

# RURAL LLSC



# RAISING THE ROOF

**Untangling Heirs' Property:**

Navigating the Impact on Homeownership and Wealth Equity

28 February 2024, 3:00pm ET



# **A Methodological Approach to Estimate Residential Heirs' Property in the United States**

Housing Assistance Council,  
in collaboration with Fannie Mae

Natasha Moodie

Dr. Keith Wiley

Lance George

# Housing Assistance Council

HELPING BUILD HOMES AND COMMUNITIES ACROSS RURAL AMERICA

**RESEARCH AND  
INFORMATION**

**TRAINING AND  
TECHNICAL  
ASSISTANCE**

**LENDING**

**RURAL POLICY**

# Heirs' Property



When a property owner dies without a will or another form of estate planning, the property is transferred to their descendants (heirs) as undivided property.



Sometimes, property owners choose to leave the land to multiple descendants, but the property has not completed the formal transfer of the title.

# Household and Community Implications

## Property titles are required for:

- Market Participation
- Loans
- Insurance
- Federal Grants



## Impacts of Not Having Clear Title:

- Decreased agency for property owners
- Vulnerable to Property Loss
- Increased Dilapidation and Vacancy
- Loss of Generational Wealth
- Decreased tax base and property tax revenue



# Heirs' Property Systemic Causes

## Systemic Issues:

- Exclusion from the financial and legal system
- Lack of cultural inclusivity in legal and financial systems
- Hesitancy in engaging with the legal system
- Legal and financial deserts

## Barriers to Probate:

- Financial constraints
- Familial issues
- Varied understanding of the legal system and probate process
- Legal desert

# Research Methodology

Owner Characteristics	Property Characteristics
<p>Residential properties owned by multiple real persons with no indication of probate or formal title transfer after the death of an owner</p>	<p>Analysis of property characteristics to identify properties with indicators aligned with a lack of clear title</p>

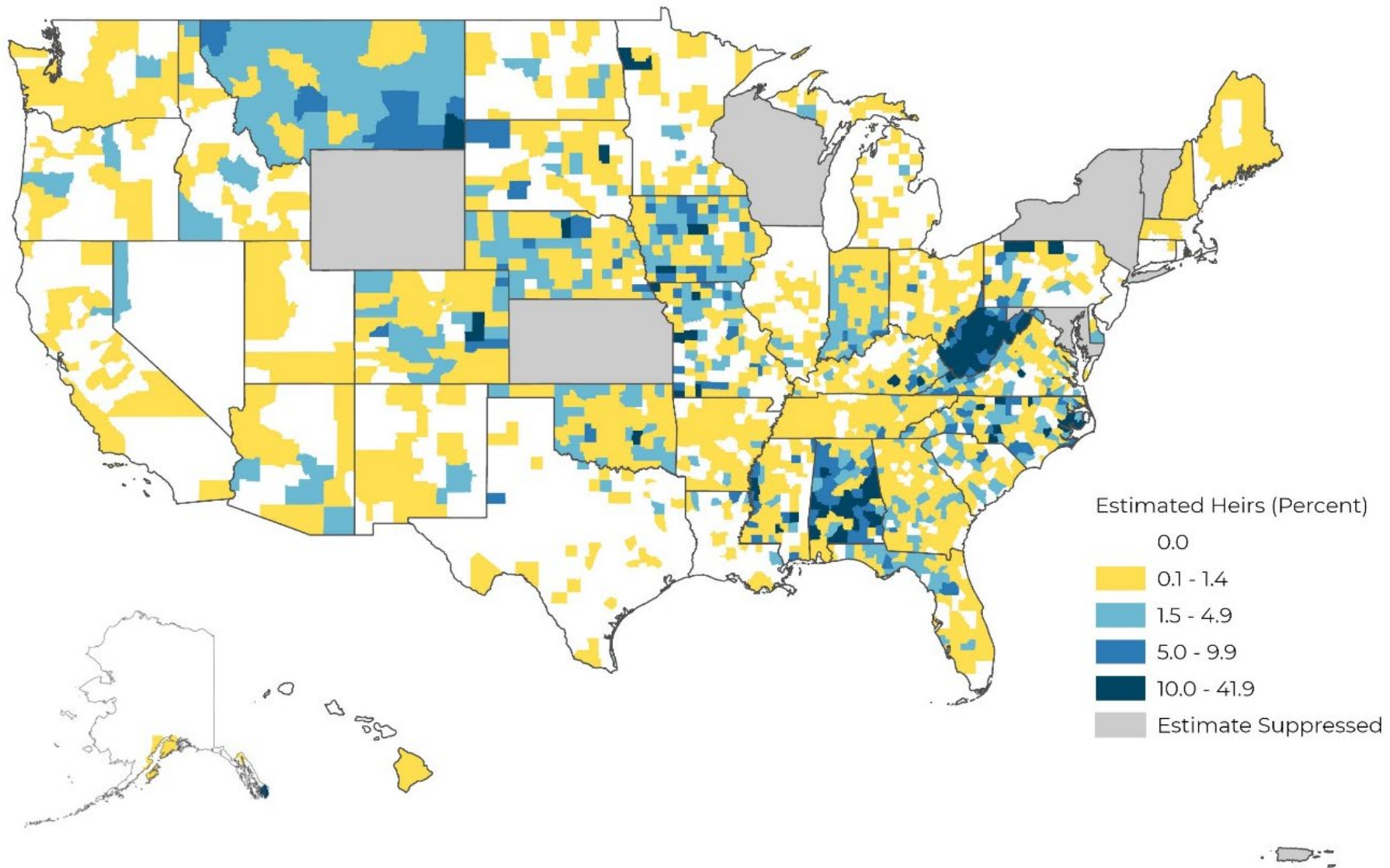
# Findings: Estimate of Heirs' Property\*

