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April 28, 2025

Joint Committee on the Judiciary  
24 Beacon St, Room 34  
Boston, MA 02133

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*Re: S.1239/H.1964: An Act relative to uniform partition of heirs property  
(in support)*

Dear Chair Edwards, Chair Day, and Members of the Committee:

On behalf of the Massachusetts Land Trust Coalition, I am pleased to submit this written testimony in support of Senate Bill 1239 and House Bill 1964. The Committee held a hearing on the bill on April 22, 2025.

The Massachusetts Land Trust Coalition (MLTC) is a non-profit association that works to advance land conservation in Massachusetts by supporting and strengthening 140 conservation land trusts that work to preserve vital natural resources across the Commonwealth. Land trusts conserve land in voluntary partnership with landowners who share our interest in conserving the natural assets of their property in perpetuity.

Landowners who lose ownership of their property through a forced partition sale can no longer control the legacy of their land, even if it has been in their family for generations. Too often the result is subdivision and development. Rural Black families have been hit especially hard, but the issue can affect anyone who takes title to inherited land as a tenant-in-common with other heirs. The U.S. Dept of Agriculture cites heirs' property as the leading cause of involuntary land loss by Black families. This is due to the fact that Black, indigenous and other people of color have disproportionately lacked the resources necessary for proper estate planning. Passage of this bill will not only help such families, but will also improve the ability of land trusts to work with heirs of long-held family land to explore conservation options – including Conservation Restrictions or Agricultural Preservation Restrictions – that can provide a source of funds that enables heirs to retain their land.

This bill would reduce forced partition sales by creating a more just notice procedure, requiring an independent appraisal, allowing a co-tenant to buy out the shares of the others and -- if the parties cannot agree -- allowing the judge to order a partition-in-kind where the land is divided amongst the heirs/co-tenants, or a

partition by sale where the fair market proceeds are distributed proportionately amongst the heirs/co-tenants.

MLTC urges a favorable committee report on S. 1239/H.1964 *An Act relative to uniform partition of heirs' property*. If I can provide additional information or assistance, please don't hesitate to contact me at [robb@massland.org](mailto:robb@massland.org).

Thank you for your consideration.

Sincerely,



Robb Johnson  
Executive Director, Massachusetts Land Trust Coalition