



# How to Apply for a Leasehold Mortgage on Trust or Restricted Land

## How to Apply

You can apply for a leasehold mortgage on trust land by working with your lender to submit a mortgage package to the Bureau of Indian Affairs (BIA) agency with jurisdiction over the land to be mortgaged.

## What You Need

The first step is to secure a leasehold interest on the land. The base lease must be executed by the landowner (whether a Tribe or an individual Indian), you as the borrower, and approved by the BIA.

In the case of trust or restricted fee tracts that have multiple Indian landowners, consent may be required from all other landowners before proceeding with a mortgage application with a lender.

**With a BIA-approved lease, work with your lender to compile a leasehold mortgage package to submit to the BIA agency with jurisdiction over the land to be mortgaged. All included documents should be originals or certified copies.**

### Required Documents

- BIA lease number or a copy of approved lease
- Leasehold mortgage or deed of trust
- Promissory note
- Consents of landowners or notice to landowners
- Survey map with legal description and/or lot number

### *These Additional Documents May be Required in Some Cases*

- Program riders for any loan programs the borrower is participating in
- Satisfaction of previous mortgage, when applying for refinancing

## Where to submit your Application and Questions for BIA

If you are interested in applying for a mortgage the lending institution will need to submit the mortgage package to BIA's office with jurisdiction over the land area. The BIA office will work with your lender to provide the necessary information for you.

Scan the QR code or visit  
[www.bia.gov/regional-offices](http://www.bia.gov/regional-offices)



# Next Steps to Finalize Your Mortgage Application

## BIA Review of Your Mortgage Application

Within 10 days of receiving your mortgage application, the BIA will perform a preliminary review that includes the following:

- Respond in writing to notify you of any additional information needed
- Request an environmental review pursuant to the National Environmental Policy Act (NEPA), which may prompt an environmental assessment, an environmental impact statement, or designating the land as a categorically excluded from further environmental review.

## BIA Approval of your Leasehold Mortgage Application

Upon receiving all required final documents, the BIA will issue written approval determinations as follows:

- Within 20 business days on leasehold mortgage applications
- Within 30 business days on right-of-way mortgage packages

## Additional Information

If the leasehold mortgage package is approved, the BIA will record the leasehold mortgage with the Land Title and Records Office (LTRO) as an encumbrance and will send a copy of the Title Status Report (TSR) to your lender.

If the leasehold mortgage package is not approved, the BIA will respond to you in writing and provide reasons for the disapproval.

Disapproval decisions may be appealed in writing within 30 days of receiving the written decision letter. Information about where to mail your appeal and what documents to send will be provided in your decision letter.

Refer to the useful mortgage checklist and procedural handbook at the BIA's Leasehold Mortgage Approval Web page located at: <https://www.bia.gov/service/mortgages/how-apply-leasehold>

### INDIAN AFFAIRS MORTGAGE HANDBOOK 52 IAM 4-H



Bureau of Indian Affairs  
Office of Trust Services  
Division of Real Estate Services  
1839 C Street, NW - Mailstop 4642-MIB  
Washington, DC 20240

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#### Attachment 2 - Leasehold Mortgage Lender Checklist

Please return this form to the following agency:

BUREAU	
AGENCY FOC	
PHONE NO.	
COMPANY INFORMATION	
Lender Name and mailing address (including fax)	
Lender's Contact Name:	
Phone Number:	
Lender's Fax Number:	
Lender's Email Address:	
Borrower(s) Name(s) and Address:	
City, State, Zip:	
Borrower(s) Loan Amount: \$	
Mortgage Term of Loan:	
RESIDENTIAL MASTER LEASE/ROW INFORMATION - NOTE: Borrower must have an executed, approved and recorded Residential lease with the BIA Agency.	
LAND AREA ACRES: Tract or Address Number:	
BIA LEASE/ROW NUMBER:	
Lease/ROW Expiration Date:	
CHECKLIST	
1. Does borrower have a BIA approved (master or direct) lease? IF NO, STOP, do not proceed. Contact borrower and/or BIA Agency to confirm a Residential Lease has been filed, approved and recorded. A Mortgage/Deed of Trust cannot be filed for approval or recording without an approved lease.	YES or NO
2. If YES, attach a copy of an approved and recorded Residential Master Lease (1" page is sufficient).	
3. Attach a copy of CSR, Deed.	
4. Original Mortgage/Deed of Trust document. Deed.	
5. Attach a copy of the legal description (Survey and Boundary/Survey Plat of the home site location to the Deed of Trust/Mortgage).	YES or NO or N/A
6. Attach an original or certified copy of Preliminary Note.	YES or NO or N/A
7. Attach Comments or Notice (as applicable). As required by 25 CFR Part 162.104, unless the lease states otherwise, notify all landowners of a Mortgage/Deed of Trust filing.	YES or NO
8. Program Rider (if applicable).	YES or NO
9. Release or Satisfaction (if applicable).	YES or NO

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