



GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES

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DEPARTMENT OF PLANNING AND NATURAL RESOURCES VIRGIN ISLANDS STATE HISTORIC PRESERVATION OFFICE

Thursday, January 29, 2026

Testimony to the 36th Legislature of the Virgin Islands Committee on Disaster Recovery, Infrastructure, and Planning Hearing “Heirs Property, Prolonged, and Vacant and Abandoned Historic Properties in the U.S. Virgin Islands”

Good day Senator Marise C. James, Esq., Chair of the Committee on Disaster Recovery, Infrastructure, and Planning, distinguished members of the 36th Legislature of the Virgin Islands present, and the listening and viewing Public.

My name is Sean L. Krieger, and I am the Director and Deputy State Historic Preservation Officer for the Virgin Islands State Historic Preservation Office (VISHPO) within the Department of Planning and Natural Resources. I appear before this Legislative assembly on behalf of the Virgin Islands Historic Preservation Commission to provide testimony on the intersection of heirs' property, prolonged probate, and the troubling growth of vacant and abandoned buildings in our historic towns. The Committee's letter asked that VISHPO explain our statutory tools and limits, the practical constraints we face when title is fragmented or in probate, and recommendations—legal, administrative, and policy—to arrest “demolition by neglect” and accelerate stabilization and reuse. First allow me to clarify that the matter of managing the adverse effects of prolonged probate processes is the responsibility of the Virgin Islands Historic Preservation Commission and its district Committees. Therefore, my comments will be focused from the perspective of the Historic Preservation Commission

In 2019 the Legislature of the Virgin Islands enacted Act 8169, a sweeping package that modernized non-probate and probate-adjacent tools:

- **Uniform Nonprobate Transfers on Death & Uniform Real Property Transfer on Death (TOD) Act** codified in 15 V.I.C. ch. 13, subchs. II & III): lets owners record a *revocable* deed naming a beneficiary, so real property passes **outside probate** at death—reducing court load and title fragmentation.
- **Uniform Disclaimer of Property Interests** (15 V.I.C. ch. 13, subch. IV): streamlines renunciations that can untangle estates.
- **Uniform Custodial Trust Act** (15 V.I.C. ch. 60): a low-cost vehicle to manage assets for elders or incapacitated owners.
- **Uniform Partition of Heirs Property Act (UPHPA)** (28 V.I.C. ch. 21, subch. II): gives families due-process protections (notice, independent appraisal, co-heir buyout rights, preference for partition-in-kind) to curb predatory partition sales.

These reforms align with national best practice are strong and when used widely reduce heirs-property loss and court congestion. So with such good laws on the books for dealing with Probate matters, why is there still a bottleneck in the process. The simple answer is capacity and process, not a lack of legal tools.

II. The Reality on the Ground: Capacity Constraints Drive Delay

Recent judicial briefings to this Legislature reported between 11,000 to 12,000 pending cases in the Superior Court of the Virgin Islands, with officials directly attributing backlogs to judicial vacancies and limited judge time—including the probate docket. Proposed fixes include allowing judges to continue serving pending confirmation, recalling retirees, and authorizing part-time magistrates.

The Probate Division itself confirms it holds exclusive jurisdiction for estates and outlines procedures under the Virgin Islands Rules of Probate—processes that are formal, sequential, and staff-dependent. When estates involve multiple heirs, unknown addresses, or intestacy, files can sit for long periods awaiting pleadings, notices, or hearings.

What this means for historic buildings in the Virgin Islands:

- Properties tied up in probate or unclear title often cannot access loans, tax credits, or insurance; families hesitate to invest while ownership is unresolved.
- Demolition by neglect accelerates as roofs fail, water intrudes, and code violations multiply—especially in dense historic districts. Comparative research shows that without proactive enforcement and interim control tools; buildings decline to the point of “no return.”
- Extended timelines increase the risk of successive deaths and re-opening or branching of estates, multiplying heirs and notice requirements—one driver of heirs’ property nationwide.

III. Clearing up a misconception on the Probate process and the Historic Preservation Commission

1. “Does HPC review delay probate?”

The answer is a resounding No. HPC review applies to exterior alterations, demolitions, and new construction in local districts and only after an applicant with legal standing seeks an application review.

- **VIHPC does not adjudicate ownership.** If an applicant lacks standing due to unresolved title, VIHPC cannot even docket a substantive application much less issue permits. That pause is a downstream effect of probate—not a cause. In other words, our process is not the source of probate delays; rather, probate delay prevents applicants from coming to HPC with actionable plans.
- 2. When a lawful applicant appears for HPC review timelines are finite and predictable.

IV. What Other Jurisdictions Do (Best Practices We Can Adapt)

A. Court-adjacent fixes to reduce probate delay

- **Dedicated Probate Teams & Continuity of Judges.** Jurisdictions under strain extend judicial terms to prevent gaps and deploy **retired/senior judges** on short stints; this is exactly what V.I. judicial leadership has proposed to the Legislature.

