

The UHPA and Its Impact

The Case of Atlanta, Georgia

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April 2026

Heirs' property, which occurs when a home is passed down through generations and to multiple heirs without a clear title, can be a key challenge to sustaining intergenerational homeownership. When a homeowner dies without an estate plan, the home can be informally inherited by multiple heirs, each owning a share of the property.¹ The inherent instability in this ownership structure leaves heirs vulnerable to external investors or individual family members forcing a sale on the property. For example, an investor can purchase a share of the property and then force a sale of the entire property. If this occurs, the owners could lose their home and the generational wealth associated with it.

The Uniform Partition of Heirs' Property Act (the UHPA) was designed to strengthen the power of current property owners, reducing benefits to would-be purchasers, and optimizing a property's value in the event of a sale. As a result, the UHPA seeks to sustain the housing wealth heirs' property owners accumulate. In this brief, we analyze the UHPA's implementation in Georgia, specifically in Atlanta. Georgia's early implementation of the UHPA provides (1) ample time to evaluate its implementation and (2) the opportunity to study heirs' property in urban settings, which have been underrepresented in research and policy discussions. The results suggest that the UHPA has helped reduce forced sales among heirs' property owners, but the legal and economic context in which the UHPA operates can determine its effectiveness.

Background on Heirs' Property

Homeownership is a key wealth-building tool for many families because it provides the primary source of wealth and financial stability for most US households.² As housing wealth accumulates, a household can use it to invest in other sources of wealth, including increasing one's human capital through education, business equity through small business formation, or reinvestment in the home through property improvements. Many homeowners seek to preserve this wealth by passing the home to their

heirs, helping them achieve homeownership and building a virtuous cycle of wealth building across multiple generations.

Heirs' property poses a key challenge and threatens to disrupt these benefits. Heirs' property occurs when a home is passed down through generations without a will or estate plan. Heirs' property owners are typically not eligible for most conventional lending programs because they do not have a clear title on the home, making it hard to use the home's equity to make additional wealth-building investments. For example, inherited homeowners are more likely to live in older properties in poor condition, but without the ability to access a mortgage, heirs' property owners are often barred from this important source of financing to make repairs and renovations to maintain habitability.³ This is particularly problematic if homeowners do not have a clear title on their home, which also limits their eligibility for state and local programs for property tax relief and disaster recovery.⁴ Without the ability to access financing and without local resources to protect the home, heirs' property owners may have fewer protections and resources to sustain homeownership.

The challenges heirs' property owners face presume that they can keep the property, but additional challenges arise when property ownership is shared between multiple people. A formal will or estate plan can mitigate some of the risks with heirs' property, as clear terms of ownership make it less likely for a property to get passed on as a "tenancy in common." In a tenancy-in-common ownership structure, each heir gets a stake in the property, but the ownership structure does not dictate which parts of the property each heir owns. The unstable ownership structure makes the property susceptible to purchase by investors and other actors. Any co-owner of the property can file a "partition action" in court, which can result in a court-ordered auction. In many cases, these auctions result in the property being sold below its market value. For example, an investor could purchase a fraction of the property and then force its sale through a partition action, obtaining the home for less than its market value and extracting the property and its wealth from the homeowners.

The UPHPA is a state-level law designed to protect family-owned real estate. The UPHPA has several important aspects, including defining heirs' property, preventing forced sales, mandating fair market value, and providing a right of first refusal. These components intend to strengthen resilience among heirs' property owners against the prospect of losing their home.

The systematic evidence on the UPHPA's impact is limited, but it continues to grow. This brief contributes to the growing body of evidence about the UPHPA's impact by providing qualitative evidence from Atlanta. After identifying the mechanisms by which the UPHPA produces better housing outcomes, future quantitative and mixed-methods research can employ these findings in pursuit of more precise estimates.

Research Literature

Wealth preservation is a key component of the homeownership journey. Successfully passing a home to the next generation is one way for younger households to achieve homeownership. Key to transferring this asset across generations and avoiding heirs' property is the presence of a will or an estate plan.

More than 4 in 10 property owners ages 50 and older do not have a will or an estate plan (Walsh et al. 2024). And when combined with the lack of a spouse and the presence of multiple children, 3.8 percent of all property owners are at risk of tangled title, another term for heirs' property "in which the deed to a property bears the name of someone other than apparent owner" (Pew Charitable Trusts 2021). Although this represents a small share of all homeowners, it accounts for an estimated aggregate property value of \$243 billion across the country (Walsh et al. 2024). Heirs' property has been conventionally understood as a challenge in rural areas, but researchers and advocates have increasingly acknowledged the unique challenges heirs' property owners face in urban settings. Although heirs' property can get divided into physical acres in rural areas, it is harder to resolve disputes between heirs' property owners for a single-family home on a small parcel (Kohanowski 2022).