Identified Heirs' Property	Total
Total Residential Properties	94, 201, 062
Total Estimate of Identified Heirs' Properties	<b>508, 371 (0.5%)</b>
Total Assessed Value for Identified Properties	<b>\$32.3 Billion</b>

\*The findings are based on estimates from 44 States and the District of Columbia. The omitted states are Kansas, Maryland, New York, Vermont, Wisconsin, and Wyoming.



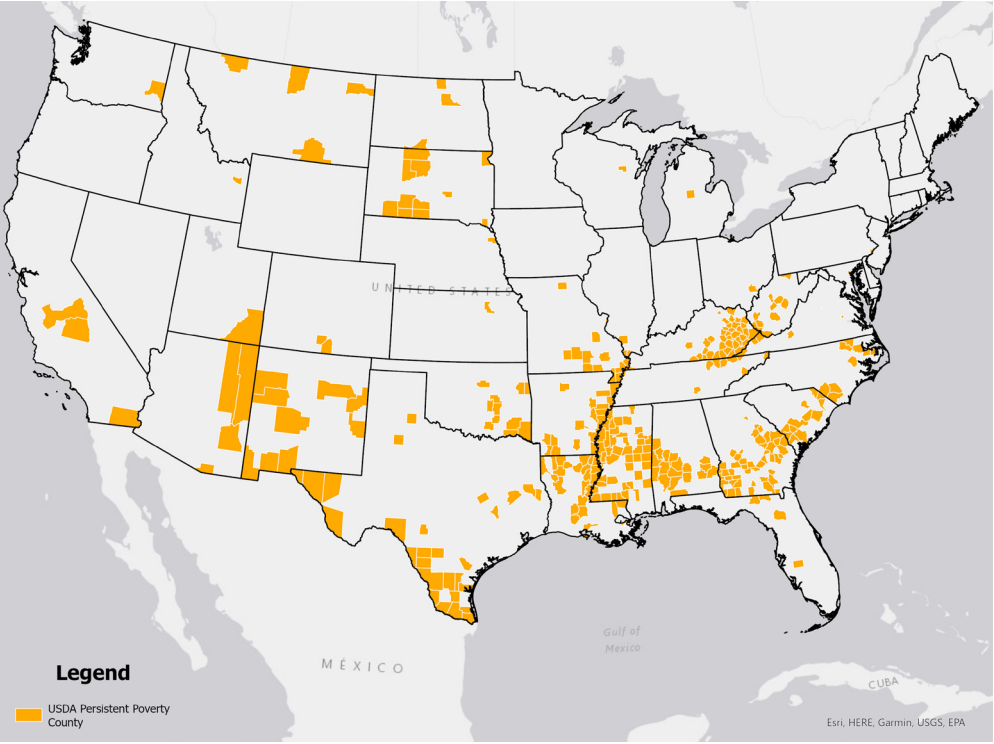
# Prevalence of Heirs' Property by County (Estimate)



Source: Housing Assistance Council Tabulations of BKFS Data.

# Persistent Poverty Counties

Counties with poverty rates of 20% or higher over three decades.

