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MARYLAND

Enhancing and Advancing Land Conservation

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Date: February 18, 2022

Bill Number: **HB 777 - Real Property – Partition of Property**

Committee: House – Environment and Transportation

Position: Support

Forever Maryland supports, HB 777 - Real Property – Partition of Property for the purpose of preventing the loss of farmland, important landscapes, and general tenancies in common due to a lack of a will or clear intent of ownership following the death of a landowner.

Simply put, “Heirs property” often happens when a property owner, with multiple children, dies and doesn’t leave the property to a specific descendent. The property can go to children and the children’s children making for an unclear understanding of who owns the land – which is exacerbated by time. This “tenancy in common” can have a “partition action” against the land where a single co-tenant can force the sale of the entire property against the wishes of – or without the knowledge of – fellow co-tenants.

This problem isn’t unique to Maryland. It was estimated that between 1920 and 2017, the number of black-owned farms in the U.S. dropped from more than 900,000 to 45,500 and acreage shrank by more than 16 million acres. “Heirs property” issues are seen as a key reason why this loss of land has occurred. Often an outside developer can approach a cotenant and secure their share of the property to force a partition action against the rest of the family and the family can lose everything.

This bill sets procedures in place to give more respective power to descendants for when a potential “partition action” arises, with the goal of helping co-tenants be apprised of what is happening and to provide for a path where descendants can properly hold on to family land. The conservation community supports the intent of this bill as an avenue to help greater amounts of land be clear in the ownership – translating to better managed lands, fewer sprawl developments, greater conservation opportunities, and generally securing a future for diverse agriculture and land management.

Forever Maryland promotes and supports the land and water conservation community, through education, advocacy, and outreach, to permanently protect working landscapes and healthy ecosystems for all. If further information is requested, please contact the organization’s Program and Policy Director, Josh Hastings, at 410-251-5268 or Josh@ForeverMaryland.org.

We respectfully request a favorable report.

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