Owners of heirs' properties in urban neighborhoods may face greater risk of displacement. Neighborhoods experiencing rapid land appreciation during a period of economic development and gentrification may increase attention from speculators looking to take advantage of heirs' property and its unstable form of ownership (White 2023). Speculators have been able to target heirs' properties in urban neighborhoods to buy interest in a property below its market value and force a sale of the property using standard partition laws, often purchasing the home at a fraction of its worth (Uniform Law Commission 2023). These practices threaten homeownership and wealth for heirs' property owners, as there had been fewer resources to prevent this from happening or to slow the process once it started.

Heirs' property disproportionately affects low-income communities and communities of color.⁵ Heirs' property and other systemic issues have resulted in land theft and land loss for Native American tribes and households, Black residents, and other residents of color throughout history. These systemic issues also result in concentrated issues in low-income white regions, such as Appalachia (Moodie et al. 2023). Although only 3.8 percent of all property owners ages 50 and older are at risk of tangled title, the prospect of being at risk of tangled title is greater for Black property owners (9.8 percent), Hispanic property owners (7.4 percent), and other owners of color (5.3 percent). In contrast, only 2.6 percent of white property owners are at risk of tangled title (Walsh et al. 2024).

One strategy to dissuade outside investors from acquiring heirs' properties is through the UPHPA. The UPHPA is a uniform law that state legislatures can adopt to enhance protections for heirs' property owners against partition actions, including (1) encouraging partitions in kind among heirs' property owners that prevent selling the home, (2) providing advance notice to owners about a partition, and (3) ensuring a property is sold at its market value (Mitchell 2022; Taylor et al. 2024). These actions attempt to provide time, information, and a fair process for heirs' property owners.

Early evidence suggests that the UPHPA is having a positive impact on limiting forced sales. Mixed-methods research suggests that the UPHPA may have contributed to fewer partition sales in states such as Kentucky (Taylor et al. 2024). But the UPHPA's impact may be limited if the UPHPA assumes most heirs' property owners have the same financial characteristics as owners from high socioeconomic backgrounds, including having the assets to purchase the home at market value (Cole 2021). Although

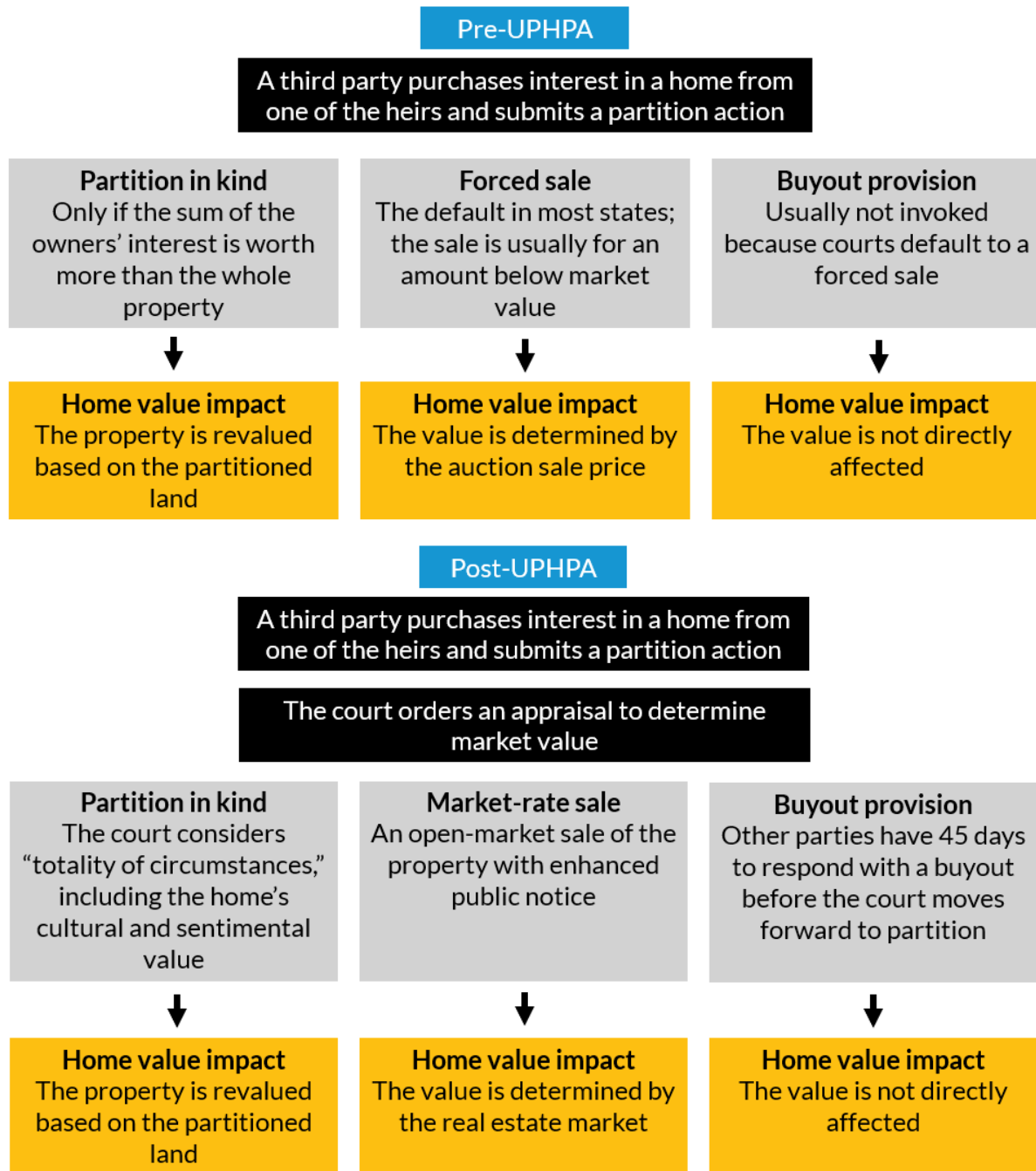
(Mitchell 2022). For example, “if the court determined that the property in question was valued at \$1 million and the cotenant that petitioned the court for partition by sale owns a three percent interest, then the buyout price would be \$30,000” (Mitchell 2022, 461). Once a partition request is filed, the UHPA gives all the owners “45 days to exercise their right of first refusal and another 60 days to arrange for financing” (Berko and Mancini 2024, 9).

