

SOUTHERN UTE INDIAN TRIBAL CODE

TITLE 29

LAND ASSIGNMENT CODE

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TITLE 29

SOUTHERN UTE INDIAN TRIBAL CODE

LAND ASSIGNMENT CODE

Article 1. GENERAL PROVISIONS

29-1-101. Purposes. It is the desire of the Tribal Council to provide an equitable process for the distribution of tribal land to tribal members who desire to use tribal land within the Southern Ute Indian Reservation as a homesite or for agricultural purposes. Additionally, the Tribal Council desires to ensure that tribal member use of tribal land for agricultural purposes is in accordance with recognized principles of good practice and prudent management and that reasonable provision be made for the leasing of agricultural land that is assigned to tribal members in order to maintain the agricultural use of the land. The purposes of this Land Code, therefore, are to establish the following:

- (1) Procedures pursuant to which tribal members may apply for assignments.
- (2) Terms under which tribal members may use tribal land as a homesite or for agricultural purposes.
- (3) Terms and conditions under which an assignment may be leased.
- (4) Terms and procedures pursuant to which an assignment may be terminated.

29-1-102. Definitions.

- (1) **Adequate sewage disposal system.** A system for the disposal of sewage that will function in compliance with applicable standards, as such may be adopted by the Tribal Council and/or the Indian Health Service, and will not create a threat to the public health, a public nuisance or unnecessary pollution to the environment.
- (2) **Agricultural assignment.** A tract of tribal land granted to a tribal member for agricultural use in conformity with a farm plan.
- (3) **Agricultural land.** Tribal land which has soils capable of growing cultivated crops either under dryland or irrigated conditions.
- (4) **Allottee.** An individual Indian who owns land held in trust by the United States of America.

- (5) **Allotment.** Land held in trust by the United States of America for one or more individual Indians and located within the boundaries of the Reservation.
- (6) **Assignee.** A tribal member who has been granted an assignment.
- (7) **Assignment.** A tract of tribal land granted to a tribal member for agricultural or homesite use in accordance with this Code.
- (8) **Beneficiary.** For a homesite assignment, the beneficiary is the person who is the lawful owner of the former assignee's house on the assignment. For an agricultural assignment, the beneficiary is the tribal member designated as beneficiary in the assignment application, the grant of assignment, or by later designation as provided herein.
- (9) **Contingent beneficiary.** For an agricultural assignment, the tribal member designated as such in the assignment application, the grant of assignment, or by later designation as provided herein, and who will become the beneficiary if the beneficiary does not survive the assignee, renounces his rights as beneficiary, or fails to apply for the assignment within the time established herein.
- (10) **Department.** The Department of Natural Resources of the Southern Ute Indian Tribe.
- (11) **Farm plan.** A plan for operating and developing an assignment of agricultural land for agricultural purposes for no less than five years.
- (12) **Grant of assignment.** A tribal document granting a tribal member the right to use tribal land for either a homesite or agricultural purposes.
- (13) **Grant of assignment violation.** Failure of an assignee to comply with any of the terms of a grant of assignment or this Land Assignment Code.
- (14) **Homesite assignment.** A tract of tribal land granted to a tribal member for occupancy of a primary residence.
- (15) **Homesite development plan.** A plan for development of a homesite assignment which includes information required by the department.
- (16) **Immediate family.** Spouses, brothers, sisters, parents, children, step-children, fathers-in-law, mothers-in-law, sisters-in-law, brothers-in-law, daughters-in-law, sons-in-law, grandparents, great-grandparents, and grandchildren.

- (17) **Improvements.** All structures, buildings, fixtures, and fences erected upon or affixed by an assignee to an assignment.
- (18) **Operational partnership.** A group of immediate family members managing or operating an assignment pursuant to an approved farm plan.
- (19) **Reservation.** The Southern Ute Indian Reservation.
- (20) **Relinquishment.** A term used when an assignee gives up to the Tribe his/her right to an assignment.
- (21) **Single family dwelling.** A free-standing dwelling intended for occupancy by an individual or family.
- (22) **Tribal Council.** The Southern Ute Indian Tribal Council.
- (23) **Tribal member.** An individual listed on the official membership roll of the Southern Ute Indian Tribe.
- (24) **Tribal land.** Land owned in trust by the United States for the benefit of the Tribe and land owned in fee simple status by the Tribe and located within the exterior boundaries of the Reservation.
- (25) **Tribe.** The Southern Ute Indian Tribe.

