



The Impact of the Uniform Partition of Heirs' Property Act: Local Lessons and the Way Forward

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Housekeeping

- Today's event is hybrid. We are thrilled to have attendees with us in-person and online.
- The event is being recorded. The recording will be posted on Urban Institute's event webpage.
- The biographies for today's speakers and slides are available on the event webpage as well.
- Live captions are enabled for virtual attendees.
- Virtual attendees can submit questions using the form shared in the chat. In-person attendees can scan the QR code at your table to submit questions via the form as well.



The Impact of the Uniform Partition of Heirs' Property Act: Local Lessons and the Way Forward

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The Impact of the Uniform Partition of Heirs' Property Act:
Local Lessons and the Way Forward

Urban Institute Conference, March 30, 2026

Keynote Address:

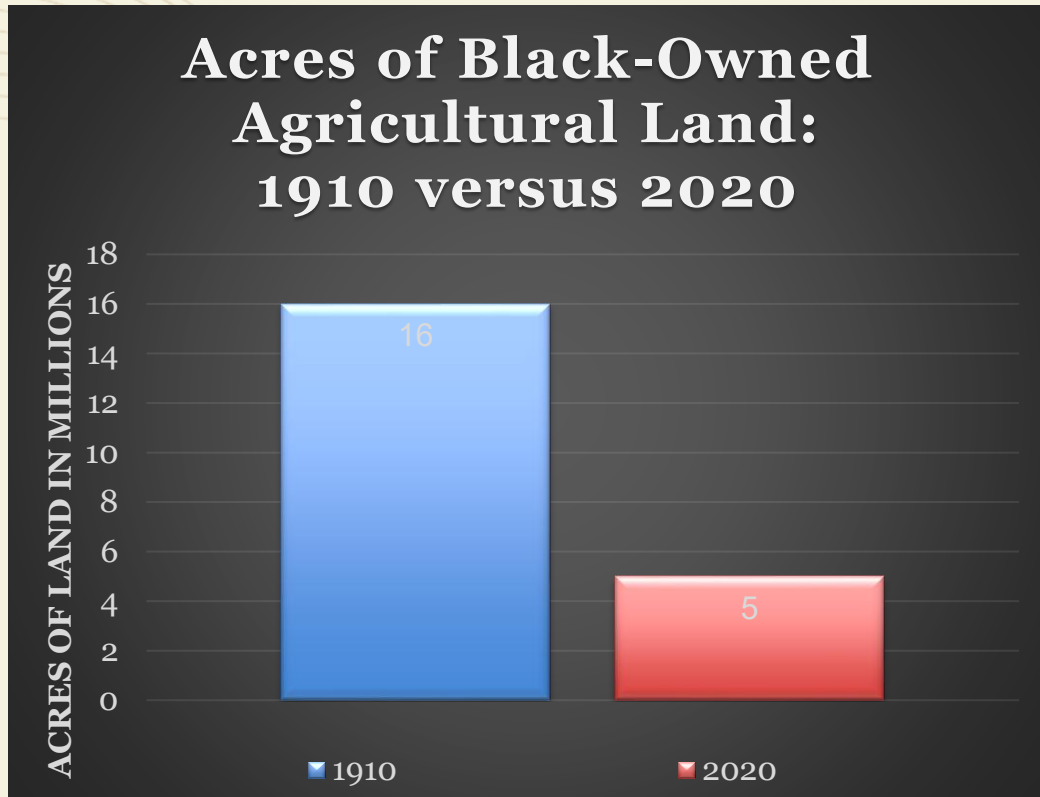
The Uniform Partition of Heirs Property Act:
Historic Reform That Has Helped Build An Entire Field



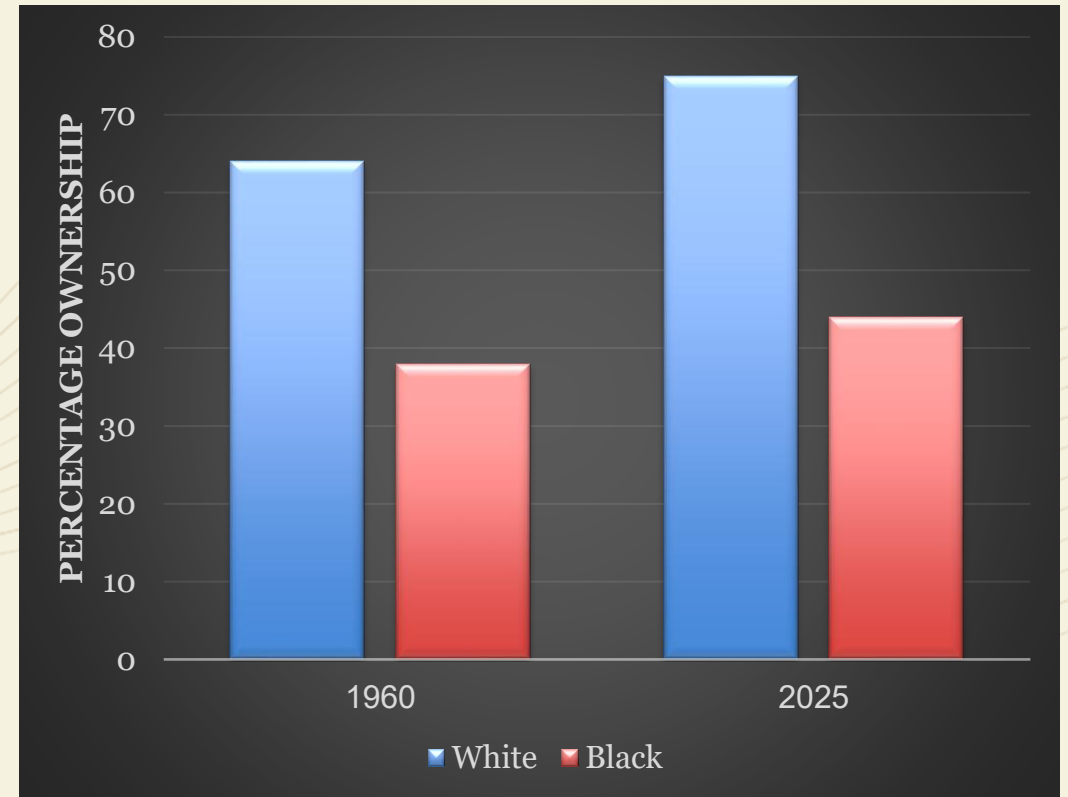
Thomas W. Mitchell, MacArthur Fellow
Professor & Founding Director,
Initiative on Land, Housing & Property Rights
Boston College Law School