- **Partition in kind.** If none of the other owners can complete a buyout, the court can determine the feasibility of a partition in kind. Under a partition in kind, the court will distribute the home’s value to each participating heir, based on the amount of interest they have in the home (Mitchell 2022). The UHPA helps judges consider factors about the home other than economic and financial interest when determining the feasibility of a partition in kind, such as the home’s “sentimental or cultural value” (Mitchell 2022). A partition in kind also prevents heirs’ property owners from selling their home if they hope to keep it in the family.
- **Partition by sale (e.g., an open-market sale).** If the court or the parties choose not to proceed with a partition in kind, the property must be sold at its market rate. This reduces the speculative practice of forcing a sale on the property and buying it for less than it is worth. The heirs receive the amount of market-rate interest they have in a home after a partition by sale, which maximizes the amount of wealth for each of the owners from the property (Mitchell 2022).

Figure 2 compares the partition options with and without the UHPA’s provisions. In most states without the UHPA, the courts will default to ordering a forced sale of the property, meaning the property is sold at auction for the highest price. Because courts used an economics-only test to determine partition outcomes and because heirs tend to have fewer financial resources than outside investors, a forced sale tended to be the default outcome without the UHPA. The UHPA’s requirement to consider noneconomic factors, including “sentimental or cultural value,” provides additional criteria for judges to consider the feasibility of a partition in kind (Mitchell 2022; Taylor et al. 2024).

FIGURE 2

An Overview of the Partition Process from Third Parties, With and Without the UPHPA



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Source: Thomas Mitchell, "The Uniform Partition of Heirs Property Act: Advancing Social and Racial Justice Through Historic Property Law Reform," in *Heirs' Property and the Uniform Partition of Heirs Property Act: Challenges, Solutions, and Historic Reforms*, edited by Thomas W. Mitchell and Erica Levine Powers (ABA Book Publishing, 2022).

Note: UPHPA = Uniform Partition of Heirs' Property Act.

About the Data

This brief includes findings from semistructured interviews. Data from the American Community Survey and from a major property records provider supplement these findings. To understand the heirs' property landscape in Atlanta and the UHPA's implementation in Georgia, we interviewed seven stakeholders in December 2025 and January 2026. These interviewees had experience as legal service providers, private attorneys, real estate specialists, and legal professors.

To supplement our interview takeaways about heirs' property in Atlanta, we used data from a major property records provider to identify areas of the city with the highest number of likely heirs' properties. This provider collects local property records data from around the country and includes information about property characteristics, transactions, and ownership information.⁸ We used this dataset to identify likely heirs' properties in Atlanta.

Next, we used the American Community Survey to measure neighborhoods in Atlanta with the greatest changes in household income. The American Community Survey collects individual- and household-level demographic information that can be reported at the national, state, county, and census-tract levels.⁹ We combined these datasets to understand whether heirs' properties tend to concentrate in areas of Atlanta with more neighborhood change, such as greater changes in median household income.

