

To: House Judiciary Committee (Rhode Island Legislature)
From: Natasha N. Varyani, Associate Professor, Roger Williams University
School of Law
Date: March 24, 2025
Re: H.R. 5937: Uniform Partition of Heirs Property Act

I am an Associate Professor at Roger Williams University School of Law. I have taught Property Law for over a decade, and well as core courses in Wills, Estates & Trusts, Business Organizations, Contracts, and a Seminar in Critical Race Theory & The Law. In the summer of 2024, I published a book, “Owning Our Values: Understanding Systemic Racism Through the Lens of Property Law (And Skills to Do Something About It)” for which I conducted a great deal of research in various areas of Property Law. For approximately a decade before coming to academia, I practiced with large and medium sized firms in the area of tax. Throughout my career, I have worked with affinity bar associations and closely with immigrant communities both to understand the various and sometimes unintended ways that systems of laws interacted with them

I write in support of H.R. 5937, The Uniform Partition of Heirs Property Act (the “UPHPA”) Understanding what I do about the way that Property laws have functioned throughout the history of the United States, and in particular the way that our laws regulating to the use and ownership of land have had a powerful impact on the ways in which dynamics have been established in the United States, I write in full support of the UPHPA in Rhode Island. Having recently made Rhode Island my professional home, and working for an institution named for Roger Williams, I am conscious of the spirit in which the State of Rhode Island is seeking to treat all of its citizens with fairness, respect and equity. It is important for the functioning of a healthy state economy to ensure our laws comport with our ideas of fairness, justice and equity, which the UPHPA is intended to do.

Like every jurisdiction in the United States, Rhode Island has had a long and complicated history with regard to property rights and ownership that has been

applied differently to different communities. The UPHPA seeks to ensure Rhode Islanders property owners can protect what is often their most valuable asset: their real property, with the common sense procedural tools. Not only will the UPHPA help to protect generational wealth for the communities that have not historically been protected, but will also send a signal about Rhode Island's commitment, as expressed through our State's leaders, to protect family and Heirs Property.

Until estate planning becomes more prevalent across communities of all income levels in Rhode Island, the UPHPA will help to ensure that a lack of estate planning does not result in a risk of loss of family property. When property passes by intestate succession (without a will), then it will be divided into shares for as many heirs as the decedent has, in accordance with the Rhode Island laws of intestate succession.¹ For many families, especially in Black, brown and immigrant communities, heads of household and title owners of property did not engage in estate planning and died believing that their property would be maintained safely by their family. As generations passed, the same lack of estate planning that decedents hoped would protect their family's claim to the land was the very thing that undermined it. As a result, in the aggregate both in Rhode Island and around the United States, a system was created that allowed for a seismic loss in generational wealth in Black, Brown and immigrant communities. While the UPHPA can not undo that, it can help to slow future loss from taking place.

Property rights are essential to the American story. The UPHPA is but one part of a much larger story in ensuring that the rights of all property owning citizens are supported.

For the above stated reasons, I support the passage of H.R. 5937, The Uniform Partition of Heirs Property Act in Rhode Island.

¹ General Laws of Rhode Island §33-1 et seq