Dramatic Black Land Loss and Record Homeownership Gaps

Black Farmland Loss



Black-White Homeownership Rates



Bottom-Up Nature of The Work

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Recent Empirical Studies Documenting Prevalence of Heirs' Property

National

- U.S. Forest Service's Southern Research Station, \$42 Billion
- Housing Assistance Council/Fannie Mae, \$32 Billion
- Ryan Thomson at Auburn University, \$425 Billion

Local

- Detroit: 5,525 properties worth at least \$268 million
- New York City: A significant percentage of 45,000 properties worth \$34.7 billion
- Philadelphia: 10,407 properties valued at over \$1.1 billion

Heirs' Property Ownership Challenges

Negative Impacts

- Property Loss
- Displacement
- Suboptimal Use and Management
- Cut off From Resources for:
 - Asset Preservation & Wealth Building
- Neighborhood Decline
- Increases Racial Wealth Gap

Unstable & Insecure Ownership

Vulnerable to court-ordered partition sales, and to other forced transfers such a property tax sales because owners are “property rich and cash poor,” making them vulnerable

“Gridlocked” Ownership

Problem with unanimity requirement undermining rational management and valuable uses, locking families into disfavored ownership structure

Lack of Clear Title/Tangled Title

Rendering owners ineligible to use their property to secure loans with commercial lenders or to participate in government programs at various levels of government

Boxed Out From Property Laws Designed To Make Ownership More Affordable

E.g., Homestead exemptions



At Risk Heirs' Property Owners

Vulnerability Factors

- Low-income/wealth
- Lack of access to affordable legal services
- Low rates of will-making/estate planning
- Property located in areas undergoing intensification of real estate appreciation of property values through
 - New Development
 - Gentrification

Will-Making: Race and Class Disparities

	Respondent has a will	Respondent has a will, by education level		
		No high school	High school	College and above
-----percent-----				
All respondents	56.93	47.13	58.92	65.71
White	64.23	56.76	65.26	72.04
Black	23.68	20.15	22.89	32.34
Other	27.24	20.79	34.54	38.63
Non-Hispanic	60.66	54.26	61.06	68.09
Hispanic	19.38	14.57	28.30	31.67

Uniform Partition of Heirs Property Act: Hierarchy of Remedies

Pillar 1

Buyout Provisions
For Cotenants
Opposing Sale
Request

Pillar 2

Adds Substance
to Preference for
Partition in Kind:
Replaces
Economics-Only
Test with Totality
of Circumstances
Test

Pillar 3

Restructured
Sales Procedure
to Protect Family,
Generational
Wealth

Status Report on Uniform Partition Heirs Property Act

NATIONALLY

- Status of Enactment Efforts

The ULC's UHPA Drafting Committee



SAMPLE OF SELECTED STATES

South Carolina



New York



After NY1 Investigation, Cuomo Signs Law Limiting 'Forced Sales' of Homes

Iowa



Virginia



Key Ingredients of Our Success

- Long-Term Vision and Relentless Work
- Producing an Excellent Model Statute
- Building Coalitions That Combine Bottom-Up and Top-Down Stakeholders
- Having a Media Strategy
- Networking and Prospecting Continuously
- Messaging and Framing



THE UPHPA'S MULTIPLE SUCCESSES

- It has helped thousands of people retain their heirs' property.
 - Many partition cases that would have been filed pre-UPHPA were not filed after UPHPA became law
 - Better outcomes for fully litigated cases than would have been possible under former law
 - *“The UPHPA has been a saving grace in our initial attempts to preserve our historic Black family farm.”*
- It has helped families retain their generational wealth.
 - Cases not filed
 - Cases in which UPHPA's open-market sales procedure generated much higher sales prices than sales procedure under general partition law would have generated
- The totally unexpected success of the UPHPA has generated massive amounts of media attention about heirs' property and tangled title.
 - Hundreds of media pieces as well as some documentary films, including some award-winning documentaries
- The UPHPA has played a major role in developing the heirs' property field, helping to take it from out of the shadows and into the light with growth in research, interest within higher education, the legal profession, philanthropy, the nonprofit sector, government, and the media, and other areas.
- The UPHPA has helped generate other legal reforms and policy solutions.

Addressing Complex Problems Requires Holistic, Multi-Pronged Interventions

Problems

- Gridlocked Ownership
- Lack of Clear Title

Type of Intervention

- Legislative
 - Tenancy-in Common Default Reforms
- Private Ordering: Modified TIC Agreements

- Multiple Strategies
 - Preventive
 - Community Legal Education
 - Wills Clinics: Law School-Based & Nonprofits
 - Curative in Terms of Work to Clear Title
 - Funding/In-Kind Services
 - Government, Private Market, and Universities
 - Adaptive
 - Legislative: 2018 Farm Bill
 - Private Market: New Loan Products

Our Work to Promote Estate Planning Among Descendant Communities in Boston and Cambridge



Homeownership Estate Planning Project

Tackling a Hidden Threat to Wealth: Heirs' Property

In Boston and Cambridge, property owners in historically disadvantaged communities are losing their homes. That devastating loss of homeownership can fuel neighborhood instability and gentrification.

The Homeownership Estate Planning Project aims to reverse this trend by empowering homeowners and homebuyers with tools to protect their legacy. Through estate planning classes and legal assistance, **the project will educate and support individuals seeking to protect their homes and thereby help close the racial wealth gap.** The loss of homeownership due to the instability of owning a home as heirs' property can be prevented.

The project's goal is to **sustain long-term homeownership in disadvantaged communities in Boston and Cambridge** and thereby promote intergenerational wealth creation. To achieve this goal, the project will meet an identified unmet need in Massachusetts for estate planning education and estate planning legal services for disadvantaged communities.

To date, the project has initiated discussions with national and state housing counseling intermediaries to facilitate the adoption and replication of the project's estate planning curriculum and other tools to broaden our impact.

What is Heirs' Property?

Heirs' property is a form of unstable, common ownership that can be created if an individual dies without a will.

If a person dies without a will or other estate plan, all of the heirs will own the property together. Each of the common owners owns an undivided, fractional percentage of the entire land or home but not any specific part of the land or home. Each heir can transfer his or her fractional interest to anyone else whether a family member or not.

Any one heir or person who acquired an heir's interest can request a court to order a forced sale of the property even if no other common owner wants the property sold.

Because heirs are not named on the deed, they are ineligible for important programs such as tax abatements, disaster relief, and mortgage loan modification to prevent foreclosure.

A will or other estate plan can help you avoid creating heirs' property.