This report proceeds in the following manner. First, we provide an overview of heirs' property and the UHPA's options to help with partitions. Next, we describe the UHPA's implementation and identify challenges for the law to reach heirs' property owners. Third, we provide research and policy recommendations to strengthen the UHPA's use going forward.

Key Findings

Understanding Heirs' Property Challenges in Atlanta

Interviewees described the challenges conducting partitions in urban settings. Lawyers that have practiced in states with the UHPA noted that partition cases in rural areas are more feasible if they can divide acres of land instead of a parcel with a single-family home. This makes it more challenging to conduct partition cases in Atlanta and resolve disputes for heirs.

A 2021 Pew report found that Philadelphia's heirs' properties tend to concentrate in neighborhoods with lower median household incomes and lower assessed home values (Pew Charitable Trusts 2021). But a few of our interviewees identified contrasting themes among heirs' properties in Atlanta: these properties tend to be found in neighborhoods experiencing rapid economic development, and they risk displacing residents. Heirs' properties tend to concentrate in gentrifying areas of Atlanta, such as neighborhoods with the greatest increase in average income (figures 3 and 4). This presents a different case from heirs' property research in other cities, which emphasizes the unique circumstances every city faces to identify and address its heirs' property challenges.

“What we see in Atlanta is pockets of heirs’ property. It’s neighborhoods that were developed at the same time; there are homes that are about the same age and homeowners of similar ages. You see pockets of where homes have been in the family for a generation or two.”

—Alexandra Eichenbaum, law professor in Georgia

FIGURE 3
Share of Heirs’ Properties in Atlanta, by Neighborhood Changes in Home Value

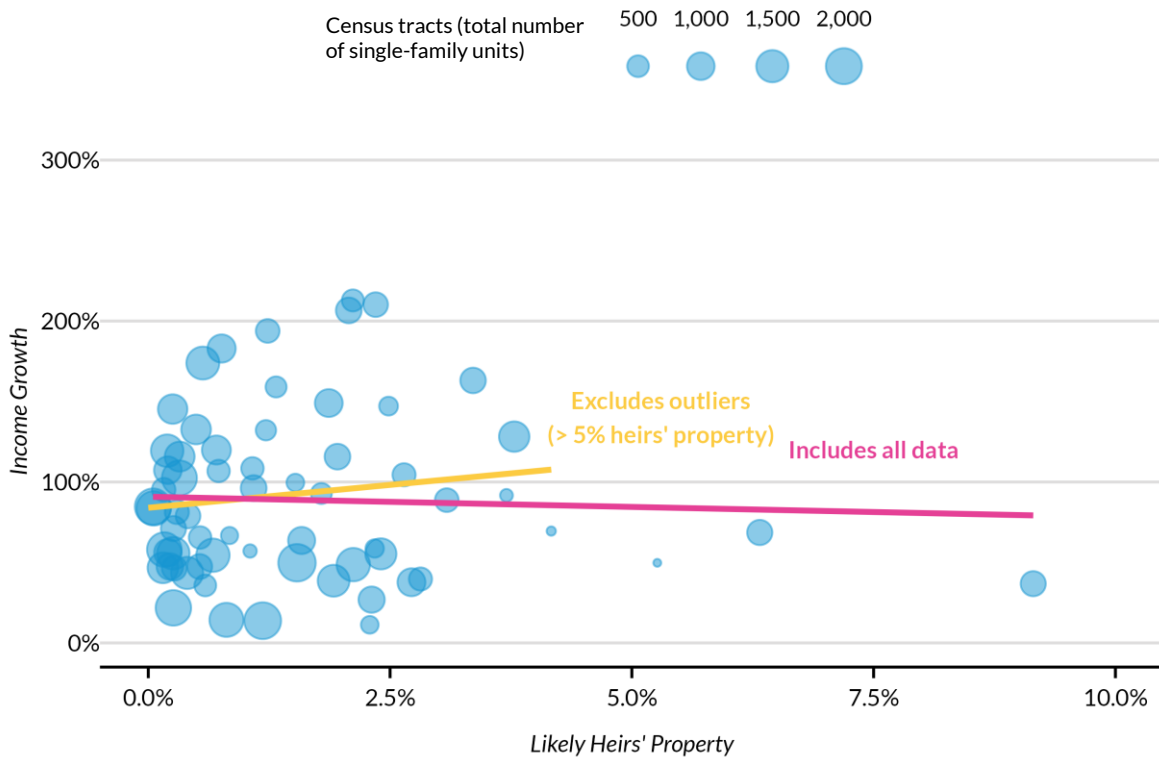


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Sources: American Community Survey, property records data, and Urban Institute calculations.

Note: The yellow correlation line shows the coefficient without outliers.

FIGURE 4
Share of Heirs' Properties in Atlanta, by Neighborhood Changes in Income Growth



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Sources: American Community Survey, property records data, and Urban Institute calculations.

