



COMMUNITY PLANNING HANDBOOK

Reducing the Impact of Heirs Property &
Natural Disasters in Georgia

SEPTEMBER 2024



Building resilient communities means
understanding the dual challenges of heirs
property and natural disasters.

 Georgia[®] Department of
Community Affairs

www.gaheirsproperty.org

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UNDERSTANDING HEIRS PROPERTY AND DISASTER MITIGATION

Purpose of This Handbook

The Georgia Department of Community Affairs (“DCA”) supported the development of this handbook to incorporate heirs property prevention and resolution into local, state, and national natural disaster mitigation planning efforts. The research discussed in this handbook reveals that there is approximately \$47 billion of probable heirs property in Georgia.

The purpose of this handbook is to help individuals, community leaders, local governments, and nonprofits understand:

- how heirs property hinders disaster recovery, and
- how to incorporate heirs property prevention and resolution into preparedness efforts to better position communities, families, and local economies for more efficient resilience following a disaster.



What is Heirs Property?

Heirs property undermines community resilience and is the hidden story behind natural disaster devastation, blight, and generational poverty in Georgia. Heirs property is land or homes passed down through several generations without a legally designated owner, resulting in divided ownership among numerous individuals or entities as tenants in common. This unstable form of ownership:

- Hinders generational wealth
- Undermines workforce housing development and preservation
- Blocks participation in home repair programs
- Prevents farmers from accessing US Department of Agriculture programs
- Thwarts neighborhood revitalization efforts
- Blocks disaster relief assistance

The Role of the Georgia Heirs Property Law Center

The Georgia Heirs Property Law Center (the “Center”) is a not-for-profit law firm dedicated to securing and preserving property rights for low- and moderate-income Georgians. By addressing heirs property — land or homes without a clear title — the Center helps storm victims access disaster relief and aids municipalities in revitalizing neighborhoods. Services include title clearing, will creation, estate planning, and facilitating access to various land management and home improvement programs.

The Center provides transformative intervention services that increase generational wealth, economic value, and community stability by:

- Clearing titles
- Preventing heirs property through estate planning
- Educating on asset management to access potential income

This work supports families, local governments, and businesses, with research showing \$47 billion in probable heirs property in Georgia.

The Center’s Achievements (May 2015 - August 2024)

- **Legal Services:** Closed 1,094 matters, including 225 title clearings, 628 title searches/reviews, and 241 estate planning cases.
- **Community Outreach:** Conducted 440 programs, reaching over 15,878 individuals across 119 counties.
- **Ongoing Work:** Managing 128 open matters, including 113 title clearing and title review matters with a total tax appraised value of \$9.3 million and 15 estate planning matters.



TITLE CLEARING

Every \$1.00 invested in the Center’s title clearing program results in **\$14.00 of unlocked equity**.



ESTATE PLANNING

Every \$1.00 invested in the Center’s estate planning services results in **\$24.00 worth of protected equity**.

The Role of Clear Title in Community Resilience

The Georgia Department of Community Affairs (DCA) administers Federal Funds to support community economic development and ensure the availability of workforce housing across the state. Following disasters like Hurricanes Irma and Michael, and the 2017 Tornadoes, additional federal disaster recovery funds were made available to impacted communities through DCA’s Homeowner Rehabilitation and Reconstruction Programs (“HRRP”). To qualify for HRRP and other federal funds, homeowners must demonstrate clear title. The Center provides direct legal services for families to clear their title in order to qualify for home repair funds and ultimately stabilize communities.

The Role of Clear Title in Community Resilience - cont'd

The unlocked equity of a clear title enables the home or land to be maintained, repaired, and managed for generational wealth and resilience.

Heirs property creates major obstacles against rebuilding efforts. Addressing heirs property strengthens:

- **Resilience:** Georgia's increasing vulnerability to natural disasters makes clear titles a critical indicator of a community's resilience.
- **Long-Term Recovery:** The HRRP is part of a community's long-term recovery strategy; communities can position themselves to efficiently utilize those funds as well as other repair funds by addressing heirs property before a disaster.
- **Economic Development:** Addressing heirs property boosts Georgia's economy by unlocking the equity of homes and real property so that families can engage in repairs, land management, and other efforts that improve land values, increase tax bases, and grow generational wealth.

Heirs property decreases housing in rural Georgia as families struggle to access loans and assistance for upkeep. Federal funds can take years to arrive, and launching local HRRP initiatives takes time. This is why replanning and mitigation are critical to preserve workforce housing stock, forestland, and farmland throughout Georgia.

With the increase of Georgia's vulnerability to natural disasters, heirs property poses a significant barrier to resilience and recovery from storms, flooding, and heat. Tackling heirs property issues before disasters strike is important for building resilience and planning.