Addressing Complex Problems Requires Holistic, Multi-Pronged Interventions: Washington, D.C. As Case Study

- Enacted UPHPA Into Law in 2023
- Established Heirs' Property Assistance Program in 2023
 - Program administered by DC Department of Housing and Community Development (DHCD)
 - DHCD has provided funding to:
 - AARP Legal Counsel for the Elderly (LCE)
 - D.C. Affordable Law Firm (DCALF)
- Probate Legal Assistance Network (PLAN)
 - Collaboration LCE, DCALF, and the DC Bar Pro Bono Center
 - Enhance the D.C. Superior Court Probate Division's Self-Help Center by offering to DC residents educational probate materials, as well as limited, general legal assistance for straightforward, non-complex probate matters.
- Howard University School of Law
 - Estate Planning and Heirs' Property Clinic
 - Professor Keeva Terry's Policy Work

The Initiative on Land, Housing & Property Rights

- [Initiative on Land, Housing & Property Rights](https://www.bc.edu/bc-web/schools/law/centers/land-initiative.html)
- <https://www.bc.edu/bc-web/schools/law/centers/land-initiative.html>

Some Relevant Publications

- [Heirs' Property and the Uniform Partition of Heirs Property Act \(A.B.A. Book\)](#)
- [The Heirs' Property Field: Moving From the Shadows to the Light to Enlightened, Evidence-Based Solutions](#)
 - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6233499

Conclusion

Thank You To The Urban Institute for Hosting This Conference

I would be happy to address any questions you may have.



Background and Impact of the UPHPA in Georgia

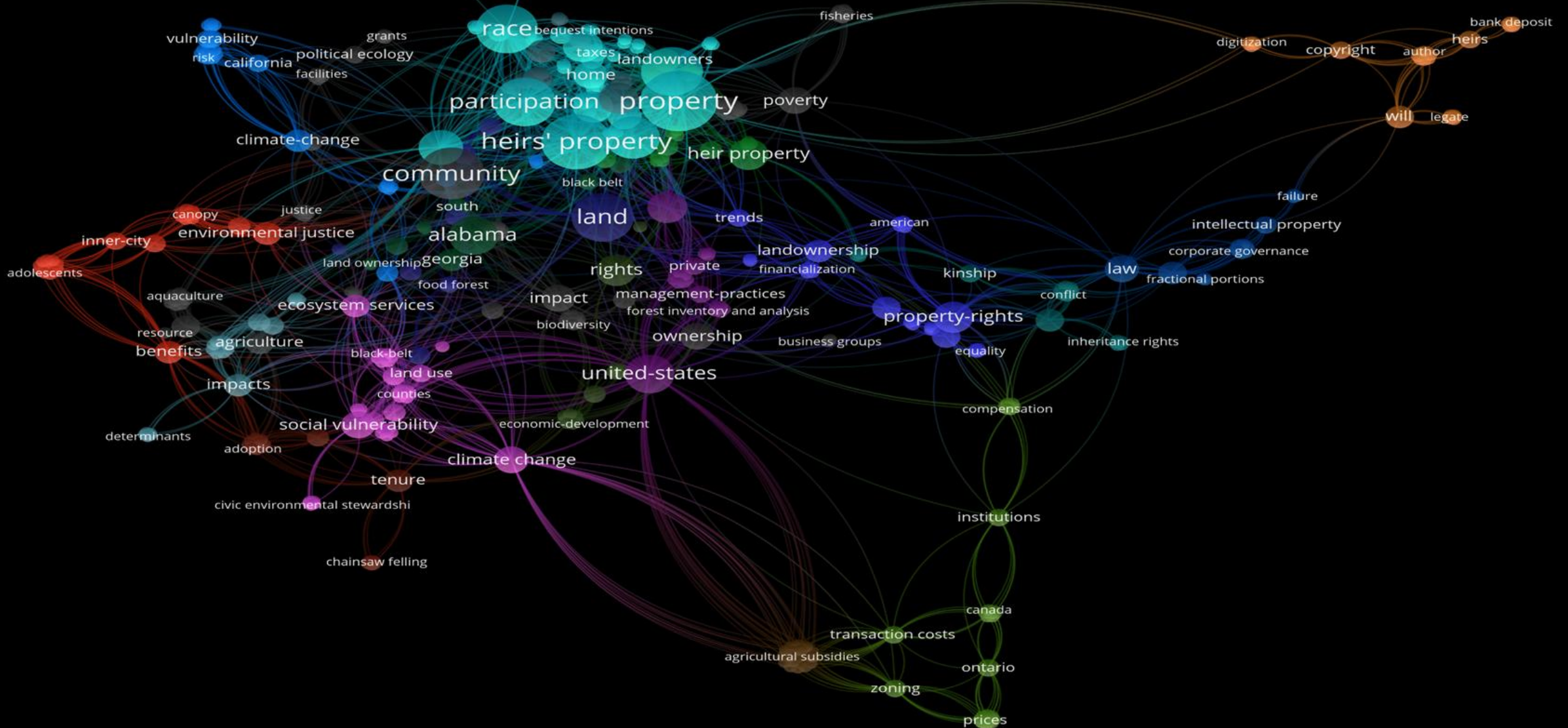
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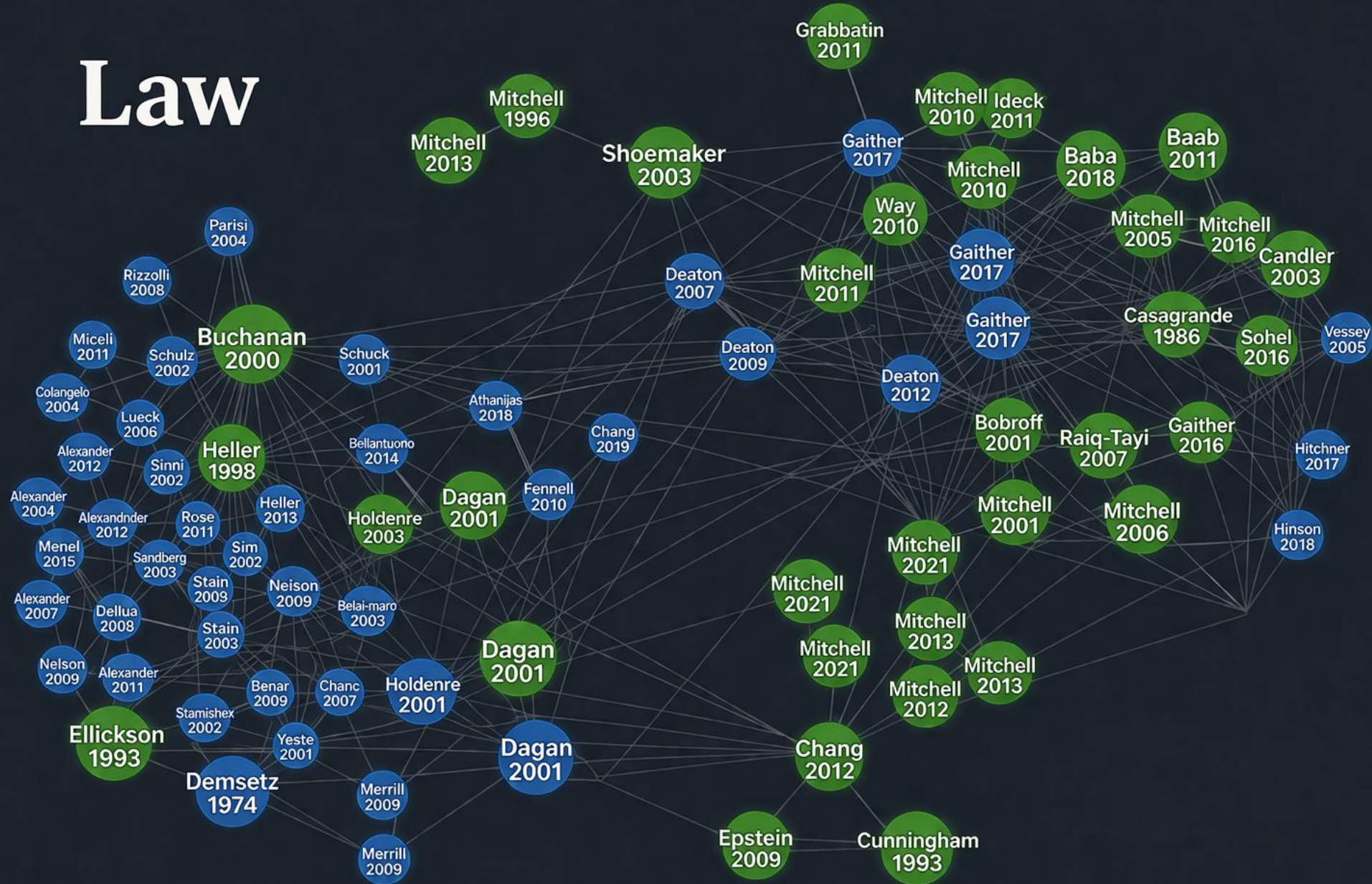
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Keywords



