2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 86

BY REPRESENTATIVE GREGORY MILLER

PROPERTY/IMMOVABLE: Directs the La. State Law Institute to study the adoption of the Uniform Partition of Heirs' Property Act

A CONCURRENT 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 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 UPHPA since 2011 and seven states, including North Carolina and the District of Colombia, have legislation pending to adopt UPHPA 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 UPHPA.

THEREFORE, BE IT RESOLVED that 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 UPHPA, and to report its findings and recommendations to the Louisiana Legislature no later than February 1, 2022.

BE IT FURTHER RESOLVED that 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.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 86 Original 2021 Regular Session Gregory Miller

Directs the La. State Law Institute to study the adoption of the Uniform Partition of Heirs' Property Act and report its findings and recommendations to the Louisiana Legislature no later than Feb. 1, 2022.