



LOUISIANA STATE LAW INSTITUTE

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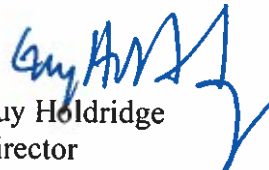
Representative Phillip R. DeVillier
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

RE: HOUSE RESOLUTION NO. 201 OF THE 2021 REGULAR SESSION

Dear Mr. Speaker:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to heirs' property.

Sincerely,


Guy Holdridge
Director

GH/pc

Enclosure

cc: Senator Gregory Miller

email cc: David R. Poynter Legislative Research Library
drplibary@legis.la.gov

Secretary of State, Ms. Nancy Landry
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
SUCCESSIONS AND DONATIONS COMMITTEE**

**REPORT TO THE LEGISLATURE IN RESPONSE TO HOUSE
RESOLUTION NO. 201 OF THE 2021 REGULAR SESSION**

Relative to the Uniform Partition of Heirs Property Act

Prepared for the
Louisiana Legislature on

December 22, 2025

Baton Rouge, Louisiana

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2021 Regular Session

HOUSE RESOLUTION NO. 201

BY REPRESENTATIVE GREGORY MILLER

A RESOLUTION

To direct the Louisiana State Law Institute to study provisions of law on partition of property owned in indivision and how partition impacts heirs' property in order to make recommendations regarding the rights and duties required by owners in indivision of property, and to report the findings to the House of Representatives of the Louisiana Legislature no later than February 1, 2022.

WHEREAS, partition of property held in indivision may be demanded by any co-owner pursuant to Louisiana Civil Code Article 807; and

WHEREAS, a great amount of property in Louisiana is owned in indivision by multiple individuals; and

WHEREAS, of the property in Louisiana that is held in indivision, much of that property was inherited and is classified as heirs' property under the Uniform Partition of Heirs' Property Act (UPHPA); and

WHEREAS, the UPHPA provides protections to ensure that holders of heirs' property are given a right of first refusal prior to a partition by licitation; and

WHEREAS, the UPHPA provides procedural protections to ensure that if partition occurs, the financial interests of all holders of heirs' property are protected; and

WHEREAS, the 2018 Federal Farm Bill provides preferential treatment to residents of states that have adopted the UPHPA by awarding billions of dollars in agricultural loans issued by the United States Department of Agriculture; and

WHEREAS, the 2021 Federal American Rescue Plan provides preferential treatment to a portion of the \$1.9 trillion to residents in states that have adopted the UPHPA; and

WHEREAS, eighteen states have adopted the UHPA since 2011 and eight states, including North Carolina and the District of Columbia, have legislation pending to adopt UHPA during this 2021 legislative session; and

WHEREAS, our neighboring and southern states of Alabama, Mississippi, Arkansas, Georgia, South Carolina, Virginia, Florida, and Texas have adopted the UHPA.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby direct the Louisiana State Law Institute to study provisions of law in order to make recommendations regarding adoption of the UHPA, and to report its findings and recommendations to the Louisiana Legislature no later than February 1, 2022.

BE IT FURTHER RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby direct the Louisiana State Law Institute to invite participation from representatives of the Louisiana Realtors Association, the Louisiana Appleseed Center for Law and Justice, the Louisiana Land Title Association, the Louisiana Association of Independent Land Title Agents, the Uniform Law Commission, and the Louisiana Banker's Association.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

December 22, 2025

To: Representative Phillip R. DeVillier
Speaker of the House
P.O. Box 94062
Baton Rouge, Louisiana 70804-9062

**REPORT TO THE LEGISLATURE IN RESPONSE TO
HR NO. 201 OF THE 2021 REGULAR SESSION**

House Resolution No. 201 of the 2021 Regular Session directed the Louisiana State Law Institute to study and make recommendations regarding the provisions of law on partition of property and how it impacts heirs property and the rights and duties required by owners in indivision. The resolution also directed the Law Institute to work with several interest groups, including the Louisiana Realtors Association, Louisiana Appleseed Center, the Louisiana Land Title Association, the Louisiana Association of Independent Land Title Agents, the Uniform Law Commission, and the Bankers Association. In fulfillment of this request, the Law Institute assigned the project to its Successions and Donations Committee, which operates under the direction of Professor Ronald J. Scalise, Jr. as Reporter. Over the course of several years, the Committee met numerous times to study, discuss, and address the issues raised by the resolution. Representatives from the above-named interest groups regularly attended and participated in the deliberations and the drafting of the Committee's work.

The primary issue raised by the resolution is the problem of the eviction of one or more co-owners from long-held family property by a forced sale provoked by an unrelated party who acquires a small fractional interest in the property. This problem has been acute among lower-income, underrepresented groups throughout both Louisiana and large parts of the United States. To address this problem, in 2010 the Uniform Law Commission proposed the Uniform Partition of Heirs Property Act (UPHPA). The UPHPA affords certain enhanced notice and procedural protections to holders of heirs property. Twenty-five states, including neighboring states such as Alabama, Mississippi, Arkansas, and Texas, have adopted the UPHPA. Unlike many other states, Louisiana already had some protections in place to help guard against forced partition of heirs property. Consequently, rather than abandon the salutary existing approach that Louisiana has had in place for over twenty years, the Committee studied the UPHPA with an eye toward borrowing some of its key concepts and infusing them into existing Louisiana law. Thus, the Law Institute's proposed Louisiana Uniform Partition of Heirs Property Act builds upon existing law and incorporates within it the core concepts of the UPHPA. These concepts include an independent appraisal, a one-way buyout provision, enhanced notice, a preference for partition in kind, and an open-market sale. These recommendations were submitted to the Legislature and introduced as House Bill No. 175 of the 2025 Regular Session.