

2021 Regular Session

HOUSE RESOLUTION NO. 201

BY REPRESENTATIVE GREGORY MILLER

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

1 A RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

21 BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
22 one print copy and one electronic copy of any report produced pursuant to this Resolution
23 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)]

HR 201 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 House of Representatives of the Louisiana Legislature no later than Feb. 1, 2022.