



GEORGIA HEIRS PROPERTY
LAW CENTER

HEIRS PROPERTY AND YOUR CDBG PROJECT

How Heirs Property Affects Housing & Blight in Georgia

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DISCLAIMER

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TANGLED TITLE AND HOUSING

Understanding heirs property (aka tangled title) is critical to preventing blight and sustaining revitalization.

- The Georgia Heirs Property Law Center, Inc. is a nonprofit law firm that empowers families impacted by heirs property by providing direct legal services required to fully realize and increase the economic benefits of real property ownership.



WHAT IS HEIRS PROPERTY?

- Home or land that has been passed from **generation to generation** in such a way that multiple people own the same piece of property.
 - The recorded deed for the property is typically in the name of the deceased relative.
 - This results in **“fractured” or “tangled” title** shared among multiple family members.
- Heirs property is created when:
 - The owner dies **with a will** leaving property to **multiple beneficiaries**; or
 - The owner dies **without a will** so the property passes to heirs at law via **intestate succession**.





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WHAT DOES IT MEAN TO OWN HEIRS PROPERTY?

Owners of heirs property are **tenants in common**:

- **Each** heir has equal rights to full use and possession of the property.
- **Each** heir is legally responsible for taxes and other property-related expenses.
- **Each** heir may transfer interest in property to another heir or outsider.
- **Each** heir may seek a partition of the property (in kind or by sale).
- **Each** heir must agree to any major decisions about the property.





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PROBLEMS FACING HEIRS PROPERTY OWNERS

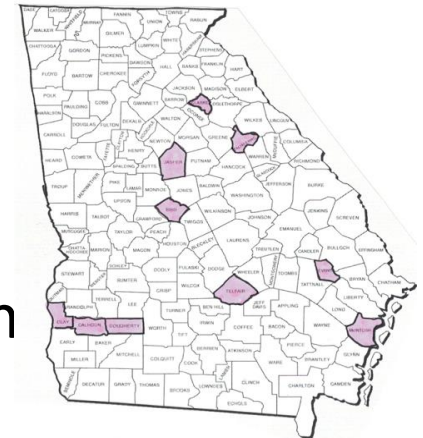
- Face increased risk of **forced sale and eviction**.
- **Cannot sell or mortgage** property without agreement of all heirs.
- Cannot qualify for **rehab programs** or **secure financing** for needed repairs.
- May not be able to participate in **government programs** offered by USDA, HUD, FEMA, and other federal and state agencies.
- May not qualify for **loss mitigation programs** when facing foreclosure.
- May not be able to qualify for **homestead exemptions** to reduce property tax burden.
- Can lose a connection to **family history and community**.
- Can also lose the sense of **independence** associated with ownership.
- May **ruin or permanently damage** family relationships.



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HOW WIDESPREAD IS HEIRS PROPERTY?

- USDA Forest Service and UGA Carl Vinson Institute recently studied **heirs property in 10 non-metro** Atlanta counties.
 - Study identified **38,120 acres** as probable heirs property;
 - Heirs property totaled **11% to 25% of total acreage** within individual counties; and
 - Heirs property in those 10 counties had a total tax assessed value of **\$2.15 billion**.
- Heirs property is created **every day**, as owners die without wills or don't engage in thoughtful estate planning.





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GEORGIA HEIRS PROPERTY LAW CENTER

The Georgia Heirs Property Law Center's mission is to increase generational wealth, social justice and community stability by securing and preserving property rights.

- 5 attorneys, 2 community advocates, 1 social worker, a network of pro bono volunteers, and grassroots organizational partners.



- State-wide work with geographic focus and outreach in **Atlanta and Southwest Georgia.**

- Offices in **Atlanta, Athens, Fitzgerald and Macon.**





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WHAT DOES THE CENTER DO?



Legal support for families, individuals, nonprofits and municipalities through:

- Title audits;
- Title clearing; and
- Remediation of fractured title.



Land loss prevention services to help slow down land loss and secure property assets through:

- Legal and mediation counsel; and
- Development of estate plans and assistance with financial planning.



Asset education through:

- Education of community members and stakeholders about heirs property and potential impact on owners and their communities; and
- Education of landowners about ways to increase the value of their property and generate wealth now and for future generations.



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WHO ARE THE CENTER'S CLIENTS?

- Since 2015, the Center has provided legal services and closed **198 matters** - 55 title clearing matters, 75 title search/audits, and 72 estate planning matters.
- The Center currently has **115** open title clearing and estate planning matters in **38 counties** with a total tax assessed value of **\$10.4 million** - 50 in metro Atlanta area and 65 in Central and Southern Georgia.
- The Center, in collaboration with private attorneys and prop bono title companies has reviewed titles for **185 tracts of land** collectively valued at **\$12.26 million**.



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WHO ARE THE CENTER'S CLIENTS?

- The Center received **81** inquiries from individuals seeking assistance this past quarter.
- The Center's **average client**:
 - Is **64 years old**;
 - Has an annual household income of **\$37,272**.
- The Center, solely or in collaboration with nonprofit and governmental partners, has completed 214 community outreach programs, trainings, and stakeholder meetings in 38 counties and trained approximately **7,100 individuals**.





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HOW CAN THE CENTER HELP YOU?

Municipalities

- Educational Workshops on Heirs Property and Estate Planning
- Heirs Property Prevention and Wills Clinics
- Assess Condition of Title
- Title Remediation
- Disaster Recovery & Resiliency Workshops





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QUESTIONS?

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