## 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 to 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

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 UPHPA; and
3	WHEREAS, eighteen states have adopted the UPHPA since 2011 and seven states,
4	including North Carolina and the District of Colombia, have legislation pending to adopt
5	UPHPA 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 UPHPA.
8	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9	direct the Louisiana State Law Institute to study provisions of law in order to make
10	recommendations regarding adoption of the UPHPA, and to report its findings and
11	recommendations to the Louisiana Legislature no later than February 1, 2022.
12	BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby direct
13	the Louisiana State Law Institute to invite participation from representatives of the Louisiana
14	Realtors Association, the Louisiana Appleseed Center for Law and Justice, the Louisiana
15	Land Title Association, the Louisiana Association of Independent Land Title Agents, the
16	Uniform Law Commission, and the Louisiana Banker's Association.
17	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
18	director of the Louisiana State Law Institute.
19	BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit
20	one print copy and one electronic copy of any report produced pursuant to this Resolution
21	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 Engrossed

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.