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Texas Appleseed Examining Need for Legal Protections of Family Land

AUSTIN -- Recent development of a model state law aimed at preserving home ownership in poor, predominantly minority communities coincides with Texas Appleseed's participation in a state working group on the far-reaching heir property issue.

Texas and other states are being asked to adopt the Uniform Partition of Heirs Property Act approved last week by the National Conference of Commissioners on Uniform State Laws. The model law would establish important legal protections for owners of heir property -- family land that has been passed down without a will, leaving families vulnerable to losing their biggest asset.

At the same time, the Texas Senate Intergovernmental Relations Committee has invited two attorneys with Texas Appleseed, a public interest law center, to help study the issue and recommend reforms.

"Texas Appleseed became aware of this issue through our hurricane disaster recovery work, when heir property owners had difficulty qualifying for federal disaster relief to repair housing," said Texas Appleseed attorney **Gabriella McDonald**.

"Texas lawmakers voted in 2009 to remove this roadblock to eligibility for recovery assistance, but people with heir property remain vulnerable to losing their family home. These families may not be able to take out mortgages or other loans to improve the family property. If one family member sells an interest in the land, it can precipitate a forced judicial sale of the property through a partition action," she said.

The model law adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) would "not only protect family land, but help families with heir property qualify for vital credit and insurance services," said Texas Appleseed **Executive Director Rebecca**

Lightsey. It would allow courts, for example, to consider how long a family has owned the land and whether that family would be left homeless if it were sold and provide legal alternatives to forced sale, such as buy-outs and physical divisions of the land.

Betsy Cavendish, director of national Appleseed, said the model law "marks a crucial step in heirs property reform, an issue central to economic stability and development in low-wealth and minority communities."

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