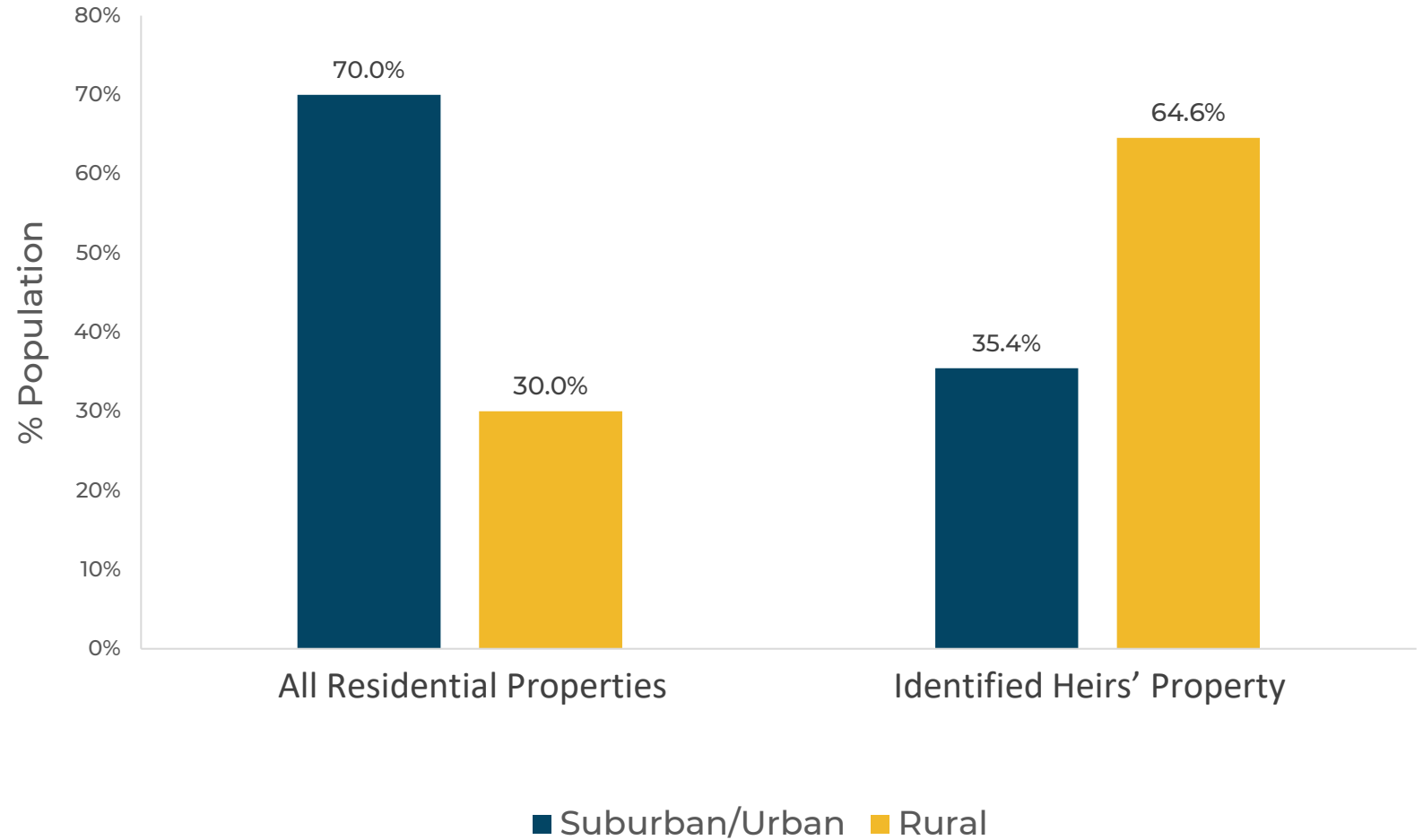


Classification	All Properties	Estimated Heirs' Property	Percent Heirs' Property
Persistent Poverty	5,173,671	62,792	<b>1.2%</b>
All Other Counties	89,027,391	517,579	0.6%
Total Properties in the 44 States and D.C.	94,201,062	580,371	0.6%

# Rural Counties

**64.6%** (374,770) of all identified heirs' properties are in DTS rural census tracts

FHFA Duty to Serve Rural Geography and Identified Heirs' Properties



# Considerations

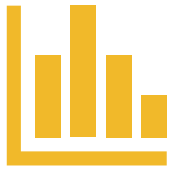
The estimates are conservative

Research did not include vacant properties or farmlands

Further regional research is needed

Data varied by county and state

# Looking Forward



Regionally focused  
quantitative and  
qualitative research



Collaboration between  
housing and community  
development fields with  
legal firms, academia, and  
agriculture.



Housing Policy



Housing Finance

# Looking Forward

## Benefits for Families and Communities:

- Increased agency as property and landowners
- Land tenure and retention
- Defensiveness against homelessness
- Increased access to equity
- Reducing the racial wealth gap and homeownership gap
- Increased land value in the community
- Community preservation



*Photo : Rory Doyle – There is More Work to Be Done*





[www.ruralhome.org](http://www.ruralhome.org)

The Housing Assistance Council

*Photo : Jennifer Emerling – There is More Work to Be Done*







COMMUNITY LAWYERING  
A PRACTITIONER'S PERSPECTIVE

# COMMUNITY LAWYER PRACTITIONER PERSPECTIVE

Navigate and  
resolve legal issues  
related to Heirs'  
Property

Help families find/use  
resources to position the  
property in a way to leverage  
and maximize heirs' property  
and add value to  
the generational wealth.

