**Summary of Massachusetts** [**Uniform Partition of Heirs Property Act**](https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d) **(UPHPA)**

Heirs’ property is property most commonly owned by the legal heirs of an ancestor who did not have a will, though a simple will also can generate heirs’ property. Under state law, multiple heirs take ownership as tenants in common, the most unstable form of common ownership in this country. A large number of families have lost their heirs’ property through “tangled title”, when their name is not on the deed, or through a type of forced sale known as a partition sale, which has resulted in families losing billions of dollars of inherited wealth, often because they were vulnerable to speculators.

The major benefits of the Uniform Partition of Heirs Property Act are:

* **UPHPA helps families preserve property and wealth.** For many disadvantaged families who cannot afford an estate plan, real estate is their most valuable asset. The UPHPA helps preserve wealth for the heirs who want to retain their property while allowing other heirs to sell their shares of property at a fair price.
* **UPHPA gives a state’s residents priority for certain federal loans**. The federal government provides loans to farmers who own heirs’ property for legal expenses incurred by heirs to clear title to their farmland. In the 2018 Farm Bill, Congress included a provision granting preferred status for USDA loan applicants who are farmers who own heirs’ property and who are from states that adopt the UPHPA.
* **Option to buy**. Any co-tenant may buy the interest of the co-tenant(s) seeking the forced sale for a pro rata share of the court-determined property value. The buyout can resolve a case early on in the litigation.
* **Retooled test for determining how to more equitably partition heirs’ property.** If the buyout does not resolve the case, the court must order a partition-in-kind (a sub-dividing of the property with resulting parcels assigned to various heirs), unless the court determines that partition-in-kind will result in great prejudice to the co-tenants as a group. The court must use a test that equally considers economic and non-economic factors such as family heritage, historic, and cultural value and the impact a forced sale would have on an heir who is lawfully using the property, including a reduction in their quality of housing.
* **Full value required**. If the court orders a partition-by-sale, the property usually will be offered on the open market at a price no lower than the court-determined value as determined by an appraiser. These sales better enable heirs’ property owners to preserve generational wealth as compared to the public auctions typically used for partition sales, which are sales that typically yield prices well below market value.

The Massachusetts coalition supporting the Uniform Partition of Heirs Property Act includes:

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| American Farmland Trust  Centro de Apoyo Familiar / Center for Assistance to  Families (CAF)  Greater Boston Association of Realtors  Greater Boston Legal Services  Initiative on Land Housing & Property Rights,  Boston College Law School  Massachusetts Affordable Homeownership Alliance (MAHA) | Massachusetts Association of Realtors  Massachusetts Black and Latino Legislative Caucus  Massachusetts Land Trust Coalition  Mount Grace Land Conservation Trust  National Consumer Law Center  New England Land Title Association  Northeast Farmers of Color Land Trust  Urban League of Eastern Massachusetts |

The Massachusetts Uniform Partition of Heirs Property Act (UPHPA) is filed in the 2025-2026 legislative session as [H.1964](https://malegislature.gov/Bills/194/HD508) and [S.1239](https://malegislature.gov/Bills/194/SD813). The coalition supporting the UPHPA plans to hold legislative briefings in the first half of 2025. There will likely be a hearing on the bill later in 2025 before the [Joint Committee on the Judiciary](https://malegislature.gov/Committees/Detail/J19). The lead sponsors are Rep. Jeffrey Roy, Rep. Chris Worrell, and Sen. Pavel Payano. Support is anticipated from the prior legislative session cosponsors: Rep. Rita Mendes, Rep. James Arena-DeRosa, Rep. Patricia Duffy, and Sen. Jo Comerford.

Nationally, twenty-three states, the District of Columbia, and the U.S. Virgin Islands have enacted the UPHPA. The UPHPA also is the law in states with two-thirds of the U.S. population as 7 of the 10 largest states have enacted it into law. The Uniform Law Commission has a very helpful website for the [Uniform Partition of Heirs Property Act](https://www.uniformlaws.org/committees/community-home?CommunityKey=50724584-e808-4255-bc5d-8ea4e588371d#:~:text=The%20Uniform%20Partition%20of%20Heirs,in%2Dcommon%20under%20state%20law.) and an accompanying [Enactment Kit](http://bit.ly/3SonC13) with short summaries of the act and a list of endorsing organizations. For more info, contact David Price, Special Projects Manager., Initiative on Land, Housing & Property Rights at [priceda@bc.edu](mailto:priceda@bc.edu).