29-1-103. Authority of the Department.

- (1) The department is responsible for the implementation, administration and enforcement of this Land Assignment Code.
- (2) At a minimum, the department shall perform an annual assignment compliance check on every assignment, notify the assignee of any deficiencies, and take appropriate action pursuant to this Land Assignment Code in the event of non-compliance.

Article 2. PROCEDURES FOR OBTAINING ASSIGNMENTS

29-2-101. Types of Assignments. An assignment may be granted either for use as a homesite or for agricultural use.

29-2-102. Eligibility for Assignments.

- (1) Any individual tribal member 18 years of age or older, unless judicially determined to be incompetent, is eligible to apply for an assignment regardless of sex or marital status.
- (2) Any tribal member who, because of age or physical disability, is physically unable to farm but who is able to manage a farming enterprise, is eligible to apply for an assignment.
- (3) Neither associations of tribal members nor tribal enterprises are eligible to apply for an assignment.
- (4) A tribal member may hold only one assignment for use as a homesite at a time, unless a second homesite is applied for to establish a new residence and the tribal member agrees, in writing, to relinquish the currently held assignment upon completion of the new residence.

29-2-103. Assignment Application Procedure.

- (1) A tribal member must apply for an assignment on forms approved by the Tribal Council. The application form must include the following statements:

The Tribe encourages applicants for an agricultural assignment to name a beneficiary in this application for assignment, the grant of assignment, or a change of beneficiary form. Failure to name a beneficiary of an agricultural assignment may result in the land being made available to members of the Tribe.

The beneficiary of a homesite assignment is the person who is the lawful owner of the former assignee's house on the assignment.

- (2) The completed application shall be returned to the department.
- (3) Each application for an assignment of agricultural land shall be accompanied by a farm plan setting forth the applicant's program for the operation and development of the assigned premises. Each application for a homesite assignment shall be accompanied by a homesite development plan.

29-2-104. Department Review of Applications/Notice of Availability/Solicitation of Applications.

- (1) The department will review:
 - (a) The adequacy of the application for assignment;

- (b) The eligibility of the applicant; and
 - (c) The availability of the land for which the application was submitted.
- (2) If any application, homesite development plan, or farm plan is determined to be deficient, the applicant will be notified of the deficiencies and the application, homesite development plan, or farm plan will be returned to the applicant for additional development before the request is processed.
 - (3) If, after review by the department, the land is determined to be unavailable for assignment, the applicant will be notified. If the land is determined to be available for assignment, the department shall publish and post notice of availability for a period of not less than 45 days as may be required by 29-2-105.

29-2-105. Public Notice.

- (1) Except as otherwise provided herein, the department shall publish and post notice of land available for assignment or post notice of a proposed assignment for comment and objection. The notice shall include the applicant's name, a description of the property for which an application for assignment may be filed and a description of the use to be made of the land, and contain a summary of the comment and objection provisions of this Land Assignment Code. This notice shall also be posted at the Tribal Affairs Building and at two other locations of public prominence within the Reservation for at least 45 days, including the *Southern Ute Drum*.
- (2) A public notice of available land for assignment is not required under the following circumstances:
 - (a) Where a homeowner applies for an assignment or homesite lease when purchasing a home or paying off a mortgage for a home located on tribal land.
 - (b) Where assignees exchange assignments as provided in Article 7 herein.
 - (c) Where a relinquishment of an assignment is conditioned upon the approval of an assignment application from an immediate family member of the person seeking the relinquishment as provided in 29-8-102.
 - (d) Where a beneficiary applies for the land within the 6-month option period as provided in 29-8-107.

