

January 28, 2011

John Sebert, Executive Director  
Uniform Law Commission  
111 N. Wabash Ave., Suite 1010  
Chicago, IL 60602

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RE: Uniform Partition of Heirs Property Act

Dear Mr. Sebert,

I am writing to you on behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") in support of the Uniform Partition of Heirs Property Act (the "Act"), which helps to protect the interests and needs of the most vulnerable landowners.

The Lawyers' Committee, a nonprofit, nonpartisan legal organization, was founded in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address all forms of racial discrimination. In support of that purpose, the Lawyers' Committee's Community Development Project ("CDP") provides pro bono legal assistance to community organizations engaged in innovative strategies to combat land loss in minority and low-income communities, especially in cases of heirs' property. Through its Heirs' Property Initiative, CDP has partnered with local organizations in several regions to engage volunteer lawyers on heirs' property cases and policy matters, as well as held multiple workshops in communities where heirs' property families remain at risk.

Between the close of the Civil War and 1920, African Americans obtained nearly 20 million acres of land in the United States – a heroic achievement in a society largely hostile to African American property ownership. Tragically, African American families have lost the vast majority of land they acquired over the last century and, in the absence of sound legal guidance, ownership of land has become increasingly divided with the passing of each generation. The causes are numerous, but all relate in one way or another to inadequate statutes and lack of legal counsel for African American landowners. Meanwhile, the opportunity to impart this important legacy of land ownership to future generations has been greatly diminished.

Today, this problem of heirs' property afflicts thousands of African American families and communities and is a major cause of land loss and blight. Owners of heirs'



property find themselves strapped with “dead capital” and do not have access to the benefits of land ownership that other property owners take for granted: the ability to obtain a mortgage or credit, to purchase certain forms of insurance, to access governmental assistance related to property ownership, and even to sell property.

Without going into the specific provisions of the Act, which are explained more fully by our colleagues at the Heirs' Property Retention Coalition (HPRC), the Lawyers' Committee emphasizes that the Act is a major step towards rectifying many of the injustices in the current statutory regime and helping African American families not only to keep their ancestral lands, but to place those lands back into productive use. The Act serves as a model for partition statute reform nationwide and aims to usher in a changed legal climate in which owners of heirs' property are able to more effectively retain or sell their family lands under the best of circumstances. On behalf of the Lawyers' Committee, I encourage you to strongly support the Act and its adoption.

Sincerely,

Barbara R. Arnwine  
Executive Director  
Lawyers' Committee for Civil Rights Under Law