Know the People,  
Community,  
Culture and History



# RESOLVING THE LEGAL ISSUES

Probate and or Partition (Uniform Partition of Heirs' Property Act  
Florida Statutes 64.201-64.214

Post-Disaster

Eviction

Property Taxes (Arrears/Property Exemptions)

Deed Preparation/Correction

Title Issues

# FAMILY TO-DO LIST

- Locate Family Members
  - Names, Contact Information and provide the information to the attorney
- Get the Family Together
  - (In-Person or Zoom)
  - Get to know Each Other
  - Share resources
  - Create a Vision for the Property
  - Create a Maintenance Plan for the Property (Legacy & Financial). This will include Estate Planning for Family Members
- Locate/Follow-Up with Resources
  - Local/State/Federal Resources ie Grants for Rehab, Forestry Experts, Surveys
  - Tax Collector's Office (Payment Plan)



# **BUILDING CLS's HEIRS' PROPERTY INITIATIVE**

## **Solidify Partnerships**

- HELP CDC (HUD-certified housing provider)
- FAMU Law Student Fellowship
- Family Dynamics (Free Mediation Service: Federation of Southern Cooperatives)

## **Outreach (Making Connections and Getting the Word Out)**

- Attend/Sponsor/Support/Invest in Community Events
- Meet with Local Representatives, County Government (Property Appraiser)
- Community Education Events/Workshops (In-Person and Virtual)
- Local Library, Community Center, Churches, Chamber of Commerce
- Center of Knowledge (Community Advocate)

## **Create an Ecosystem that Supports Legal Work**

- Attend Conferences
- Engage with Network of Practitioners

# PIHPA Initiative (Public Interest Heirs' Property Attorneys)

## Heirs' Property Statewide Initiative:

- Educating Florida residents about heirs' property issues and challenges
- Representing clients with heirs' property issues
- Avoiding the creation of future title problems
- No-cost civil advocacy for the most vulnerable in our communities such as those who are income challenged, have a disability, are victims of domestic violence, veterans, and the elderly.

## PIHPA: Umbrella Group

### Covers 57 of Florida's 67 counties

- Bay Area Legal Services (Tampa/St. Petersburg)
- Community Legal Services (Central Florida)
- Legal Aid Society of Palm Beach County
- Legal Services of Greater Miami (Miami-Dade and Monroe)
- Legal Services of North Florida (North Florida Panhandle)
- Three Rivers Legal Services (North Central Florida)

# FLORIDA PUBLIC INTEREST HEIRS' PROPERTY ATTORNEY (PIHPA) DIRECTORY

## Community Legal Services of Mid-Florida

- **Darlene Bell-Alexander, Esq.**  
Senior Managing Attorney, Real Property Rights Protection  
**Email:** [darleneb@clsmf.org](mailto:darleneb@clsmf.org)  
**Website:** [www.clsmf.org](http://www.clsmf.org)
- **Counties Served:** Brevard, Citrus, Flagler, Hernando, Putnam, Lake, Marion, Orange, Osceola, Sumter, Seminole, Volusia (Special Programming for Eatonville, FL)
- **Heirs Property Services Offered:** Probate, Title clearing, Will Preparation and Deed Preparation, Advanced Directives and Power of Attorney, Referrals to Mental Health services and Free Family Mediation, Limited Partition Actions (UPHPA)



## Legal Services of North Florida

- **Kristin Northrup, Esq.**  
Supervising Attorney | Real Property Rights Protection  
**E-mail:** [kristin@lsnf.org](mailto:kristin@lsnf.org)  
**Website:** [www.lsnf.org](http://www.lsnf.org)
- **Counties Served:** Serving Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties
- **Heirs Property Services Offered:** Title clearing and estate planning





# FLORIDA PUBLIC INTEREST HEIRS' PROPERTY ATTORNEY (PIHPA) DIRECTORY



## Three Rivers Legal Services

LaTonya Lipscomb Smith, Esq.

Project Manager, Heirs' Property Project

Helpline: 1-866-256-8091

Website: [www.trls.org](http://www.trls.org)

- **Counties Served:** Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, St. Johns, Suwannee, Taylor and Union Counties
- **Heirs Property Services Offered:** Probate, Will & Deed Preparation, Advanced Directives and Power of Attorney, Assist w/ Payment of Property Tax Arrears, Community Education Presentations, Limited Partition Actions (UPHPA)



## Bay Area Legal Services

Pye N. Young, Esq.

