

Oral Testimony – Uniform Partition of Heirs Property Act

Rhode Island House Judiciary Committee

Good afternoon Chair and members of the Committee.

Thank you for the opportunity to testify today.

My name is Isiah DiPina. I am currently a J.D. candidate at Roger Williams University School of Law, and I am here today both as a law student and as someone whose family has been directly affected by Rhode Island's current partition laws.

I want to begin this testimony with my Uncle Gary.

My uncle Gary owned a modest two-bedroom home in North Providence. He lived there for nearly four decades. To most people, it might have looked like an ordinary house, but to my family, it carried decades of our history. That home was part of a neighborhood where my great-grandfather, who immigrated from Cape Verde, settled, built a small business, and raised his family. For generations, our relatives lived on the same streets, worked together, and built stability through that property.

When my uncle passed away in November of 2023, he died without a will. I didn't know it at the time, but that single fact changed everything. Under Rhode Island law, his home became what's known as heirs' property, which resulted in an automatic division among his siblings designating them as tenants in common.

My father along with my siblings and I wanted to buy the house and keep it in the family. But because the heirs could not all come to agreement, Rhode Island's current law allowed the property to be forced into a partition sale. There was no required appraisal. No right for my father to buy out the other interests. No consideration of the family's connection to the home.

The home which was fully paid off, was ultimately sold at auction...

That experience is what brought me here today.

At the time, I was applying to law school. I had never heard of partition law. I didn't know what heirs' property even was. I assumed—like many Rhode Islanders—that property inherited within a family would stay within a family. It wasn't until I started law school, in my Property class, that I first heard of Professor Thomas Mitchell's work related to Heirs property and the adverse effects it had on families across the nation.

In that moment, what I had lived through just prior to starting Law School became a monumental legal reality and one that fueled my passion to change the outcomes for families who are faced with the current partition law in Rhode Island.

Across the country, heirs' property has been one of the most common mechanisms of involuntary land loss, especially for Black, immigrant, and working-class families. When property passes without a will, ownership fragments over generations. Any single co-tenant—sometimes even a investor who buys a tiny interest—can force the sale of the entire property. And those sales often happen at prices far below market value.

The Uniform Partition of Heirs Property Act was created to address exactly this problem.

It does not eliminate partition. It does not take away property rights. What it does is introduce basic fairness into the process. It requires an independent appraisal. It gives family members the right to buy out one another before the property is sold. It favors keeping land intact when possible. And if a sale must occur, it requires that the property be sold on the open market—not at a courthouse auction.

If the UPHPA had been in effect in Rhode Island when my uncle passed away, my father would have had the legal right to buy the home at a fair appraised value from his tenants in common. At the very least, the house would have been sold on the open market, preserving its true worth. Our family would have had options, instead our family lost the home.

What happened to my family is a representation of what happens to families across Rhode Island; especially at a time when housing prices are rising faster than almost anywhere in New England. For families without access to estate planning, without legal counsel, and without wealth, the current partition statute operates as a quiet but devastating mechanism of displacement.

Overall the UPHPA is a modest reform with outsized impact. It aligns Rhode Island with over half the country. It protects families without harming legitimate buyers. And it ensures that inherited property is not stripped away simply because families lack formal legal documents.

I'm asking this Committee to consider not just the doctrine, but the human consequences of the law as it stands today.

It is time for Rhode Island to ensure that stories like the DiPinas' become history, not precedent.

My interest in this topic led me to complete a directed research paper, which has turned into a law review article that I respectfully submit to the committee as my written testimony today.

Thank you for your time and consideration. I'm happy to answer any questions.