Law



Investigative Journalism

THE CITY
THURSDAY, AUGUST 3, 2023 | REPORTING FOR NEW YORKERS

THE Speculator Bros Ripping Off Heirs and Evicting Tenants Across NYC

An investigation by THE CITY has unearthed multiple fraud and forgery allegations against Elliot and Joseph Ambalo and their partner Elai Vardi who target unsuspecting homeowners and unprotected tenants in Black and Latino neighborhoods.

BY SAMANTHA MALDONADO AND GEORGE JOSEPH | JUL 13, 2023, 5:00AM EDT
ADDITIONAL REPORTING BY SAM RABIAH AND SUHAIL BHAT

traded™
tradedny - Follow
Crown Heights

tradedny SALE
IMAGE: Joseph Ambalo & Elliot Ambalo
DATE: 06/14/2023
ADDRESS: 2127 Atlantic Avenue
MARKET: Crown Heights
ASSET TYPE: Multifamily
BUYER: Elliot Ambalo (@E_Ambalo) & Joseph Ambalo (@Joe_Ambalo)
SELLER: Hansen Von Quintus LaFoucade
SALE PRICE: \$500,000
SF: 3,000 - 395SF: \$166
NOTE FROM BUYER: Delivered fully. Variant. We're actively looking to buy.

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BED STUY
Court Allows Partition Sale of Bed Stuy Home in Family for 75 Years

The case is one of many in Brooklyn of investors taking shares in properties though heirs transfers and then forcing partition sales.

Joseph and Elliot Ambalo act

THE FORECLOSURE FRANCHISE

Heirs to Black-owned homes face ramped-up foreclosures. Here's who's pushing back

By Amelia Winger
Updated September 2, 2024 7:50 AM

READ MORE

cities across Florida turbocharged foreclosures over unpaid property fines, neighborhoods.

COLUMNS/OP-EDS

Gentrification's Silent Partner: How the Lack of Estate Planning is Costing Black Atlanta Its Legacy

by Amber C. Saunders, Esq.
February 6, 2025

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GARDEN@GUN

CHAMPIONS OF CONSERVATION
The Farmers' Advocate

Savi Horne helps keep agriculture sustainable for Black farmers

By CYNTHIA R. GREENLEE
October/November 2022

traded™

Nonprofit Research



UNLOCKING HEIR PROPERTY OWNERSHIP:
Assessing the Impact on Low and Mid-Income Georgians and Their Communities



GEORGIA APPLESEED CENTER FOR LAW & JUSTICE

Fannie Mae

A Methodological Approach to Estimate Residential Heirs' Property in the United States

The Housing Assistance Council
December 2023



Report THE PEW CHARITABLE TRUSTS Aug 2021



How 'Tangled Titles' Affect Philadelphia

Why homeowners' names must appear on official records—and how it hurts families and neighborhoods when they don't

Examining the Efficacy of the Uniform Partition of Heirs' Property Act in Georgia, Alabama, and Kentucky: A Proof of Concept Investigation

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PROPERTY TAX FORECLOSURES ON HEIRS PROPERTY

THE DEVASTATING CONSEQUENCES AND RECOMMENDATIONS FOR PREVENTION



National Consumer Law Center
Fighting Injustice, for Economic Justice

UF Center for Health Equity and Engagement Research
College of Medicine - Jacksonville
UNIVERSITY OF FLORIDA

