

Environment: The Uniform Partition of Heirs Property Act (S363)

The Uniform Partition of Heirs Property Act was passed by the NC House in May of 2021 and crossed over to the Senate Rules Committee. Subsequently, the bill was re-referred to the Judiciary Committee instead of coming up for a vote. Since it did pass the House and crossed-over, it is possible that it could come up for a vote during the 2022 Short Session of the Senate. We may have yet another opportunity to support this bill!

Heirs property law is a major cause of the involuntary loss of family land in many states, including North Carolina. It has had a particularly devastating impact on African Americans in rural areas. It is both an environmental justice and a conservation issue that primarily affects families with limited access to legal aid or help in establishing clear title of ownership. As North Carolina law now stands, family farms and home places can be sold out from under the people who have lived on them for generations, destroying their heritage and leaving the land open to fragmentation and development.

Heirs property refers to land or home places that are inherited jointly by multiple heirs. According to current North Carolina law, when a deceased person does not leave a will all of their direct heirs receive a portion of the estate. Depending on the family, this means that when wills are not written over succeeding generations, many people, sometimes hundreds, can own a piece of property jointly.

Over time, one heir can force the property to be sold, and all the other heirs are forced to comply with the sale even if they currently live on the land or wish to maintain their share. If one heir is convinced to sell their share to a non-family member, such as a real estate speculator or developer, that party can force the sale and buy the whole property through a court-ordered auction, often at a price that is well below market value.

Seventeen states surrounding North Carolina have addressed this problem by passing the Uniform Partition of Heirs Property Act, and a coalition of conservation and land rights groups are working together to encourage North Carolina's General Assembly to pass this legislation for our state.

The Uniform Partition of Heirs Property Act provides additional legal protections for heirs property owners seeking to keep family land intact. Friends Committee on North Carolina Legislation joins with other North Carolina conservation and land rights organizations to support the adoption of this model legislation by the North Carolina General Assembly.

For more information:

American Bar Association, *Restoring Hope for Heirs Property Owners: The Uniform Partition of Heirs Property Act*.

[https://www.americanbar.org/groups/state_local_government/publications/state_local_law_news/2016-17/fall/restoring_hope_heirs_property_owners_uniform_partition_heirs_property_act/#:~:text=The%20Uniform%20Partition%20of%20Heirs%20Property%20Act%20\(UPHPA\)%2C%20a.led%20to%20significant%20property%20loss](https://www.americanbar.org/groups/state_local_government/publications/state_local_law_news/2016-17/fall/restoring_hope_heirs_property_owners_uniform_partition_heirs_property_act/#:~:text=The%20Uniform%20Partition%20of%20Heirs%20Property%20Act%20(UPHPA)%2C%20a.led%20to%20significant%20property%20loss)

Forestry and Natural Resources Webinars, North Carolina State University, *Heirs Property: Standing on a Lot of Love*. <https://www.youtube.com/watch?v=ZPahh2Q9Jnk&feature=youtu.be>

NC FarmLink, NC State Extension, *Heirs Property*. <https://ncfarmlink.ces.ncsu.edu/heirs-property/>

Uniform Law Commission, *Partition of Heirs Property Act*.

<https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d>

FCNCL Stewardship Legislative Priority: We urge greater attention to environmental protection measures, led by the Quaker testimonies of Stewardship and Equality/Social Justice and in support of the Piedmont Friends Yearly Meeting Minute on Climate Change and our FCNCL Minute on Anti-racism.