- **Promote TOD Deeds + Heirs' Education.** States and national actors (ULC/ABA/financial sector) promote Transfer-on-Death deeds to avoid future probate for homes; pairing outreach with simple forms and recording guidance markedly reduces new filings. This education on TOD Deeds can be easily incorporated into the Virgin Islands Enterprise Zone Commission's Estate Planning Workshops that have become very popular over the years.

B. Property control & stabilization tools that operate *even when title is messy*

- **Conservatorship/Receivership for Blight.** Pennsylvania's Act 135 allows courts to appoint a conservator to stabilize an abandoned, code-deficient building when owners fail to act—used in Philadelphia to save registered historic buildings (e.g., the Robert Purvis House) and return them to productive use. The owner retains surplus proceeds after costs, preserving equity while stopping demolition by neglect.
- **Receivership to Abate Nuisances (Baltimore).** Baltimore's housing court receivership moves chronically vacant buildings to vetted rehabbers under court order; thousands of cases have been filed to compel rehabilitation or transfer, with documented block-level impact. (State now layers in major funding through the Baltimore Vacants Reinvestment Initiative.)
- **Land Bank + Nuisance Abatement (Detroit).** Detroit's Land Bank uses civil nuisance abatement suits: owners must rehabilitate under compliance agreements or risk transfer to the land bank; the tool has produced rehabs but also generated legal scrutiny.

C. Preservation-specific enforcement & incentives

- Support the Virgin Islands Historic Preservation Commission Enforcement Updates that will allow code revisions to strengthen the enforcement of historic district violations, including neglected buildings and demolition by neglect. The VIHPC with the support of DPNR has completed the draft of this code update and is pending submission to the Legislature.
- Increase additional funding sources for the Virgin Islands Reconstruction and Restoration Revolving Fund. Presently the fund is supported by a 2 percent contribution from the Casino Control Commission. The VIHPC proposes that this fund should also receive funding from the Tourism Fund

to support a vital component of our tourism product, the historic towns of Christiansted, Frederiksted, Charlotte Amalie, and Cruz Bay. This increase funding will allow the Commission to also extend their preservation and restoration work to all Virgin Islands historic registry sites and places as mandated by statute. This will also increase the work of the Commission in the area of Heritage Tourism, a sector that is mostly untapped in our territory, but holds much potential. The VISHPO is also working on these opportunities in partnership with the National Park Service for the development of the St. Croix National Heritage Area.

V. Recommendations

- a. **Pass the Judiciary's continuity bill** (keep judges on the bench until successors are confirmed; expand authority to recall retirees and appoint part-time magistrates). Tie implementation to measurable backlog reduction for probate specifically.
- b. **Create a Probate Acceleration Team** (two districts St. Thomas-St. John and St. Croix): dedicated law clerks and case managers to clear notice defects, track filings, and calendar status conferences, based on jurisdictions that improved clearance rates. Publicly report age-of-case for probate quarterly.

2) Clarify & expedite actions during probate

- a. **Express statutory authorization** for court-approved interim repairs and estate sales to preserve value and address life-safety hazards, with fast-track motion practice and standardized forms. (Confirming in statute and practice guides will dispel the community belief that “no work/sale is allowed during probate.”)
- b. **Magistrate-handled dockets** for uncontested probate steps (notice, personal representative appointment, bond adjustments), freeing judge time for contested matters.

3) Scale up probate-avoidance & title-clearing tools

- a. **TOD Deed Campaign.** Fund a Recorder of Deeds + Bar Association outreach to record **transfer-on-death deeds** for owner-occupied homes—simple clinic model, fee waivers for seniors, and “How-To” one-pagers. As mentioned before, this could be partnered with the Enterprise Zone Commission, which has a similar campaign for Estate Trust and Wills.

b. Heirs' Property Legal Aid & Title Clearing Fund. Partner with legal-aid and community groups (modeled on the Center for Heirs' Property in the Lowcountry) to mediate family agreements, prepare affidavits of heirship where appropriate, and finance surveys, quiet-title actions, and recordings. The St. Croix Historic Preservation Committee Chair Collette Woodson-Burgess has committed to using some of the proceeds from the sale of the Hospital Street property to the Z Development Company for this very purpose.

4) Adopt a Virgin Islands Conservatorship/Receivership statute for blighted buildings

VII. Closing

Act 8169 gave us the right laws. To realize their promise, the Territory needs judicial capacity, clear probate-period authorities to protect property, and tools that let courts stabilize truly abandoned structures while preserving owner equity and historic character. With targeted investments and the statutory refinements outlined above, we can move properties from limbo to life—safely, fairly, and faster.

Thank you for the opportunity to testify. I remain available to answer questions from the Committee.