Note: The yellow correlation line shows the coefficient without outliers.

Interviewees noted that areas where land values have increased tend to pose the greatest risk for speculation. Because heirs' property owners cannot access financing to make home repairs and renovations, the land often appreciates faster than the structure itself.¹⁰ Interviewees shared how, before the UHPA, this uneven price appreciation would enable third-party investors to force a sale and "flip" the home at a profit (Taylor et al. 2024). Interviewees believed that the number of investor-driven partition cases in Atlanta declined since the UHPA's implementation, namely because of the law disincentivizing third-party investors to flip heirs' properties. But they acknowledged the difficulty tracking this trend using court and property records data.

“I once represented a family whose family home is located in Atlanta. It is heirs’ property, and there was a small fraction of heirs who lived in the property most of their lives. The neighborhood surrounding the property has changed very quickly in recent years, which has significantly increased the value of the property. Over time, there’s been a lot of wear and tear to the property, and not a lot of repairs have been made. However, the dirt the property is on is now worth more than five times the original purchase price. So while the house itself is not currently worth much from a monetary standpoint, the value of the dirt itself is worth quite a bit.”

—Veronica McClendon, attorney in Georgia

Lawyers also face difficulties learning and practicing partition law in Georgia’s fragmented court system. The state’s 159 counties, including 5 in the Atlanta area, have different court systems with different rules and processes. This makes it challenging for lawyers to study cases across different counties and understand requirements in each court. Additionally, partition cases in Georgia are included under the umbrella of “general civil” cases, which makes it difficult to identify partition cases in the court data. This difficulty also makes it harder to understand legal precedent as lawyers take on new cases, particularly in and around Atlanta.

The limits to studying cases in Georgia’s system also make it difficult for lawyers and researchers to measure common outcomes under the UPHPA’s partition cases. One interviewee noted that judges can leave a partition case unresolved in extraordinary cases. This means that after reviewing the evidence, a judge can determine whether a resolution to the case is infeasible and the property would remain split between multiple heirs. Further research is needed to understand the most common outcomes in heirs’ property cases and how to address partition cases with too many challenges for the UPHPA to resolve on its own.

“Hopefully, [in] an heirs’ property case, people know what their land is and where their land is and how much it is worth. But, I also know that under our statute, a judge can say, ‘No, I’m not dealing with this. There doesn’t seem to be a good solution, so we’ll leave it like it is.’ I’m not familiar with other areas of law that allow that nonresolution as a resolution.”

—Whitney Knox Lee, Wills for the People LLC

Cost Barriers for Heirs

According to interviewees, one of the UPHPA’s powerful benefits is the buyout provision, which allows heirs to buy out the interest of other heirs wanting to sell the home. The UPHPA’s buyout provision is an important resource for heirs hoping to stay in the home, as it offers homeowners a chance to preserve their home without navigating the partition process (Mitchell 2022). But nearly all interviewees noted

that the cost to buy out another heir's interest in the home limits the uptake of this provision. More generally, households with heirs' property face issues accessing financing without a clear title, and most homeowners at risk of heirs' property have less than \$1,000 in liquid assets.¹¹ This makes it difficult for most heirs' property owners to afford to keep the home and buy out the other heirs. Additionally, interviewees noted that the barriers to afford the buyout make it challenging for the UPHPA's other provisions to take effect. One interviewee noted that buying out non-family members undermines the UPHPA's emphasis on considering the sentimental and cultural value.

“One of the impacts of the act that I’ve found is that even [though] people who have connection to the property have the right to buy out someone seeking to sell their interest, the amount of money that is required to buy them out could be beyond what they’re able to pay.”

—Veronica McClendon, attorney in Georgia

Interviewees also noted that appraisals may reduce heirs' ability to use the UPHPA's buyout provision. If an heir wants to request a partition by sale, the law requires an independent appraisal to assess its fair market value. This addresses the concern that outside investors could force a sale for an amount below the home's market value and profit when they sold the home before the UPHPA (Taylor et al. 2024). But multiple interviewees acknowledged a few trade-offs with this provision. First, an independent appraisal of the home helps homeowners maximize their wealth if they sell the home, but research shows that homes in historically Black neighborhoods in Atlanta tend to be valued below their market rate (Zhu et al. 2022). Additionally, if an heir wants to buy out another person's interest, they are required to buy the interest at the market value. This could result in a higher cost if an heir wants to use the buyout right.