Managing Attorney--St. Petersburg Office

E-mail: [pyoung@bals.org](mailto:pyoung@bals.org)

Website: [www.bals.org](http://www.bals.org)

- **Counties Served:** Serving Hillsborough, Pasco, Pinellas, Manatee, Sarasota
- **Heirs Property Services Offered:** Deeds and Title Clearing



# FLORIDA PUBLIC INTEREST HEIRS' PROPERTY ATTORNEY (PIHPA) DIRECTORY



## Legal Services of Greater Miami

Lisa M. Lauck, Esq.

Advocacy Director Consumer Law

Email: [llauck@legalservicesmiami.org](mailto:llauck@legalservicesmiami.org)

Website: [www.legalservicesmiami.org](http://www.legalservicesmiami.org)

- **Counties Served:** Serving Miami-Dade County and Monroe Counties
- **Heirs Property Services Offered:** Will and Deed Preparation, Probate and Title Clearing



## Legal Aid Society of Palm Beach County

Tequisha Y. Myles, Esq.

Fair Housing and Elder Law Projects

Email: [Tmyles@legalaidpbc.org](mailto:Tmyles@legalaidpbc.org)

Website: [www.legalaidpbc.org](http://www.legalaidpbc.org)

- **Counties Served:** Palm Beach County, Martin, St. Lucie, Okeechobee, and Indian River
- **Heirs Property Services Offered:** Probate, Title clearing, Will Preparation and Deed Preparation, Advanced Directives and Power of Attorney



# STAKEHOLDERS

- Create Holistic Programs to Support Heirs' Property Families and Practitioners
  - Legal, Outreach, Policy
  - Streamline and Share Resources by State/County
  - Continue to create strategic and collaborative partnerships to maximize resources for families (Community programs, law schools, national heirs' practitioner networks, State and Local Bar Associations and other public interest firms)

*Legal Aid For All*

**COMMUNITY**

**LEGAL SERVICES**

A white line-art illustration of a woman, likely representing Lady Justice, wearing a blindfold and holding a pair of scales of justice. She is positioned to the right of the word 'COMMUNITY' and partially overlaps the word 'LEGAL SERVICES'.

Darlene Bell-Alexander, Esq.

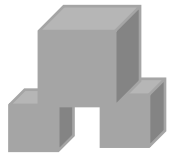
[darleneb@clsmf.org](mailto:darleneb@clsmf.org)

HELPLINE: 1-800-405-1417

# Strategy



LISC & partners utilize data to identify neighborhoods



Residents and partners design interventions



LISC provides resources to support interventions



Ownership is preserved and equity gains accrued

## How Local Partners Can Build an Ecosystem to Address Heirs' Property



### Examples of opportunities within the ecosystem include:

#### Research

- ✓ Community member input
- ✓ Data modeling
- ✓ Policy analysis
- ✓ Public polling

#### Community organizing

- ✓ Advocacy training
- ✓ Community outreach
- ✓ Mobilization

#### Infrastructure

- ✓ Organizational bandwidth
- ✓ Partnership building
- ✓ Staff time

#### Communications

- ✓ Media outreach
- ✓ Messaging
- ✓ Policymaker education
- ✓ Public education
- ✓ Narrative change

### Questions to consider:

IN WHICH AREAS OF THE ECOSYSTEM CAN YOU MAKE A DIFFERENCE?

WHAT ARE THE GAPS?

HOW CAN YOU COLLABORATE WITH OTHERS TO ADDRESS THESE GAPS?

# LISC JACKSONVILLE HEIR'S PROPERTY ONLINE TOOLKIT

## SCAN THE QR CODE

Visit the online LISC Jacksonville Heirs' Property Toolkit website to access the resources listed below and the full online toolkit.



