



GEORGIA HEIRS PROPERTY
LAW CENTER

Heirs Property, Blight & CDBG Projects

**GEORGIA HEIRS PROPERTY LAW CENTER: BUILDING GENERATIONAL WEALTH AND
STRENGTHENING COMMUNITIES**

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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**.

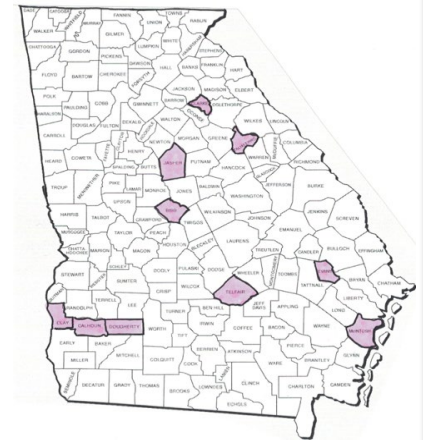




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HOW WIDESPREAD IS HEIRS PROPERTY?

- 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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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.
- **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.
- **Each** heir must agree to any major decisions about the property.





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WHY IS HEIRS PROPERTY A PROBLEM?

- Heir(s) living on property faces an increased risk of **forced sale and eviction**.
- Heirs **cannot sell, mortgage or lease** the property without agreement of all heirs.
- Heirs cannot qualify for most **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.
- Heirs cannot qualify for **loan modifications and other loss mitigation programs** when facing foreclosure.
- Heirs may not be able to qualify for **homestead exemptions** to reduce property tax burden.



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WHAT ARE THE IMPLICATIONS FOR COMMUNITIES?

- Many **blighted properties** are abandoned heirs property.
- Status makes it difficult for cities to identify owners, **enforce code ordinances and collect property taxes**
- Heirs property is a contributing factor to the **decrease in owner-occupied homes**
- Heirs property hinders efforts to increase **affordable housing** and family stability
- Communities can **lose funding for revitalization efforts** if heirs property is pervasive





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

- Attorneys, support staff, and a network of pro bono volunteers, and grassroots organizational partners.
 - State-wide work with geographic focus and outreach in **Atlanta and South Georgia**.
- Offices in **Atlanta, Athens, Fitzgerald, and Valdosta**.





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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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HOW DOES THE CENTER HELP COMMUNITIES WITH HEIRS PROPERTY?

- **Educates community leaders and stakeholders** about heirs property and its potential impact on owners and their communities
- Conducts **title audits** for neighborhoods with extensive blight to identify heirs properties and determine ownership
- **Clears title** so homeowners can participate in rehab loan programs and other revitalization efforts
- Positions communities to apply for and effectively utilize **funding for redevelopment and historic preservation** projects
- Work with local governments and nonprofits to provide **early intervention services** for properties at risk of becoming blighted



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CENTER WORK MAY 2015 – NOV 2019

- The Center has provided legal services and **closed 369 matters**.
- The Center has conducted **8 Wills Clinics** and completed **159 estate plans for clients**.
- The Center currently has **141 open** title clearing and estate planning matters in **46 counties** with a total tax assessed values of **\$12.44 million**.
- The Center, in collaboration with private attorneys and prop bono title companies has reviewed titles for **198 tracts of land** collectively valued at **\$13.86 million**.
- The Center has completed **323** community outreach programs, trainings and stakeholder meetings in **47** counties providing information and educational materials to over **10,500** individuals.





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WHO ARE THE CENTER'S CLIENTS?

- The Center represents clients on a **pro bono and discounted sliding fee scale** basis depending on household size and income.
- In the past 12 months alone, the Center been contacted by **400 applicants** seeking title clearing assistance and limited consultations.
- The Center's **average client**:
 - Is **65 years old**;
 - Has an annual household income of **\$28,972**; and
 - Has heirs property with tax assessed value of **\$88,699**.
- The Center also works with **nonprofits and municipalities to combat blight** through title audits, title clearing and early intervention services.





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HOW DOES THE CENTER HELP INDIVIDUALS WITH HEIRS PROPERTY?

- Consults with families on the status of their property and **explore solutions for securing clear, marketable title.**
 - Facilitates family meetings to develop agreed-upon resolution strategy.
- Provides direct legal representation to property owners to **unlock the value in their heirs property.**
 - Negotiating consolidated forms of ownership;
 - Probating deceased relatives estates;
 - Prosecuting quiet title and partition actions; and
 - Preparing affidavits of descent and other instruments.
- Heirs property cases can be **expensive and time consuming** to resolve – but fundamental to building generational wealth and transforming communities.
 - Help clients understand that it took a long time to create heirs property and can take a long time to fix it.





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HOW CAN THE CENTER HELP YOU?

Leadership Education Workshops on Heirs Property and Estate Planning provide an overview of how heirs property is created; how title can be cleared; and how heirs property can be prevented.

Assess Condition of Title assess the condition of titles through a search of real estate and tax records, judgments, and liens to determine the record owner of the property and whether there are any unpaid taxes, liens, encumbrances, or other issues that would prevent the owner from participating in the nonprofit or municipal program.

Title Remediation provides legal services to residents, nonprofits, and municipal entities to clean up tangled title.

Disaster Recovery & Resiliency Workshops works with local stakeholders to design and implement resiliency strategies that address the fundamental components of property ownership.



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QUESTIONS?

Georgia Heirs Property Law Center

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