LLSC JACKSONVILLE

Jacksonville Heirs' Property Brief

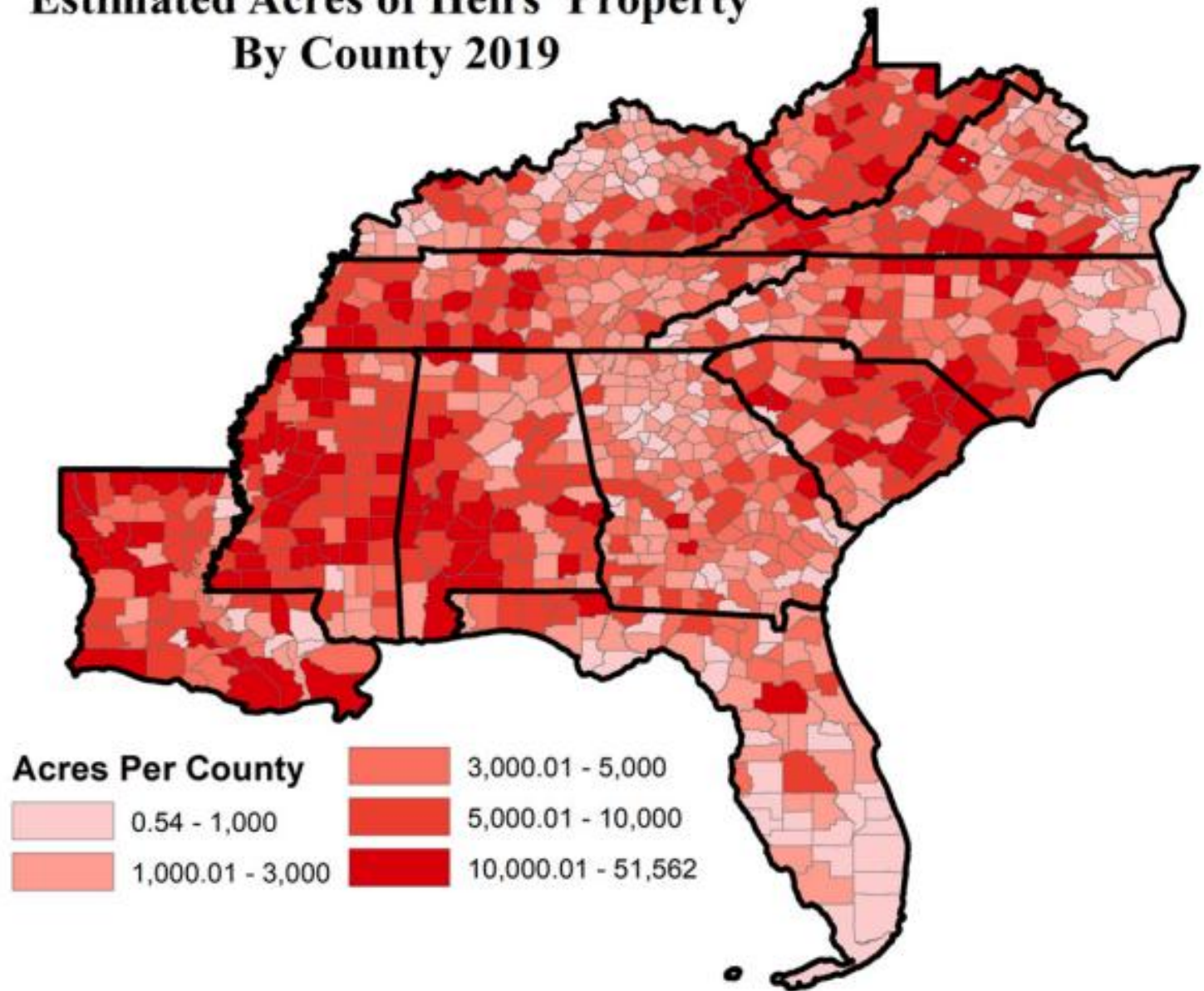
March 2023

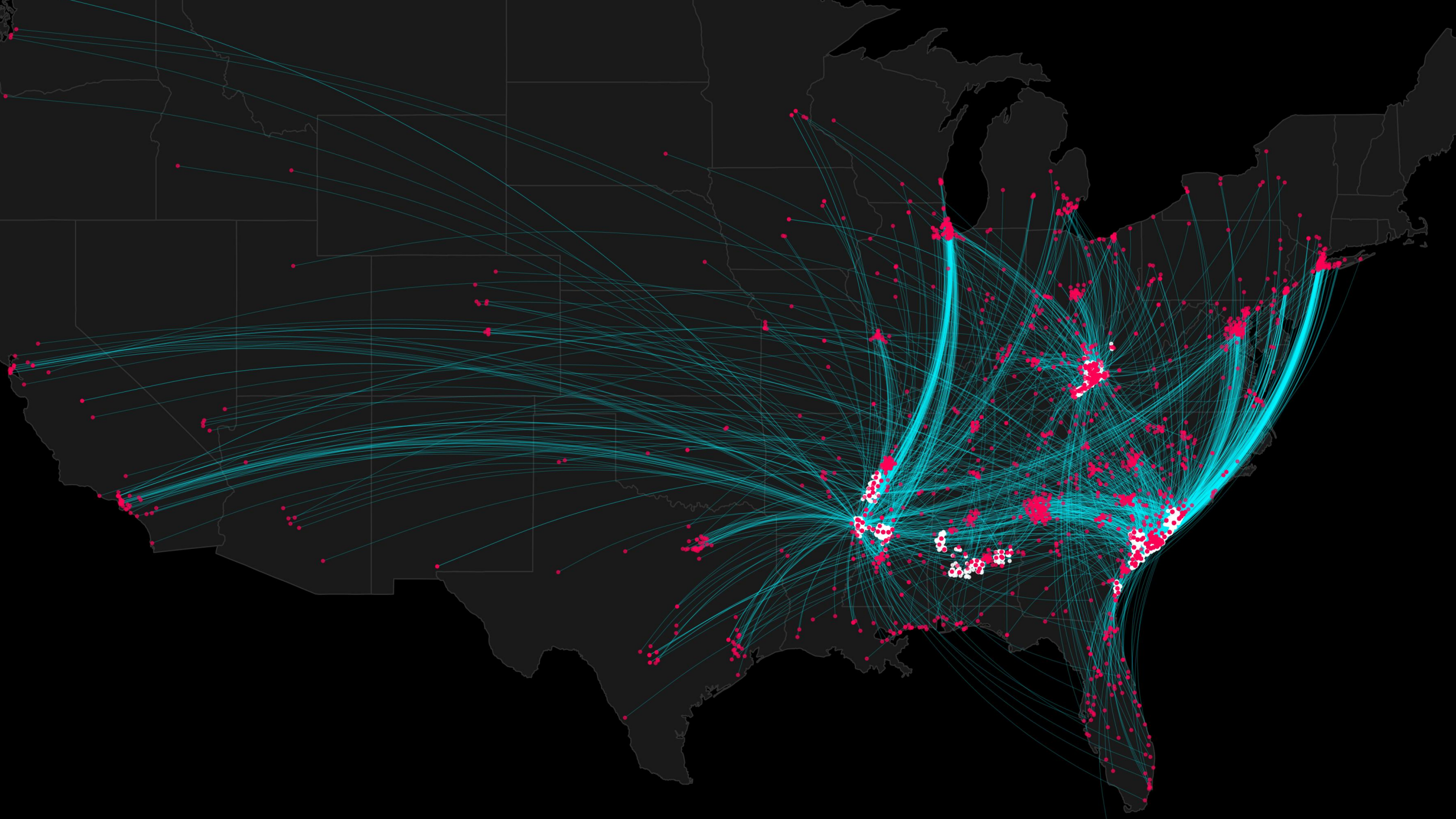


