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NEW UNIFORM LAW PROTECTS FAMILY LAND Benefits Georgia-based Efforts to Preserve Homes of Low-Income Families

Atlanta - Georgia Appleseed's Heir Property Project marked a significant milestone with the adoption on July 16, 2010 of the Uniform Partition of Heirs Property Act, drafted and approved by the National Conference of Commissioners on Uniform State Laws (NCCUSL). It is now before the American Bar Association (ABA) House of Delegates for consideration in February, 2011.

The Act establishes a number of important protections for owners of heir property. "Heir property" is family land that has been passed down without a will, thus restricting access to the land's value and leaving families vulnerable to unfair dispossession. This proposed uniform state law aims to preserve home ownership for such families and marks a crucial step in helping low-income and minority communities retain their family property.

"'An end to poverty begins with property rights,'" observed Sharon Hill, Georgia Appleseed Executive Director. "This phrase describes perfectly our motivation two years ago in establishing our Heir Property Project, as we seek to help disadvantaged property owners across the state preserve their property rights and prevent land loss. The Uniform Partition Act will be an important instrument in Georgia Appleseed's efforts to change laws that unfairly impact the poor."

Crystal Chastain Baker, Georgia Appleseed Heir Property Project Manager, explained further, "With the adoption of the Uniform Partition Act, we are now able to move forward on another of this project's founding goals. That is, to seek sustainable solutions for owners of heir property through systemic responses, including significant legislative change within Georgia. In anticipation of approval by the ABA, efforts have begun to compare current Georgia law with the uniform law and to develop potential strategies for adoption within our state."

Other aspects of the Georgia Appleseed Heir Property Project include attorney training and community education. For example, Baker has worked closely with the civic leaders of Darien, Georgia as they address heir property issues affecting their vigorous community efforts to revitalize portions of the city.

Among the heir property protections adopted by NCCUSL are improved notification practices, establishment of priorities for buy-outs and physical divisions of the land before a forced sale would be permitted, and broader judicial consideration. For example, courts would consider how long a family has owned the land and whether the family would be rendered homeless if it were sold.

A fact sheet on the uniform law is available at www.appleseednetwork.org. For more on the Georgia Appleseed Heir Property Project, visit www.GaAppleseed.org/heir or contact Crystal Chastain Baker at 404-477- HEIR (4347).

Georgia Appleseed is a non-partisan not-for-profit devoted to law that serves the public interest. Utilizing the skills of scores of legal volunteers and other professionals, our projects focus on achieving root deep changes to laws and policies that unfairly impact children, the poor and other large groups of marginalized people in our State. Georgia Appleseed is an independent affiliate of the national Appleseed network. Visit us at www.GaAppleseed.org.

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