Building and Sustaining a Legal Pipeline to Incorporate the UPHPA

Interviewees highlighted the need for more lawyers to defend against partition cases in Atlanta. Heirs' property issues and probate laws are complex, require extensive training to learn, and can be administered differently across Georgia's counties, all of which contribute to why most law school curricula do not cover heirs' property challenges. Because lawyers can more easily divide acres of land in rural areas than divide a single-family parcel in a city, interviewees noted that lawyers more often invoke the UPHPA in rural areas. A shortage of lawyers that understand the UPHPA, particularly in Atlanta, reduces the amount of timely and affordable resources for heirs to address partition cases in the city, and it may reduce awareness of the UPHPA among communities.

Legal clinics are an important avenue to address the shortage of lawyers representing heirs' property owners. One interviewee noted a local law school's effort to expand an heirs' property clinic, which will train law students to handle heirs' property cases at no cost to the client. This effort combines community education and access to legal services while increasing the number of lawyers aware of the heirs' property landscape in Atlanta and resources to address tangled titles. The clinic's supervising

attorneys and professors oversee cases as individual students finish their coursework in the clinic, keeping cases moving forward with minimal delays.

Ongoing legal education can also help practicing lawyers and judges stay up to date on partition law. A few interviewees noted that partition law and rules around probate is a niche area of law with few resources to navigate for practicing lawyers. One interviewee noted that lawyers rely on national listservs for guidance on cases, though bar associations can help raise awareness through continuing legal education trainings. Building a sustainable pipeline for practicing lawyers and future lawyers to take on partition cases relies on supporting ongoing legal education.

Finally, interviewees cited the need to raise awareness for state judges. The UPHPA requires judges to determine whether a case is heirs' property. But some interviewees noted that judges, particularly those who have served since before the UPHPA's implementation, do not know about the law and how it changes partition processes and options for heirs. This limits some of the UPHPA's provisions, such as requiring judges to consider a home's cultural and sentimental value, from full consideration in cases. Superior court judges in the Atlanta metropolitan area also rely on special masters, who are judge-appointed lawyers that advise the courts on cases with technical expertise. In the case of partition law, special masters help courts navigate the real estate laws and facts in the case.¹² The special master process may better inform judges about heirs' property challenges, but it adds to the costs for the legal parties that pay for this requirement. Interviewees highlighted the need to find more ongoing, cost-effective solutions to educate judges on the UPHPA's provisions.

Increasing Public Awareness for Heirs

All interviewees noted that communication gaps about the UPHPA, the partition process more broadly, and resources available to heirs' property owners continue to affect the law's implementation in Georgia. Researchers and practitioners commonly cite information asymmetry as a barrier to addressing heirs' property issues (Taylor et al. 2024), and multiple interviewees shared that homeowners affected by partition sales may not know about these ownership challenges until they receive a partition notice on the land. This makes it difficult for homeowners to address tangled titles until an emergency happens.

“I think if a lot of people really knew what could happen during a partition action, then I think they'd be a little more proactive. But a lot of times they don't understand how things could go.”

—Veronica McClendon, attorney in Georgia

Interviewees described two benefits of the UPHPA that increased access to information among heirs. First, the UPHPA requires physical notices on the land where a partition has been proposed. This notice provides more up-front time and transparency for heirs to seek legal representation and respond to the notice within 45 days (Mitchell 2022). The UPHPA also slows down the partition process, giving

homeowners more time to seek out information and resources to navigate a partition. On the other hand, it means partition cases can remain in the system for years.

Addressing Emerging Practices That Affect Heirs' Property Owners

Our interviewees shared that the UPHPA has helped discourage third-party investors from forcing a sale on heirs' properties and flipping the homes for profit. Lawyers and advocates familiar with the UPHPA stated that the number of investor-driven heirs' property cases has declined since the UPHPA's implementation because the UPHPA makes it hard for deals to pencil out given extended timelines, more steps to complete the process, and financial resources needed to conduct partition actions on heirs' properties. Although the UPHPA has reduced these incentives for speculation, interviewees also stressed that the UPHPA cannot address challenges unrelated to partition actions. The interviewees highlighted probate fraud and property tax foreclosures, two challenges that have always affected heirs' property owners. But reducing the profit motive for speculative partition actions may provide incentives for more acquisitions of heirs' properties through these practices.

“I think the UPHPA could run the risk of providing a false sense of security in some cases. It's very important to have passed the law, but some people may think that in doing so, they have solved heirs' property when there is a lot more to it.”

—Sarah Stein, policy adviser

First, interviewees shared an emerging practice called probate fraud, which can target households with heirs' property through the probate process. Multiple interviewees described how investors could interfere with homes in heirs' property by offering to submit legal documents on one heir's behalf and then fraudulently claiming that no other heirs exist.¹³ By preying on these information gaps and deception, investors can falsely obtain full ownership of the home through this tactic. Further research should explore how common probate fraud tactics have become in the Atlanta metropolitan area.