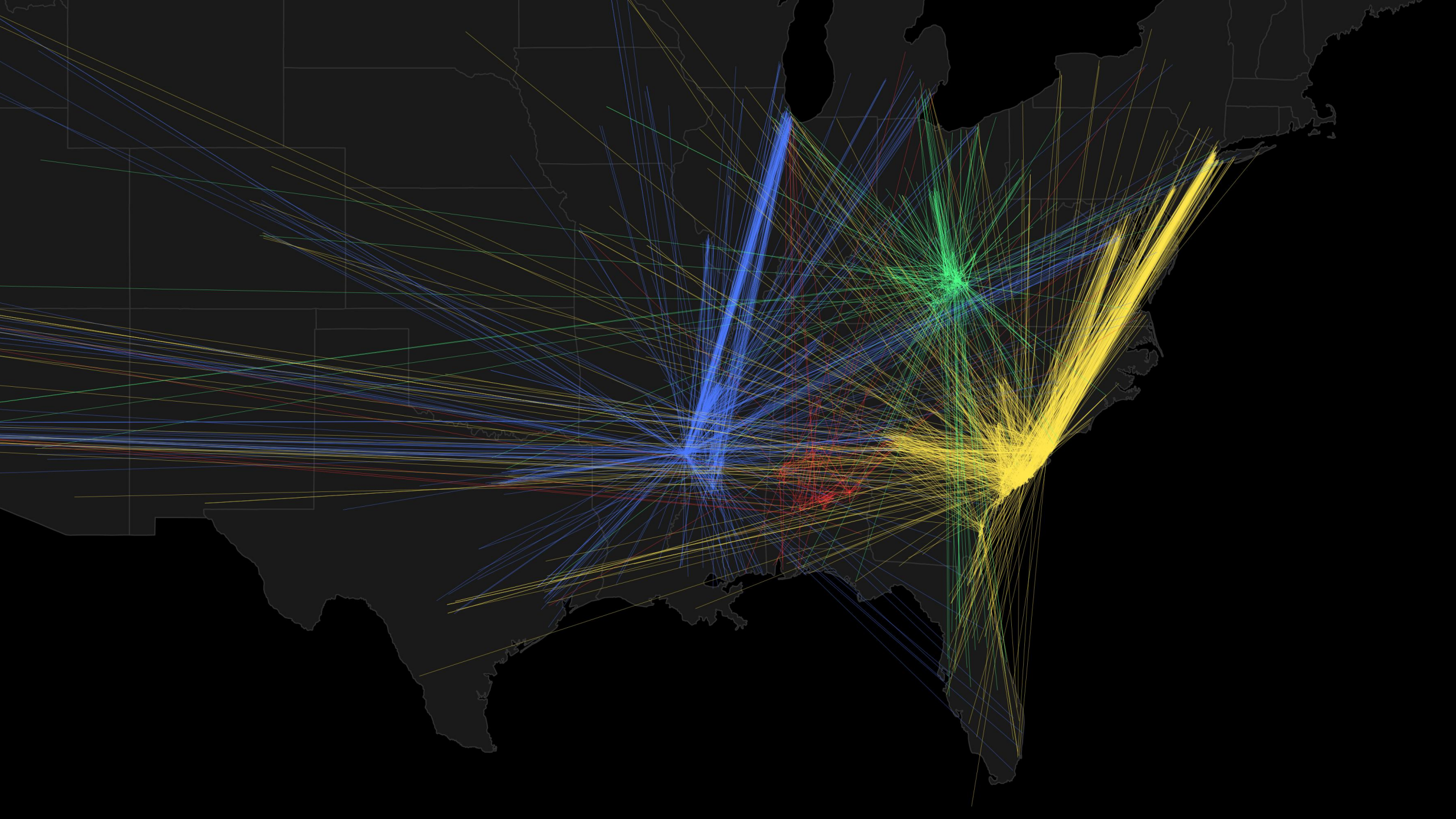
KEEPING YOUR FAMILY HOME:
ADDRESSING THE CHALLENGES OF INHERITED PROPERTIES IN DETROIT