- (e) Under such other circumstances as the Tribal Council deems necessary to prevent manifest injustice given the circumstances of the tribal member and the purposes of the Land Assignment Code.

29-2-106. Objections to and Comments on Assignments.

- (1) Within the 45-day posting period described above, any tribal member may file with the department a written objection or written comments on the land assignment.
- (2) An objection shall include the name and mailing address of the party objecting, a description of the assignment objected to, a short and plain statement of reasons why the land should not be assigned or should be assigned only in a modified form, and any suggested conditions which should be included in the grant of assignment.

29-2-107. Department Recommendation. The department shall furnish a recommendation to the Tribal Council, together with all comments and objections, after the end of the 45-day posting and comment period. The department shall mail written notice of its recommendation to the applicant and any objector and commenter, and notify them of the date and time the Tribal Council will review the recommendation.

29-2-108. Issuance or Denial of Assignment. After review of the department's recommendation, objections, comments and information gathered with respect to the assignment, the Tribal Council shall grant, deny, or partially grant or deny the assignment applied for, taking into consideration the following:

- (1) The amount of allotment(s) and fee lands held by the applicant.
- (2) The size and number of assignments held by the applicant and the history of the applicant's compliance with grants of assignment.
- (3) The size and number of leases of tribal land held by the applicant and the history of the applicant's compliance with such leases.
- (4) The adequacy of the applicant's farm plan or homesite development plan.
- (5) Whether the applicant is willing to modify his farm plan or homesite development plan to incorporate suggestions from the department.
- (6) Amount of acreage available for assignment and number of potential assignees.

- (7) Any other relevant factor.

A decision by the Tribal Council regarding an application for an assignment is final and not subject to judicial review.

29-2-109. Grant of Assignment.

- (1) After approval of an assignment application by the Tribal Council, the assignee shall review and sign a grant of assignment.
- (2) The grant of assignment shall be in a form approved by the Tribal Council and shall include conditions to further the policies of this Land Assignment Code, which shall include the following:
 - (a) **Rights-of-Way.** The Tribe retains the right to consent to grants of rights-of-way (or, if authorized by federal law, to grant rights-of-way) across an assignment after notification to the assignee and subject to applicable federal law and applicable tribal law and policies established by the Tribal Council, including any policy for the payment to assignees for damages to crops and improvements. An assignee's consent is not required for granting a right-of-way.
 - (b) **Retained Rights.** The Tribe retains all mineral rights, including but not limited to the rights related to the mining of gravel and soil products from assignments, all rights to control the harvest and sale of timber, including the cutting of timber for firewood and posts, and all fishing, hunting and recreation rights to assignments, except for privately stocked fish ponds.

Article 3. ASSIGNMENTS

29-3-101. Effect.

- (1) An assignment constitutes authorization from the Tribe to a tribal member to use tribal land in accordance with the terms and conditions of the grant of assignment and this Land Assignment Code.
- (2) An assignment is personal in nature and not transferable. An assignee entering into operational partnership with one or more members of the assignee's immediate family will not be considered as transferring the assignment.

29-3-102. Duration. Unless earlier terminated pursuant to the terms of the grant of assignment or this Land Assignment Code, assignments shall be valid for the life of the assignee.

29-3-103. Fees. If the assignee fails to pay any required fees relating to the assignment the Tribal Council may collect the delinquency in accordance with Article 4 of Title 1 of the Southern Ute Indian Tribal Code (Collection of Debts Owed to the Southern Ute Indian Tribe and Protection of Financial Resources), as presently constituted or as it may be hereafter amended.

29-3-104. Size and location of assignments.

- (1) The size of homesite assignments shall be no less than is necessary for an adequate sewage disposal system but not more than five acres unless a larger size is allowed by the Tribal Council.
- (2) The size for assignments of agricultural land shall be determined by the Tribal Council on a case by case basis after considering the recommendation of the department.
- (3) Whenever possible, homesites shall not be located on irrigable agricultural land.

29-3-105. Improvements upon assignments.

