



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

MAR 23 2026

Dear Tribal Leader:

The Bureau of Indian Affairs (BIA) administers the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) which offers a voluntary, more efficient land-leasing process for Tribes by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. Sec. 415.

Tribes gain full authority to enter into and manage leases on their own Tribal trust and restricted lands under the HEARTH Act—an important step toward greater self-determination and control over Tribal land use.

The Secretary of the Interior (Secretary) is authorized to approve Tribal regulations under the HEARTH Act if they are consistent with the Department of the Interior's leasing regulations and provide for an environmental review process that meets the requirements set forth in the HEARTH Act. Tribal HEARTH Act regulations further the objectives of Executive Order 14156—Declaring a National Energy Emergency—by delegating the Secretary's leasing authority to tribes with approved HEARTH Act regulations and allowing those tribes to handle regulatory requirements of leasing on Tribal trust and restricted lands.

The BIA, in conjunction with the Department of Housing and Urban Development (HUD), have created a HUD HEARTH Act Lease form and Rider for Tribes who have approved HEARTH Act Residential leasing regulations with leasehold mortgage provisions in place. The BIA strongly encourages Tribes to use this form when executing HEARTH Act residential leases funded through the Section 184 HUD Loan Guarantee program. If a different form is used, Tribes should confirm with HUD that all lease requirements are satisfied.

For leases already executed and approved under a Tribe's HEARTH Act authority prior to the creation of the HUD HEARTH Act Rider, the Rider should be filed with the recorded lease and associated leasehold mortgage if the Tribe has used the older lease model form. Use of the older "Residential Lease model" form, normally used in connection with 25 C.F.R 162 leases, is not encouraged if the Tribe is approving the residential lease using their HEARTH Act authority to secure 184 program funding.

- With this Lease and Rider, HEARTH Act Tribes can move forward with the development and expansion of housing needs to meet the demands for new development within Tribal trust and restricted land boundaries.
- The form of this Lease and Rider has been accepted by the Secretary of Housing and Urban Development (HUD) pursuant to 24 C.F.R. § 203.43h(c), which implements Section 248 of the National Housing Act, 12 U.S.C. § 1715z-13, for use in connection with Federal Housing Administration (FHA) insurance of a mortgage on the interest created by this HEARTH Act Lease, and pursuant to 24 C.F.R. § Part 1005, which implements Section 184 of the Housing and Community Development Act of 1992 (Pub. L. 102-550, 12 U.S.C. § 1715z-13a), as amended, for use in connection with HUD's issuance of a loan guarantee of a mortgage on the interest created by a HEARTH Act Lease.

The BIA is committed to promoting and facilitating information exchange with our Tribal Nations and Federal Partners to identify and implement ways to support Tribal self-determination and Tribal self-governance with the HEARTH Act process.

If you have any questions, please contact Ms. Carla Clark, Division Chief, Real Estate Services, at (720) 484-3233 or carla.clark@bia.gov.

Sincerely,

William Henry Kirkland III
Assistant Secretary – Indian Affairs