations or tribal organizations (the "authorized bidders") may bid on such property at the foreclosure sale. If the authorized bidders do not bid an amount sufficient to pay the amount due to the mortgagee under the foreclosure judgment, then the mortgagee may bid the amount due and owing and receive title to the property, subject to the restriction that the property may subsequently only be sold to persons who could have been authorized bidders at the sale.
- c. In cases where the Crow Tribe is the mortgagee, beneficial title to trust property subject to foreclosure shall vest in the Crow Tribe without public sale upon payment to the mortgagor of the difference between the appraised value of the land, plus costs, and the amount of the debt if the appraised value exceeds the amounts due.
- d. In all cases where the Crow Tribe is not the mortgagee, the Crow Tribe shall have the first option to purchase the property subject to foreclosure at private sale.
- e. Notices of a judgment of foreclosure shall be sent by certified mail to the Tribal Chair by the mortgagee.
- f. Notice of intent to exercise the first option to purchase shall be mailed to the mortgagee within thirty (30) days of the date of mailing the notice of judgment.
- g. If the Crow Tribe exercises its option to purchase, beneficial title shall pass in the manner prescribed above in (c).
- h. In cases where the Crow Tribe is not the mortgagee and the Crow Tribe does not exercise its option to purchase, the property shall be offered to individual Crow Indians in the following manner:
- i. Notice of the offering shall be published in a weekly publication of general circulation on the Reservation for at least thirty (30) consecutive days prior to sale. The notice shall include the appraised value of the property, and the date, time, and place for accepting bids.
 - ii. The sealed bids of individual Crow Indians shall be accepted at a time, date, and place specified by the mortgagee, provided that the place for accepting bids shall be within the Crow Reservation.
 - iii. If no bid of an individual Crow Indian is equal to or greater than the appraised value of the land, the property may be offered for public sale in the manner prescribed in this Chapter.
 - iv. Beneficial title to the property shall pass to the individual Crow Indian upon payment to the mortgagee of the appraised value of the property, provided that the proceeds of the sale shall be distributed in the manner prescribed in Section 8 of this Chapter. For the purposes of this part, "appraised value" shall be defined as the fair market value of the property as determined by a certified appraiser.

i. Legal title to trust property subject to foreclosure shall be considered to have remained in the United States throughout the proceedings in Tribal Court if;

- (i) Beneficial title passes to the Crow Tribe in the manner described in part (c), or
- (ii) Beneficial title passes to the individual Crow Indian in the manner described in part (h) (iv). If beneficial title, does not pass to the Crow Tribe or an individual Crow Indian, the Indian mortgagor shall be considered to have been vested with an unrestricted fee simple interest from commencement of the suit.

j. A bid at foreclosure sale from the Tribe or an individual member of the Tribe in an amount equal to or greater than the mortgage debt being foreclosed is sufficient for all purposes without regard to the appraised value of the property.

k. Should any part(s) of this Chapter be held violative of the United States Constitution, an act of Congress, or the Constitution of the Crow Tribe, all remaining parts of this Chapter shall continue in effect until held invalid or amended in accordance with Crow law.

Title 15, Chapter 1, Section 10. Foreclosure of Leasehold Interest in Tribal Land.

a. The provisions of this Chapter may be used to foreclose on leasehold interests in tribal land, provided the action is also in conformity with this section.

b. In any action to foreclose on a leasehold interest or any other interest in tribal real property, notice shall be served on the Crow Tribe and the Tribe shall be made a party upon filing a notice of intent to participate in the proceedings in court. Nothing in this provision constitutes or shall be construed as a waiver of immunity by the Crow Tribe.

c. Where the Crow Tribe by law or policy has restricted the persons who may obtain a lease in the tribal property or type of tribal property involved, only those restricted persons, the Tribe itself, or the mortgagee, may bid at the foreclosure sale. If the mortgagee purchases the property, the mortgagee may not subsequently sell or lease the property except to a person or entity authorized to bid at the sale except as provided in Section 11 of this Chapter.

Title 15, Chapter 1, Section 11. As provided in Section 9 (b), only authorized bidders or a mortgagee may be purchasers at a public foreclosure sale of individual trust land or of a leasehold interest in trust land. If a mortgagee is the purchaser at a public foreclosure sale, the mortgagee may subsequently sell or transfer its interest only to a party who could have been an authorized bidder. During the period in which the mortgagee seeks to sell or transfer its interest, the mortgagee may lease the property to a qualified lessee who could have been an authorized bidder. If, after making good faith efforts for a period of thirty days after the property is made available for lease by the mortgagee, the mortgagee is unable to find a qualified lessee who could have been an authorized bidder, the mortgagee may lease the property to any qualified lessee.

A "qualified lessee" is a party which satisfies the reasonable credit criteria of the mortgagee. "Good faith efforts" is defined as steps which are verifiable upon request by the Tribal Housing Authority as sufficient to give notice to members of the Crow Tribe. Posting of a "For Rent" notice in the Tribal Office Building, the Tribal Housing Authority, and the Post Office located in Crow Agency shall be deemed sufficient notice.


Section 2. Upon enactment of this Bill by the Crow Tribal Legislature and approval of the Chairman of the Executive Branch, the Crow Law and Order Code is amended with an immediate effective date.

CERTIFICATION

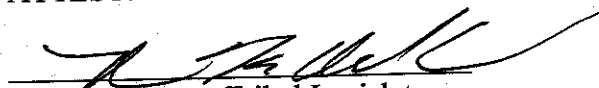
I hereby certify that this Bill:

"AN ACT TO AMEND TITLE 15, CHAPTER 1, OF THE CROW LAW AND ORDER CODE TO GIVE TRIBAL MEMBERS RENTAL PRIORITY"

was duly passed by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 14TH day of March, 2007.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature



EXECUTIVE ACTION

I hereby
 approve
 veto

this Bill:

"AN ACT TO AMEND TITLE 15, CHAPTER 1, OF THE CROW LAW AND ORDER CODE TO GIVE TRIBAL MEMBERS RENTAL PRIORITY"

Pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 19 day of March, 2007.


Carl E. Venne, Chairman

"An Act to Amend Title 15, Chpt. 1
 of the Crow Law and Order Code to Give
 Tribal Members Rental Priority."

Bill or Resolution Number CLB0707 Introduced by Executive Date of Vote March 14, 2007
 Branch

Representative:	Yes	No	Abstained
L. Plain Bull	✓		
O. Costa	✓		
V. Crooked Arm	✓		
M. Not Afraid	✓		
R. Iron	✓		
B. House	✓		
E. Fighter	✓		
L. Costa	✓		
L. Hogan	✓		
S. Fitzpatrick	✓		
K. Real Bird	✓		
M. Covers Up	✓		
L. Not Afraid			
B. Shane	✓		
J. Stone	✓		
D. Wilson			
R. Old Crow <i>Secretary of the House</i>	✓		
D. Goes Ahead <i>Speaker of the House</i>	✓		
Totals:	<u>16</u>	<u>0</u>	<u>0</u>

Result of Vote:

Passed Not Passed Tabled Veto Override

Signature Officer: Carlson Thomas Date: 3-14-07