- (1) Improvements that are described in an approved assignment application, homesite development plan, or farm plan can be made without additional department consent. Assignees shall make other improvements only with the prior written consent of the department. The department's review and approval of proposed improvements shall be limited to determining whether the proposed improvements will be within the assignment boundaries, obtaining the reviews, assessments, and clearances required by tribal law and policies (e.g., cultural resources review, archaeological clearance and threatened and endangered species survey and biological assessment).
- (2) Improvements shall be constructed in accordance with generally accepted professional standards. All residential buildings shall be constructed in accordance with the standards set forth in the most recent version of the International Residential Code, with any exceptions only as authorized by the Director of the Tribe's Housing Department; provided, however, that the department shall not be responsible for ensuring such compliance.

29-3-106. Beneficiaries.

- (1) For a homesite assignment, the beneficiary is the person who is the lawful owner of the former assignee's house on the assignment.
- (2) For an agricultural assignment, an assignee may designate a beneficiary and may designate a contingent beneficiary in the assignment application, grant of assignment, or a change of beneficiary form. Failure to name an agricultural assignment beneficiary may result in the land being made available to members of the Tribe.
- (3) The department shall be responsible for ensuring that notice is provided to applicants for assignments and existing assignees (1) that, notwithstanding any provision of tribal law to the contrary and notwithstanding any previous assignment beneficiary designation, for a homesite assignment, the beneficiary is the person who is the lawful owner of the former assignee's house on the assignment and (2) of the effect of designating a beneficiary and contingent beneficiary for an agricultural assignment.

29-3-107. Homesite Use. No homesite may serve as the primary residence for more than three families without written approval of the Tribal Council.

Article 4. DECISION MAKING PROCEDURES

29-4-101. Types of Decisions.

- (1) Unless otherwise provided herein, all department and Tribal Council decisions pursuant to this Land Assignment Code, including decisions regarding the following, shall be made in accordance with the procedures contained in this article: exercise/non-exercise of option to purchase improvements; approval/non-approval of improvements, amendments to grant of assignment, changes to homesite development plans and farm plans, leases, and exchanges.
- (2) Decisions of the department made pursuant to this Land Assignment Code may be appealed to the Tribal Council, provided that every effort has been made to resolve the issue with the department.

29-4-102. Decision Making Process.

- (1) Upon receipt of a completed application, on the forms approved by the Tribal Council, or written request where no such forms have been approved, the department will review the application or request and, if necessary, furnish a recommendation to the Tribal Council. The department's review of applications for assignments shall be conducted in accordance with the procedures outlined in Article 2.

- (2) The department shall notify the applicant of the department's recommendation and the date and time the Tribal Council will review the recommendation. The applicant may appear and be heard before the Tribal Council.
- (3) After review of the department's recommendation and consideration of any other relevant information, the Tribal Council shall grant, deny, or partially grant or deny, the application or request.

29-4-103. Finality of Decisions. A decision by the Tribal Council made pursuant to this Land Assignment Code is final and not subject to judicial review.

Article 5. RESPONSIBILITIES OF ASSIGNEES

29-5-101. Compliance with Grant of Assignment and Land Assignment Code. The assignee shall be responsible for complying with the terms and conditions of the grant of assignment and this Land Assignment Code.

29-5-102. Payment of Charges. The assignee shall be responsible for paying any irrigation system operation and maintenance and other charges; deposits and costs associated with new and existing utility service, including telephone, gas, electricity, and water; and other fees, charges, or assessments for the assignment including, for example, any costs incurred for removal of debris or rubbish or other clean-up necessary upon relinquishment. If the assignee fails to pay any of those charges and those charges are paid by the Tribe, the Tribe may collect the delinquency in accordance with Article 4 of Title 1 of the Southern Ute Indian Tribal Code (Collection of Debts Owed to the Southern Ute Indian Tribe and Protection of Financial Resources), as presently constituted or as it may be hereafter amended.

29-5-103. Homesite Development.

- (1) The assignee shall comply with the approved homesite development plan within two years following execution of the grant of assignment, unless otherwise agreed in writing by the department.
- (2) The assignee shall obtain written approval by the department for any changes to the homesite development plan before any changes are implemented, and shall revise the homesite development plans when changes are deemed necessary by the department.