Second, property tax foreclosures create another vector for the loss of heirs' properties. Heirs' property owners cannot access property tax abatement programs without a clear title, so they may face higher tax rates and are more likely to have tax liens placed on the property (Stark and Williamson 2023). In Georgia, investors can pay to receive the home's title through a tax deed sale, often well below the home's market value (Stark and Williamson 2023). Interviewees said that heirs' property owners often learn about title issues through building code violations or property tax liens but cannot access financing to address the violations or liens because of title issues. The UPHPA does not address the other ways that third parties could take advantage of homeowners, and broader state and local efforts are needed to address other tactics that target heirs' property.

Policy Recommendations

Our interview takeaways indicate that the UHPA's implementation provides necessary resources for heirs' property owners and has discouraged using partitions to acquire heirs' properties. But heirs' property tends to face (1) several legal and financial constraints for the law to have its full effect and (2) risk through additional vectors for home loss, such as probate fraud, property tax foreclosure, and building code violations. Based on these findings, policymakers and practitioners can strengthen the UHPA and address other barriers that heirs' property owners face in Atlanta and other cities by doing the following:

- **Strengthening protections against partition actions.** The UHPA helps create structures around the partition process to reduce predatory actions against heirs' property owners. But interviewees and recent actions in other states demonstrate ways the UHPA can prevent partition actions going forward. For example, New York amended its version of the UHPA in 2024 to strengthen buyout protections for heirs. These amendments include (1) a right of first refusal that allows current heirs to buy out the interest third-party investors offer and (2) a provision preventing third-party investors from beginning a partition action.¹⁴ These two strategies could prevent the partition process under the UHPA by preventing speculative partitions.
- **Expanding legal education for lawyers, judges, and public access.** Interviewees discussed the need for greater education for lawyers to understand the UHPA and the lack of practicing lawyers to administer partition cases in the Atlanta area. Legal clinics are an important avenue to address both these problems, as clinics train future lawyers to understand the heirs' property landscape in Atlanta and they expand the number of cases lawyers can take on to understand the issues. Interviewees also noted the role of bar associations in promoting continuing legal education courses on heirs' property-related topics. State legislative action points to other opportunities to expand access to legal services. New York also included reforms to its version of the UHPA to offer court-funded mediation between parties, allowing for more formal, accessible ways for property owners to resolve their disputes.¹⁵
- **Considering targeted financing programs for heirs' property owners.** Heirs' property owners face barriers to financing access, which limits heirs' ability to buy out competing interest in partition cases. One of the largest challenges to helping households take advantage of the UHPA is the buyout provision, as most households facing heirs' property issues do not have the assets to buy out the interest from other heirs. Policymakers and private-sector partners should consider targeted financing, which provides more flexible standards and is targeted for specific needs, to support heirs' property owners as they upgrade or purchase other heirs' interest. For example, heirs on agricultural land can access low-cost loans (up to \$5 million at 1 percent interest) to cover the costs to clear a title through the US Department of Agriculture's Heirs' Property Relending Program.¹⁶ Although heirs' property owners in Atlanta or other cities cannot access these loans, other local, state, federal, and lending resources could help heirs in partition cases access financing to afford legal representation and establish a clear title.

- **Partnering with local government actors to address additional challenges for heirs' property owners.** The UPHPA addresses some of the ways heirs' property owners lose their property, but owners face other challenges under local jurisdictions that could lead to home loss. Local government actors, particularly assessors and building code departments, can provide relief to heirs' property owners by allowing more flexibility for heirs' property owners facing trouble getting their property up to code or paying back property taxes, particularly if they cannot access financing to cover improvements or are eligible for property tax abatements.

Research Agenda

This report describes barriers to the UPHPA's implementation in Georgia and policies to address them. Further research is necessary to understand the UPHPA's role in Georgia and to identify additional solutions. Future research topics should consider the following:

- **Streamlining county court data to identify partition cases.** Georgia's court database makes it difficult to understand the scale of partition cases in the state. Not being able to identify partition cases in the court data and having to monitor each county's records separately makes it difficult to identify case outcomes since the UPHPA became law. There are two strategies to identify partition cases in the state court data. First, state courts could adopt a similar cover sheet that the federal courts use for civil cases to identify application of the UPHPA (JCUS 2018). Second, partnering with legal experts to navigate Georgia's court system can also help identify partition cases in the data and measure key outcomes. Additionally, lawyers in other states can document the UPHPA's implementation through their own court records data.
- **Comparing the UPHPA's implementation across states and geographies.** This brief describes some of the differences between heirs' property and partition cases in Atlanta compared with rural parts of Georgia. Because several states have implemented the UPHPA with different geographies and demographics, future research should consider the UPHPA's implementation across other states and geographies. Further research should consider the role of recent reforms and enhancements to the UPHPA, particularly in New York. This will strengthen the positive impact the UPHPA has had.
- **Deepening an assessment of the type of investors and speculators that can purchase heirs' properties.** The motivation for introducing the UPHPA were investor and speculator purchases of heirs' properties. In many cases, these investors are local and differ from large national organizations. Understanding these actors and the economics underlying their activity is critical to identifying the risk of a forced sale of an heirs' property.
- **Building a knowledge base on other mechanisms used to obtain an heirs' property.** Interviewees mentioned strategies to obtain an heirs' property beyond investors using partition actions, including probate and tax liens. And these strategies may have proliferated in the presence of the UPHPA. Research that details how and how much these strategies are being used can further protect heirs' property owners and more precisely detail whether the