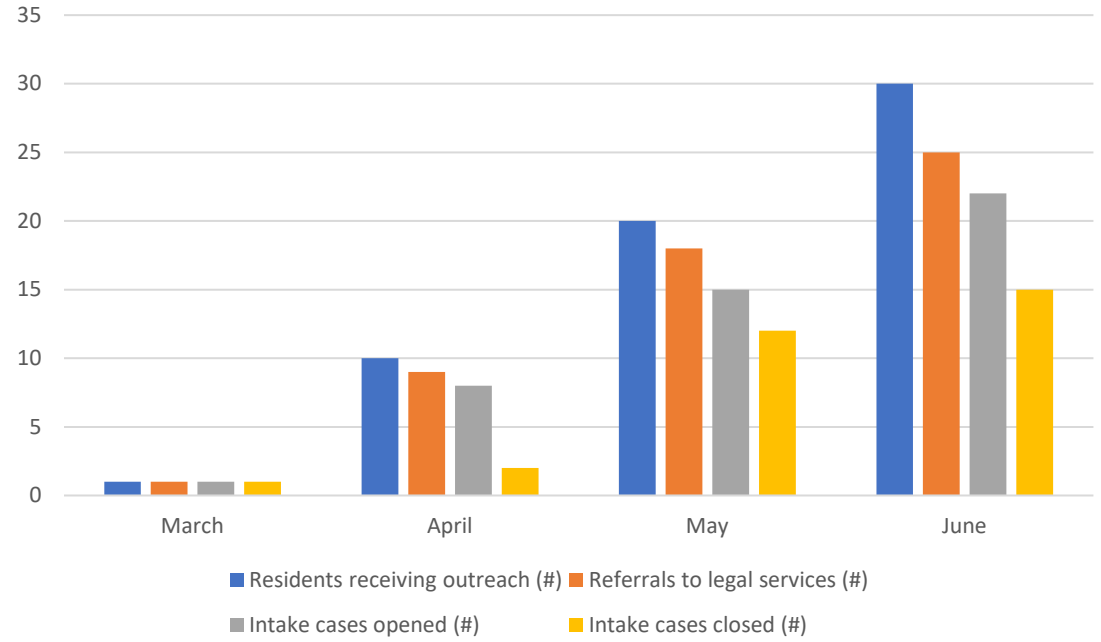
[www.liscjaxhptoolkit.org](http://www.liscjaxhptoolkit.org)



Strategies	Description
<b>Civil Legal Services &amp; Counseling</b>	<ul style="list-style-type: none"><li>• <b>Free legal support to heirs' properties</b></li><li>• <b>Estate planning for Seniors</b></li></ul>
<b>Tax Diversion and Counseling</b>	<ul style="list-style-type: none"><li>• <b>Property tax relief fund</b></li><li>• <b>Exemption enrollment to reduce property taxes</b></li></ul>

# Sample Format: Outreach to Intake Pipeline

- Identifies party responsible for data collection
- Tracks month to month changes
- Can be used to describe outreach and referral flows over time, for team discussion



Outcome	March	April	May	June	Responsible Party
Residents receiving outreach (#)	1	10	20	30	Community Partner
Referrals to legal services (#)	1	9	18	25	Community Partner
Intake cases opened (#)	1	8	15	22	Community Partner
Intake cases closed (#)	1	2	12	15	Community Partner



# What we're learning

Data driven, culturally relevant outreach

Unclear ownership impacts home value

Leverage \$68T wealth transfer



# Heirs Property in Virginia

**Jonathan Adkins-Taswell MCRP**

**LISC-Virginia: Program Officer for Housing  
and Capacity Building**

**C 804-494-8420**

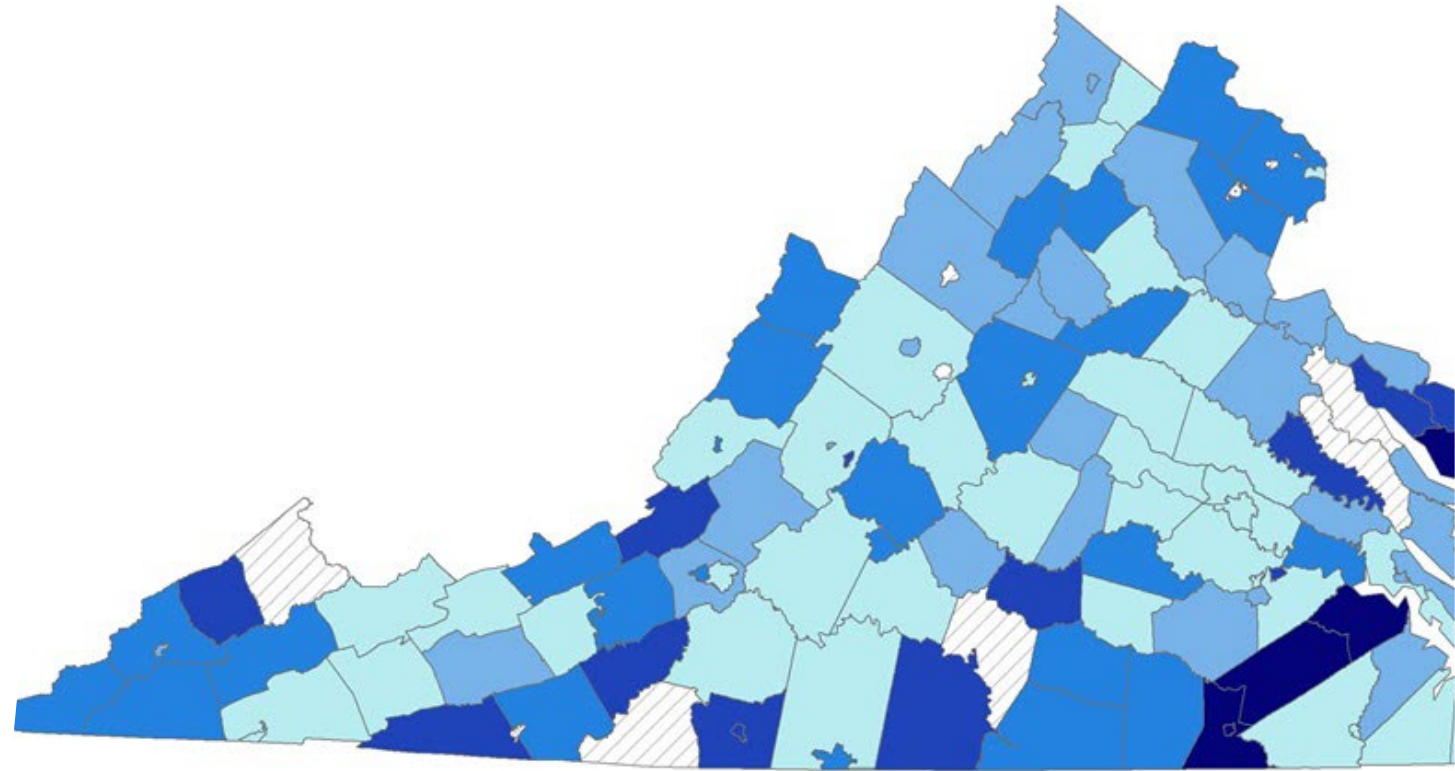
**E [JATaswell@lisc.org](mailto:JATaswell@lisc.org)**