29-5-104. Farm Plan.

- (1) The assignee shall comply with the approved farm plan and shall obtain written approval from the department for any major changes to the farm plan before

any such changes are implemented. Major changes to the farm plan include, but are not limited to, changing crops (i.e., illegal crops), adding or removing infrastructure (e.g., fences, irrigation equipment, electrical systems, corrals, barns, ditches, ponds, roads, greenhouses), grazing livestock not included in the farm plan, increasing stocking rates or grazing duration, tilling areas not previously tilled, excavating, leasing, or any other activities not identified in the farm plan (e.g., use of the land for camp grounds or events). The assignee shall update the farm plan every 5 years and revise the farm plan when major changes are deemed necessary by the department.

- (2) In carrying out the approved farm plan, the assignee may be required to follow recommendations received from the department.

Article 6. AMENDMENTS, LEASES, ASSIGNMENTS AND ENCUMBRANCES

29-6-101. Amendments. The grant of assignment may not be amended except by written approval of the Tribal Council.

29-6-102. Agricultural Leases.

- (1) The grant of assignment may contain a provision authorizing the assignee to lease an agricultural assignment, in whole or in part, without further Tribal Council approval, upon one of the following conditions occurring; provided, however, the signature of the Tribe's Chairman shall be required on all leases and the lease must be approved in accordance with federal law:
 - (a) the assignee, or the assignee's family member who operates an agricultural assignment, being called into military service;
 - (b) the assignee being enrolled in a full-time educational course of study;
 - (c) the assignee becoming physically or mentally disabled; or
 - (d) with the consent of the Tribal Council for other good cause shown.

Leases so made shall not serve to relieve the assignee from any liability. Unless the grant of assignment contains such a provision, an assignee may not lease any portion of an agricultural assignment without the prior written consent of the Tribal Council and compliance with applicable federal law.

- (2) All assignment leases shall be made in accordance with applicable federal regulations and tribal policies and procedures. No assignment lease may include provisions that are inconsistent with the grant of assignment.

- (3) Assignees shall give preference to tribal members in any leasing of agricultural assignments.
- (4) Payments for the lease of an assignment may be divided between the assignee and the Tribe in accordance with the tribal assignment leasing procedure approved by the Tribal Council.
- (5) The Tribal Council will determine the term of a lease at the time permission is given for the lease.

29-6-103. Assignments. An assignee may not assign an assignment without the prior written consent of the Tribal Council.

29-6-104. Encumbrances. An assignee may not encumber an assignment without the prior written approval of the Tribal Council and compliance with applicable tribal law, and without compliance with applicable federal law, including, if required, Secretarial approval.

Article 7. EXCHANGE OF ASSIGNMENTS

29-7-101. Exchange of Assignments. An assignee may request an exchange of assignments only if all interested parties join in an application for exchange and agree to relinquish that portion of their present assignments subject to the exchange, with the understanding that if the exchange is not approved by Tribal Council any agreement for relinquishment is void. The application for exchange shall be filed with the department.

Article 8. TERMINATION OF ASSIGNMENTS AND EVICTION PROCEDURES

29-8-101. Termination. An assignment may be terminated in the following ways:

- (1) Relinquishment by the assignee.
- (2) Revocation by the Tribal Council upon a determination that revocation is in the best interest of the Tribe.
- (3) Death of the assignee.
- (4) Termination for cause as provided below.

29-8-102. Relinquishment of Assignments.