UPHPA has reduced investors' ability to obtain heirs' properties or shifted these activities to other places.

Conclusion

This brief explores the ways the UPHPA fits within Atlanta's heirs' property landscape. Georgia's UPHPA provisions provide important resources for heirs' property owners, and interviewees believed the law has reduced the incentives for third-party investors to flip heirs' properties through partition actions. But the law operates in a challenging legal and financial environment that reduces lawyers' ability to understand and practice the law, as well as heirs' property owners' ability to afford some of its protections. Further actions are necessary to (1) address some of the barriers to accessing the UPHPA; (2) acknowledge other ways heirs' property owners lose their homes, including through property tax foreclosures and building code violations; and (3) use the UPHPA to prevent predatory partition from outside parties.

Notes

- ¹ Amalie Zinn, “What Is Heirs’ Property, and Why Does It Matter for Equitable Homeownership?” *Housing Matters* (blog), Urban Institute, December 13, 2023, <https://housingmatters.urban.org/articles/what-heirs-property-and-why-does-it-matter-equitable-homeownership>; and Jon Gorey, “Understanding Heirs Property,” *Land Lines Magazine*, Fall/Winter 2025, 30, <https://go.lincolnst.edu/ll-fw25-heirs-property.pdf>.
- ² Caitlin Young, Amalie Zinn, and Jung Hyun Choi, “Rethinking Homeownership as ‘the American Dream,’” *Urban Wire*, Urban Institute, June 26, 2023, <https://www.urban.org/urban-wire/rethinking-homeownership-american-dream>; and Michael Neal and Madeline Baxter, “In a Recession, Fewer Liquid Assets Add to Black Financial Instability,” *WorkRise*, Urban Institute, October 23, 2023, <https://workrisenetwork.org/working-knowledge/recession-fewer-liquid-assets-add-black-financial-instability>.
- ³ Michael Neal, Amalie Zinn, and John Walsh, “Inherited Homes Are Most Likely to Be Poor Quality, Compounding Racial Wealth and Housing Gaps,” *Urban Wire*, Urban Institute, November 12, 2024, <https://www.urban.org/urban-wire/inherited-homes-are-most-likely-be-poor-quality-compounding-racial-wealth-and-housing>.
- ⁴ Zinn, “What Is Heirs’ Property”; and Neal et al., “Inherited Homes Are Most Likely to Be Poor Quality.”
- ⁵ “Addressing Heirs’ Property,” Fannie Mae, accessed March 27, 2026, <https://www.fanniemae.com/about-us/what-we-do/duty-to-serve/heirship>.
- ⁶ “Partition of Heirs Property Act,” Uniform Law Commission, accessed March 27, 2026, <https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d>.
- ⁷ “Partition of Heirs Property Act,” Uniform Law Commission.
- ⁸ “CoreLogic Data Products,” CoreLogic Docs, accessed March 27, 2026, <https://corelogicdocs.harbrdata.com/caps/corelogic-data-products>.
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Acknowledgments

This brief was funded by a grant from JPMorganChase as part of the shared objective to advance economic mobility through data and research. We are grateful to them and to all our funders, who make research like this possible.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders, including JPMorganChase. Funders do not determine research findings or the insights and recommendations of Urban experts or the underlying methodology. Further information on the Urban Institute's funding principles is available at <https://www.urban.org/about/our-funding>.

We would also like to thank the interviewees who informed the takeaways and framing for this brief:

- Jade Craig, Assistant Professor of Law, University of Mississippi Law School
- Ashley Edwards, Legacy and Housing Preservation Strategy Consultant, AAA Probate Resources
- Alex Eichenbaum, Director of Law Public Interest Programs and Deputy Director of the Center for Access to Justice, Georgia State University College of Law
- Whitney Knox Lee, Wills for the People LLC
- Sarah Mancini, Managing Director of Advocacy, National Consumer Law Center
- Veronica McClendon, Founding Attorney, McClendon Law and Consulting
- Sarah Stein, Senior Adviser, Federal Reserve Bank of Atlanta



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