**[www.lisc.org/virginia](http://www.lisc.org/virginia)**

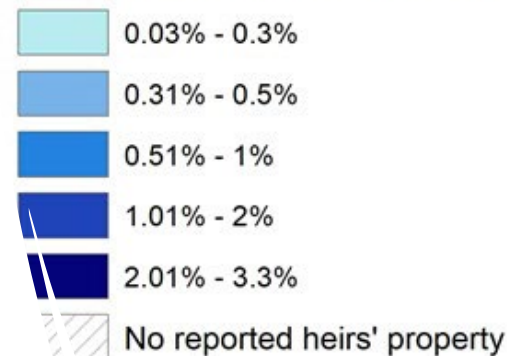


# Understanding the Need

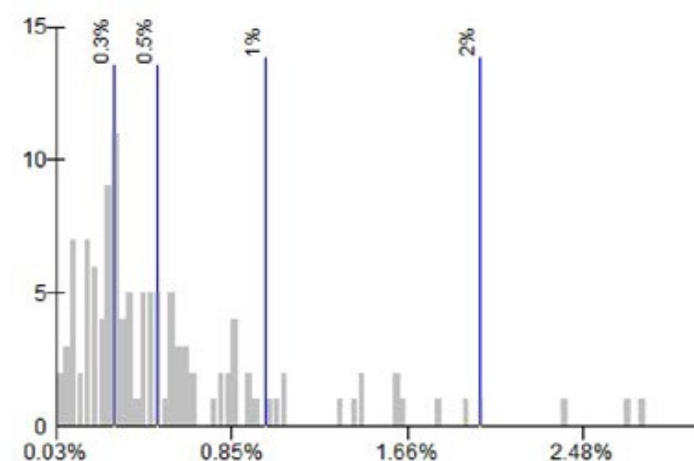
- In Virginia, Heirs property is governed by state law, which may include provisions for partition sales and mechanisms for clarifying title.
- According to a recent study completed by Auburn University: **Virginia identified 55,404 known HP totaling 513,214 Acres and estimated at \$8,086,128,465 in total market value.**
- In June 2023, the Richmond Times Dispatch reported that Based on the geography of these likely households, a majority are low-income, households of color.
- Over 130 properties in Richmond, Virginia were delinquent for five or more years, owing \$2.2 million in back taxes. **Furthermore, when facing tax delinquency the City Attorney's office estimates that roughly 40% of the cases facing tax auction are subject to heirs property.**



