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The Honorable Kumar P. Barve
Chair, House Environment and Transportation Committee
House Office Building, Room 251

RE: HB 0777 Hearing on February 22, 2022

Dear Chair Barve and Members of the Committee,

Eastern Shore Land Conservancy (ESLC) supports HB 777 and urges a favorable report on the legislation, which serves to rectify issues with existing partition law. Passage of the Maryland Uniform Partition of Heirs Property Act (UPHPA) would enable Maryland property owners to fully utilize their land and also add the state to the list of eighteen other states that have enacted similar laws.

While heirs' properties can be found in every county in Maryland, the Eastern Shore has the highest concentration. This is due to the historical nature of the Shore, where interstate succession occurred frequently when family real estate was passed down through generations and thus there was a lack of clear title to the property. The issue today is that an heir to a property, or a tenant-in-common, can file a partition action with the court, spurring a partition sale. Speculators can target these types of sales, exploit the law to force unwilling sellers to leave their land and then take advantage of the economic incentives that come along with the property. This leaves the family members who most previously owned the property at a great disadvantage, as most likely the heirs were forced into the sale which was likely settled at an under-market value.

This Act is especially critical to preserving farmland as it would provide protections for tenants-in-common wishing to keep their land in agricultural use. ESLC strives to preserve the rural character of Maryland's Eastern Shore, seeking to implement this goal by permanently protecting the region's farms and forests, while also working to ensure that our towns are healthy and thriving. Protecting heirs' property promotes the conservation of farm and working lands by promoting the relationship between economic benefit, land retention, and family legacy on the one hand and sustainable land use on the other hand.

By supporting HB 777 and enacting the UHPA, you will enable Maryland property owners to remain on their land and have access to resources to protect that land. This Act ensures that the interests of all tenants-in-common are protected and eradicates the incentives for speculators to purchase the property below market value. If you have any questions, we are happy to provide support to members of the committee. Please reach out to Sara Ramotnik at sramotnik@eslc.org.

We urge a favorable report on HB 777 and thank you for your time and attention to this important matter.

Sincerely,

Steven K. Kline
President, Eastern Shore Land Conservancy