- (1) An assignee who desires to relinquish an assignment to the Tribe shall provide the department with written notice of relinquishment.
- (2) Upon receipt of a notice of relinquishment, the department shall confirm whether the assignee is in compliance with all grant of assignment terms and shall present to the Tribal Council a copy of said notice and a summary of the department's findings regarding the assignee's compliance with the grant of assignment.
- (3) Relinquishment shall not relieve the assignee of liability for grant of assignment violations or any unpaid charges that may be due.
- (4) The effective date of a relinquishment by an assignee shall be the date the notice of relinquishment is received by the department, unless the assignee seeks to relinquish only a portion of the assignment or is relinquishing the assignment so that it can be re-assigned to a specific individual (e.g. a family member or relative). In these situations, the partial or conditional relinquishment shall not become effective until approved by the Tribal Council, provided, however, partial relinquishments are allowable as part of an application for the exchange of assignments.
- (5) An assignee's relinquishment of an assignment will not prejudice the assignee's ability to obtain another assignment upon proper application, provided the assignee was in compliance at the time the assignment was relinquished or any non-compliance issues existing at that time have subsequently been resolved.
- (6) Land available for assignment as a result of relinquishment shall be processed in accordance with the procedures contained in this Land Assignment Code, including the public notice, comments and objections procedures, except that, in cases where a relinquishment is conditioned upon the approval of an assignment application from an immediate family member of the person seeking the relinquishment, public notice of the availability of the land is not required. Where a relinquishment is conditioned upon approval of an assignment application to a non-immediate family member, public notice of the proposed assignment is required, unless the house is being purchased.

29-8-103. Termination for Cause.

- (1) Upon discovery of a grant of assignment violation, the department shall provide the assignee with a written notice, by certified mail or hand delivery, setting forth in detail the nature of the violation and allowing the assignee 30 days from the date of receipt of notice within which to take action to correct the violation. If within the 30-day period, it is determined that additional time is reasonably required for the assignee to correct a violation and the assignee

agrees to take the necessary corrective measures, the assignee may be given reasonable additional time to comply.

- (2) If the assignee fails within the 30-day period or the additional reasonable time given to correct the violation, the department shall provide the assignee with a second written notice, by certified mail or hand delivery, setting forth in detail the nature of the violation and allowing the assignee 30 days from the date of receipt of the second notice in which to appear before the Tribal Council to show cause why the assignment should not be terminated.
- (3) If the assignee fails to appear before the Tribal Council, or appears but does not furnish reasons satisfactory to the Tribal Council why the assignment should not be terminated, the assignee shall forthwith be notified in writing, by certified mail or hand delivery, of the assignment's termination via the termination of assignment form and demand shall be made for payment of all obligations and that the assignee vacate the assignment.
- (4) Notwithstanding the termination of an assignment, the Tribe may enforce its rights under the grant of assignment and this code by use of any other remedy available at law or in equity, including an action for damages.

29-8-104. Removal of Personal Property.

- (1) Upon termination of an assignment, the assignee shall remove all personal property from the assignment within 120 days after the date of termination.
- (2) Personal property not removed within 120 days following the date of the termination may, in the Tribal Council's sole discretion, after receiving the recommendation of the department, be deemed abandoned and become the property of the Tribe or be removed and disposed of at the cost and for the account of the assignee.

29-8-105. Treatment of Improvements Upon Termination.

- (1) Upon termination of an assignment, the Tribe shall have an option, but no obligation, to purchase all improvements. In the event the assignee desires to sell improvements, the assignee shall first offer the improvements to the Tribe. Unless otherwise agreed, the purchase price at which the Tribe may exercise its option shall be the value of the improvements as determined by an independent appraiser, selected by mutual agreement of the assignee and the department, with half the cost of the appraisal being paid by the Tribe and half by the assignee. Should the assignee or the department be dissatisfied with the result of the appraisal, a second appraisal may be obtained at the expense of the dissatisfied party. In the event a second appraisal has been obtained, the

purchase price shall be an amount determined by the Tribal Council but in no event less than the average of the two appraised values. Any proceeds accruing to an assignee from the Tribe's payment for improvements may be reduced by any amounts owed to the Tribe for any assignment-related charges or expenses owed the Tribe.