Percent Known Heirs' Property

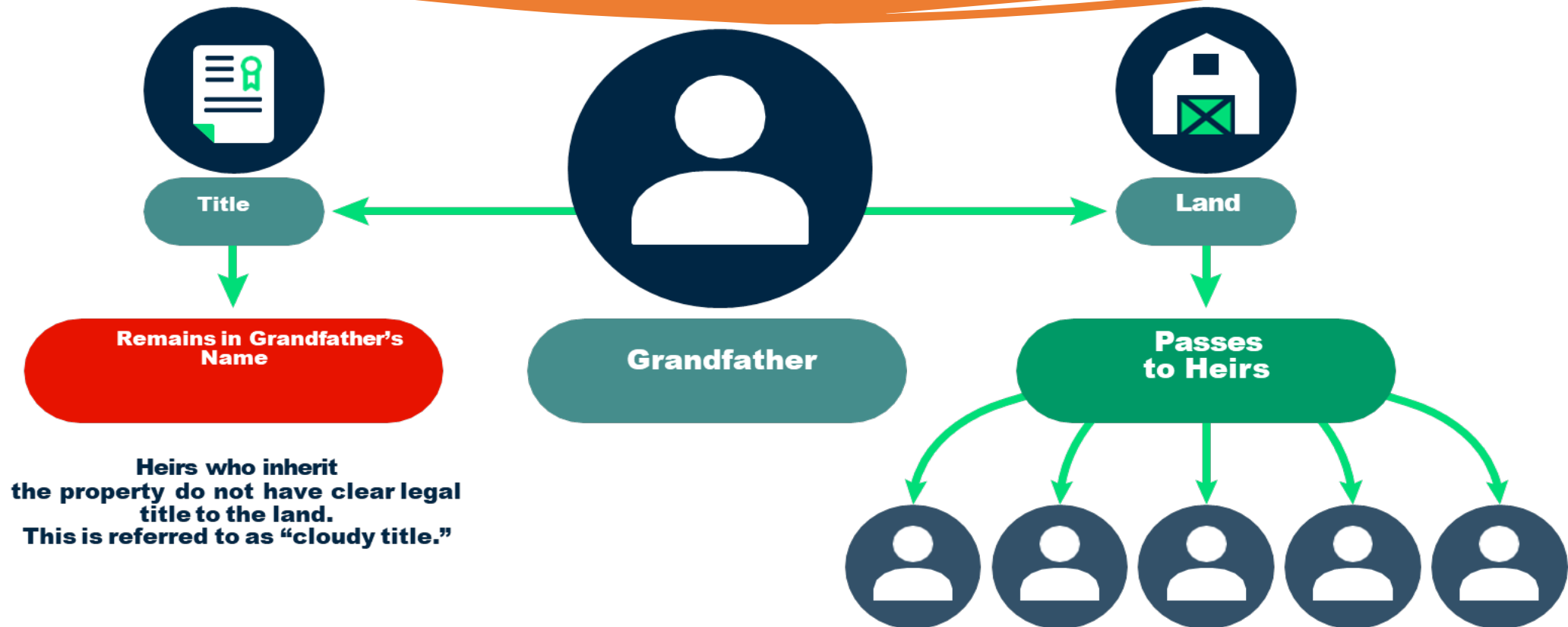


Data Distribution



# Separation of Land and title

- Virginia Heirs' property owners are especially vulnerable to losing their land because they are subject to partition actions to physically divide or sell the land, which often face legal challenges and hinder economic development. "[Center for Agriculture and Food systems](#)"





# Virginia Heirs Pilot Program

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1. Legal Assistance and Title Clearing Services
2. Financial Support for Property Owners
3. Stakeholder and Community Outreach Education
4. Policy and law Advocacy and Support
5. Securing Funding from Government and Private Sources



# Resources for Heirs Property Owners

**Learn VA** - Owned and operated by  
*Karla Carter, Esq*

**LEARN VA:** *or Legal Education and Resource Network of Virginia, is an organization that builds solutions for low-wealth communities through community outreach and education, legal training for attorneys, and limited-scope attorney representation models. Through the support of Dominion Energy and grants.*

**HDAdvisors** *with LEARN VA will conduct intakes for referred clients, conduct limited scope representation of clients, and make referrals to the pro-bono network for legal services required.*

**Dominion Energy** *has committed to supporting LEARN VA and providing a paralegal as support staff, as well as developing and housing shared networks and resources.*

**Pro Bono Legal services** *led by Karen Cohen, Esq. with Gentry Locke and Troutman Pepper*

**Pro Bono Firms:** *The network of attorneys led by Karen Cohen, has developed training opportunities through the Virginia State Bar for attorneys to learn more about heirs property.*

*Heirs Property clients will be referred to attorneys from Gentry Locke, Troutman Pepper*

**Virginia Poverty Law Center (VPLC):** *The VPLC has also committed to hiring an attorney dedicated to serving clients of the Richmond Heirs Property Network..*



# Conclusion

By creating more Heirs Property Programs, we can empower communities, promote economic development, and preserve Wealth and land ownership for future generations. Building a more equitable and sustainable future.

# Thank you for attending!



*Ideas? Suggestions? Please contact Keegan McChesney at [kmcchesney@lisc.org](mailto:kmcchesney@lisc.org).*

RURAL LISC