

March 11, 2025

**Re: House Bill No. 5937, AN ACT RELATING TO PROPERTY –  
UNIFORM PARTITION OF HEIRS' PROPERTY ACT**

Dear Chair Craven, Sr., First Vice Chair McEntee, Second Vice Chair Knight, and distinguished Members of the House Judiciary Committee:

My name is Professor Keeva Terry, and I am a Professor of Law at Howard University School of Law. Thank you for the opportunity to provide written testimony in support of House Bill No. 5937, AN ACT RELATING TO PROPERTY – UNIFORM PARTITION OF HEIRS' PROPERTY ACT.

I fully support this legislation, which proposes critical changes that will aid the residents of Rhode Island by strengthening individual property rights, empowering families to preserve generational wealth, and uplifting and stabilizing the local community.

I was raised and educated in Providence, Rhode Island. I also had the good fortune to begin my teaching career at Roger Williams University School of Law before joining the faculty at Howard University School of Law. I have maintained an ongoing relationship with and love for my home state as I have moved and migrated elsewhere in the country, and I am delighted that the Rhode Island legislature is considering enacting such important legislation. I can attest to the benefits of the Uniform Partition of Heirs' Property Act (UPHPA) because I advocated for its enactment in Maryland and the District of Columbia.

One of the courses that I teach is Wills, Trusts & Estates, so I regularly face questions regarding heirs' property. Heirs' property occurs when a person dies intestate, i.e., without a valid will, and consequently, their property is inherited by their heirs as tenants in common. Heirs' property is an unstable form of real property ownership in the United States, and problems associated with heirs' property have been one of the leading causes of families losing the real property their forebears worked so hard to acquire. This legislation aims to mitigate these problems.

The [Uniform Partition of Heirs Property Act](#) (UPHPA) is sweeping the nation; more than 20 states have already enacted it. The goal of the UPHPA is to help families preserve their wealth and legacies in the form of real property that can be passed on to the next generation. For many families, real estate is their single most valuable asset. This law is particularly impactful on families of color as tremendous property loss has occurred over the past century among heirs' property owners due to predatory practices and the devastating impact and abuse of partition law.



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Partition law abuse in connection with heirs' property occurs in urban areas like Providence as well as in rural areas. Please see the link below for an important investigative report a major television station in New York City did in 2019 highlighting the UHPA. New York enacted the UHPA shortly after this story aired. This investigative report provides insight, from an urban perspective, into the protections provided by the UHPA and sad stories that can result for homeowners in the absence of those protections. These protections are especially important as gentrification continues to occur in Rhode Island.

See: <https://www.ny1.com/nyc/all-boroughs/news/2019/03/19/going--going--gone--new-tactic-by-real-estate-investors-forcing-some-new-yorkers-from-their-homes-ny1-investigation>

The UHPA provides enhanced due process and private property rights to protect owners of heirs' property from predatory practices and court-ordered forced sales of their property at prices generally below market value. I have friends in Rhode Island who have died without a will, which has made their families potentially vulnerable to partition actions, especially in areas where the property value has significantly appreciated. The unfortunate truth is that the mere threat of a partition action and property being sold at auction, coupled with the legal fees required to challenge it, are often enough to convince vulnerable and unwilling land and homeowners to sell their property against their wishes even before any partition action is filed. By changing the law, we remove that threat and the fear that frequently accompanies it.

For the foregoing reasons, I strongly support House Bill No. 5937, AN ACT RELATING TO PROPERTY – UNIFORM PARTITION OF HEIRS' PROPERTY ACT, and urge you to pass this legislation for the benefit of all Rhode Islanders.

Sincerely,

*Keeva Terry*

Keeva Terry  
Professor of Law

