

HEARTH Act Leasing: Tribal Lands. Tribal Decisions. Tribal Futures.



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Key Takeaways

- The HEARTH Act lets Tribes approve leases on tribal lands under their own leasing regulations, without waiting on Bureau of Indian Affairs approval.
- Once the Secretary of the Interior approves a Tribe's regulations, agricultural, business, and residential leases can move on the Tribe's own timeline.
- Tribal leasing under the HEARTH Act supports tribal sovereignty, Native American homeownership, and economic development, while the United States keeps its trust responsibility.

For too long, building a home, opening a business, or developing a [renewable energy project](#) on Tribal Lands meant waiting on Washington. Waiting on the Bureau of Indian Affairs (BIA) to approve a lease could take years. In the meantime, financing fell through, willing partners moved on to other projects in other communities and took opportunities with them.

The HEARTH Act was written to change that by putting Tribal leasing decisions in Tribal hands.

What is the HEARTH Act and How Does Tribal Leasing Work?

The Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act of 2012 is a federal law that amended the [Long-Term Leasing Act \(25 U.S.C. § 415\)](#). It authorizes Tribes to adopt their own leasing regulations for tribal lands. Once the Secretary of the Interior approves the Tribe's regulations, the Tribe can approve agricultural, business, and residential leases without waiting on BIA approval.

Why Tribal HEARTH Act Leasing Regulations Matter

- 1. **Tribal sovereignty in action.** Leasing decisions are made by the Tribe, under the Tribe's own laws, and reflect its own priorities and values.
- 2. **Speed and certainty.** A Tribe can process leases on its own timeline rather than waiting in a federal queue. Deals that once took years can close much faster.
- 3. **Native American homeownership.** Faster, predictable residential leasing makes mortgage lending on trust land far more workable. It helps more Tribal members buy and build homes in their own communities.
- 4. **Tribal economic development.** Businesses, developers, and energy partners look for predictability. Tribal regulations tell partners the rules up front.
- 5. **Environmental stewardship on Tribal terms.** HEARTH regulations must include an environmental review process. Each tribe designs that process, so it can protect its land, water, and cultural resources while still giving the public notice and a chance to comment.
- 6. **Local accountability.** Tribal members can raise concerns about lease compliance with their own government. The Tribe enforces its leases, and the United States keeps its trust responsibility.

How the HEARTH Act Supports Tribal Self-Determination

The HEARTH Act is more than just a procedural fix. It recognizes that Tribes are best placed to manage their own lands. Tribal HEARTH Act Regulations turn that recognition into real results: homes, businesses, jobs, and [lasting economic self-determination](#).

If your Tribe is thinking about adopting HEARTH Act regulations, wants to update the leasing codes it already has, or just wants to know more, the federal Indian law attorneys on the Lippes Mathias [Indian law practice team](#), including team co-leaders [Bryan C. Shade](#) (bshade@lippes.com) and [Klint A. Cowan](#) (kcowan@lippes.com) are available this or any other related matters.

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