DETROIT FUTURE CITY

Estimated Acres of Heirs' Property By County 2019

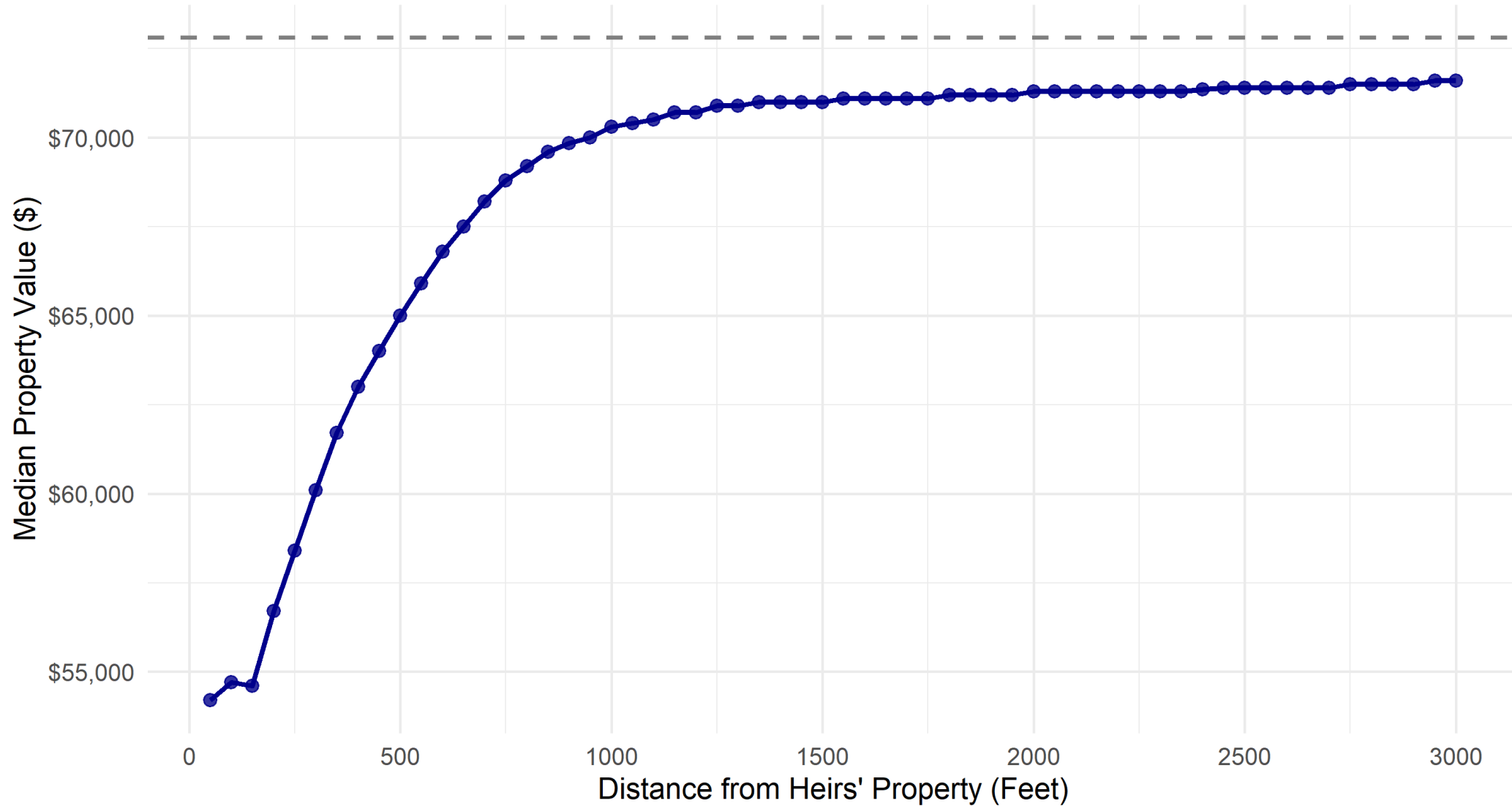






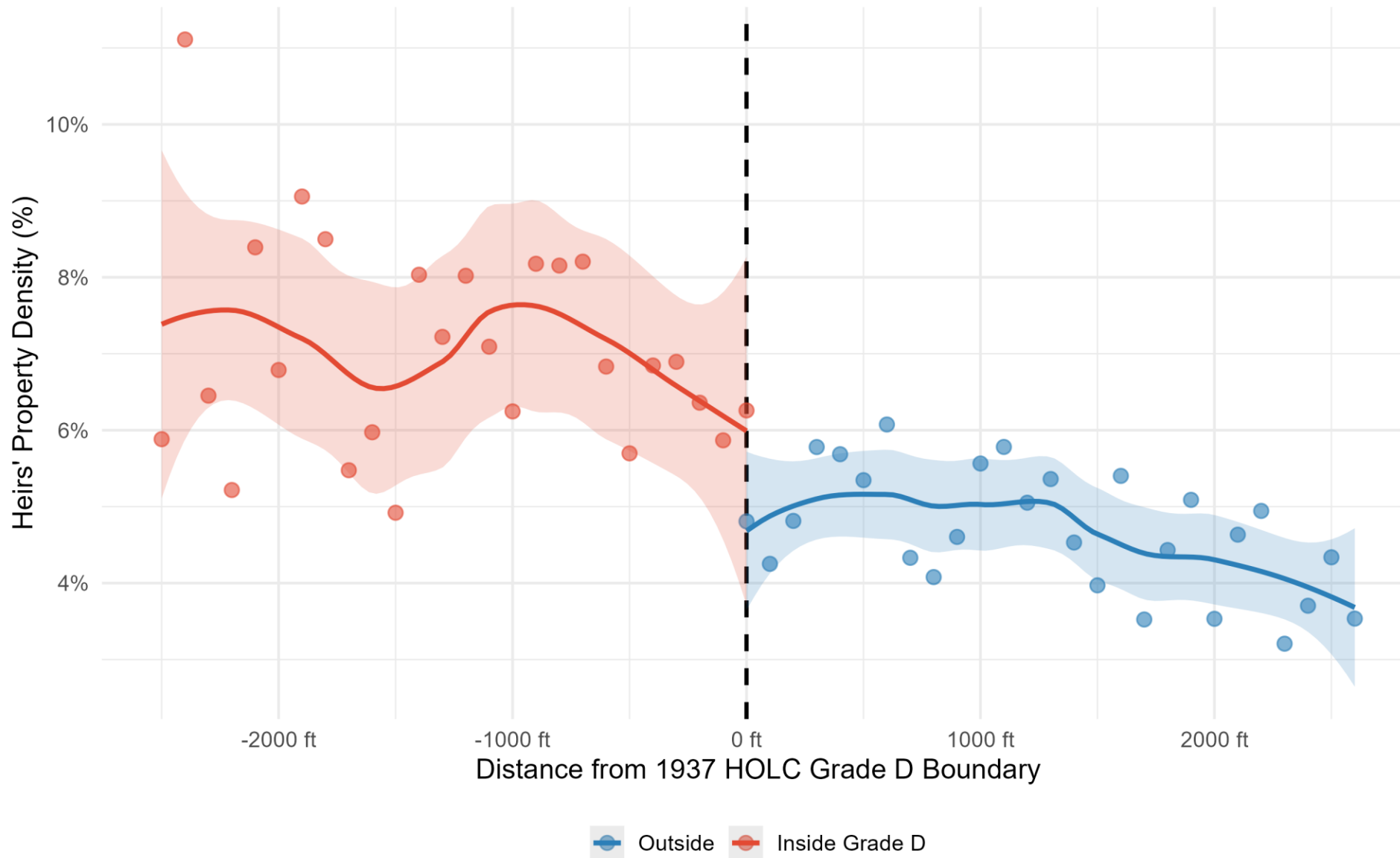
The Contagion Effect: Distance vs. Property Value

Median Value of Clear-Title Homes (50ft to 3,000ft Increments)