- (2) If the Tribe has waived its purchase option, the assignee may sell the improvements. If the improvements are sold to an individual who does not subsequently receive the assignment, the improvements shall be removed from the assignment within 120 days following the date of the termination of the assignment. An extension of this period may be granted if the Tribal Council determines that circumstances so warrant, after receiving the recommendation of the department.
- (3) If not sold, the assignee shall dispose of improvements without expense to the Tribe by removing the improvements within 120 days following the date of the termination of the assignment. An extension of this period may be granted if the Tribal Council determines that circumstances so warrant, after receiving the recommendation of the department.
- (4) Improvements not sold to the Tribe or removed within 120 days following the date of the termination of the assignment may, in the Tribal Council's sole discretion after receiving the recommendation of the department, be deemed abandoned and become the property of the Tribe or be removed and disposed of at the cost and for the account of the assignee.

29-8-106. Possession. Upon termination of an assignment, the assignee shall peaceably surrender possession of the assignment to the Tribe within the time allowed for the removal of personal property and improvements as provided herein. An extension of this period may be granted if the Tribal Council determines that circumstances so warrant, after receiving the recommendation of the department.

29-8-107. Rights of Beneficiaries Upon Termination.

- (1) For a homesite assignment, upon the death of an assignee, if the person who is the lawful owner of the house is a tribal member, the Tribal Council will give the owner first option to apply for a new assignment or, if that person is not a tribal member, the Tribal Council will give the owner first option to apply for a lease.
- (2) Upon the death of a homesite or agricultural assignment assignee, a tribal member beneficiary shall have the option to apply for the former assignment before that land is advertised as available to other tribal members. To exercise the option, the beneficiary must be eligible to receive an assignment and

otherwise comply with the procedures for obtaining an assignment as set forth herein. Upon the death of a homesite assignment assignee, if the person who is the lawful owner of the house is not a tribal member, the non-tribal member owner shall have the option to apply for a lease from the Tribe for the land before the land is leased to someone else or re-assigned to another tribal member. It shall be the responsibility of the department to provide written notice to the beneficiary, by certified mail or hand delivery, of the death of the assignee and the right of the beneficiary to apply for the former assignment or renounce the right to apply for the former assignment. The option of the beneficiary to apply for the assignment, or apply for a lease for the land, shall commence upon receipt of notice from the department and expire 6 months thereafter.

- (3) If a beneficiary applies for the land within the 6-month option period, then the application shall not be subject to the public notice and objections requirements of the assignment application process. If a beneficiary does not apply for the land, the department will determine whether the land is available and follow the requirements of this code as set forth in Section 29-2-104.
- (4) The department shall establish policies and procedures, subject to the approval of the Tribal Council, addressing the rights of minor beneficiaries.
- (5) Nothing in this Land Assignment Code obligates the Tribal Council to grant a beneficiary's application for assignment or application for a lease for the land.

29-8-108. Eviction Procedures. Any and all actions to evict a defaulted assignee or other individuals from an assignment shall be commenced and maintained pursuant to Section 15-2-104 of the Tribe's Secured Transactions Code and other applicable provisions of the Tribal Code, as presently constituted or as they may be amended.

TITLE 29

LAND ASSIGNMENT CODE

History and Amendments¹

The Southern Ute Indian Tribal Land Ordinance No. V adopted by Tribal Resolution 699 on March 30, 1955, approved by the Bureau of Indian Affairs on April 8, 1955.

Tribal Council adopted the Land Code, Ordinance No. 17, by Resolution 2434-A on April 16, 1963.

Section 5 of the Land Code amended by Resolution No. 81-110 on November 3, 1981.

Resolution 2018-116 repealed and replaced prior versions of the Land Assignment Code on July 10, 2018, approved by the Bureau of Indian Affairs on August 6, 2018.

Resolution No. 2021-151 repealed and replaced the Title 29 – Land Assignment Code with a reformatted code for online publication that contained only minor technical corrections, no substantive revisions, that the Bureau of Indian Affairs concurred it did not need to formally approve (April 25, 2023).

Resolution No. 2023-079 authorized on-line publication of the 2021-151 reformatted Land Assignment Code and provided an effective date of May 25, 2023.

¹ This page does not constitute an official part of any code. Information contained on this page is solely for informational and historical purposes and is from sources deemed reliable.