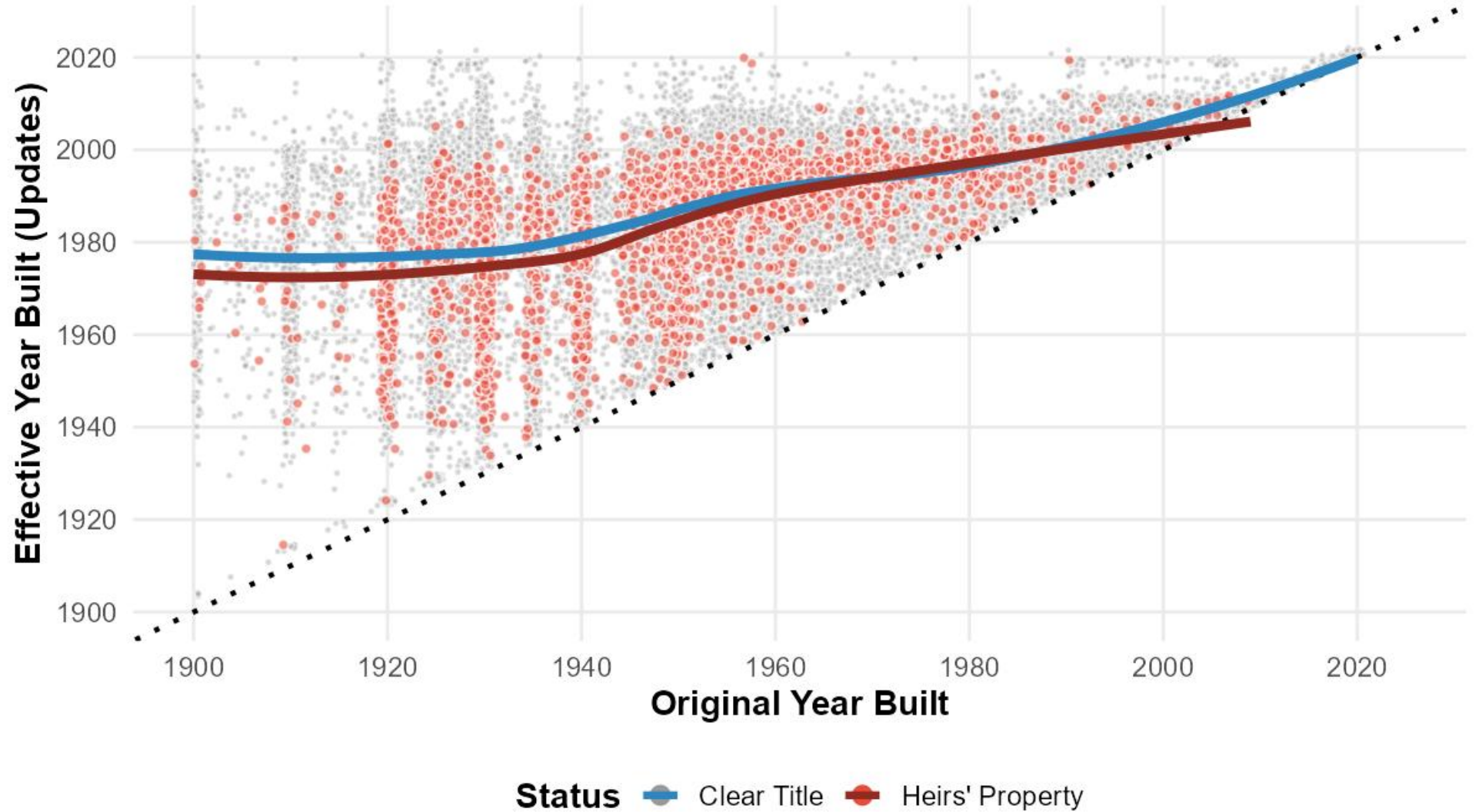
The 1937 Color Line

Heirs' Property Concentration Across Historic HOLC Grade D Boundaries

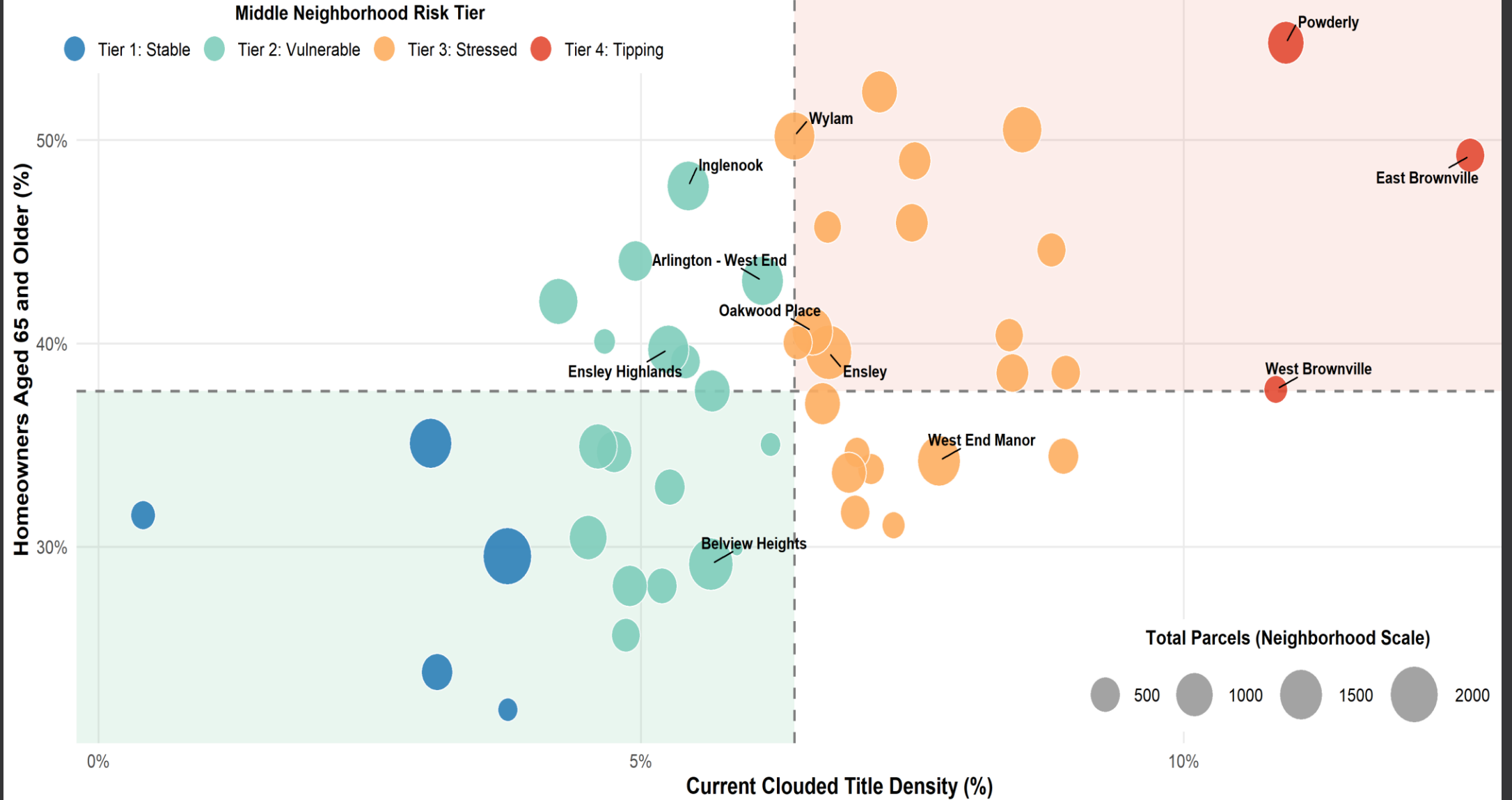


Structural Updates by Title Status (1900 - 2020)

Dotted Line Indicates No Recorded Improvements



Latent Risk Matrix: Greying Neighborhoods & Clouded Titles





Understanding the Impact of UPHPA in Other Geographic Contexts

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