Disasters like hurricanes, tornadoes, and floods highlight the necessity of securing property rights. Without a clear title, rebuilding is nearly impossible as Georgia residents cannot access repair programs or financing. Areas with high concentrations of heirs property are also at risk of becoming targets for developers looking to exploit unstable ownership. In addition, these areas are often passed over by well-meaning repair programs that do not have the time or resources to clear titles tied up in heirs property.



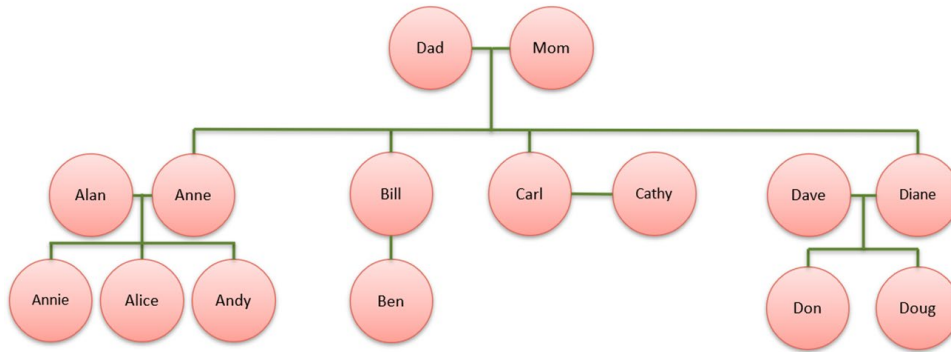
The Double Disasters: Heirs Property & Natural Disasters in Georgia

Natural disasters and the tangled titles of heirs property in Georgia are closely connected. Heirs property, an unstable form of ownership, often prevents disaster victims from accessing federal and state relief assistance. It also hampers municipalities' efforts to revitalize neighborhoods. Programs for home repair, weatherization, and upgrades to septic tanks and wells all require a clear title—something heirs property owners lack. As a result, homes stay in disrepair, neighborhoods suffer, and families face increased displacement and land loss.

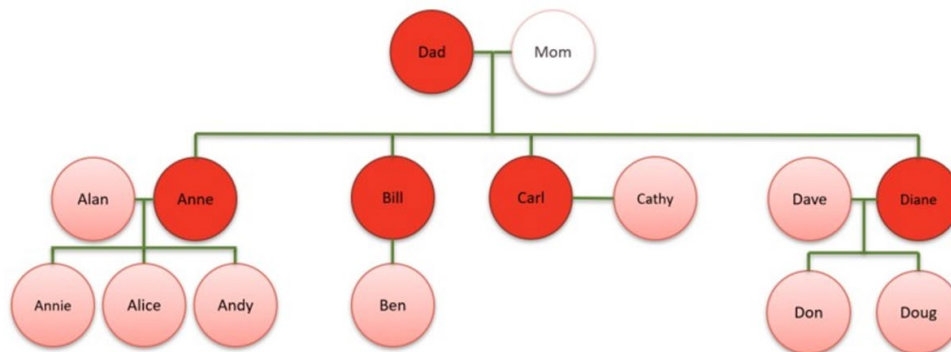
Building resilient communities means understanding the dual challenges of heirs property and natural disasters.

Understanding Heirs Property & Its Impact

“Heirs property” refers to land or homes passed down through generations without a legally designated owner. This creates shared ownership among many individuals or entities, known as tenants in common. Heirs property can arise from a written will that leaves property to multiple beneficiaries or when someone dies without a will, known as intestate succession.



In this example, Mom and Dad have four children - Anne, Bill, Carl and Dave - and Mom owns the home. If Mom dies without a will, the property will be co-owned by Dad and the four children. The same situation occurs if Mom has a will and leaves her property to her spouse and all her children. In both scenarios, heirs property is created.



WHAT IT MEANS TO OWN HEIRS PROPERTY

Owners of heirs property are tenants in common, which means:

- Each heir has equal rights to use and possession.
- Each heir is responsible for taxes and property-related expenses.
- Each heir can transfer their interest in the property.
- Each heir can seek a partition of the property.
- All heirs must agree on major property decisions.

Identifying Heirs Property: By the Numbers

Why Georgia Can Quantify its Heirs Property

Unlike many states, Georgia uses a shared CAMA (Computer-Assisted Mass Appraisal) database throughout most of the state—out of all 159 counties, only 10 do not use CAMA data. This system maintains property data and values uniformly across counties, making it easy to identify heirs property through tax records using First Pass indicators.

When quantifying probable heirs property, Georgia has the advantage of a near-universally used CAMA platform and evidence-based indicators utilized by NASA DEVELOP and the Center.

Partnering with NASA DEVELOP



To better understand how heirs property affects community resiliency after disasters, the Center teamed up with NASA DEVELOP. This program uses NASA Earth science data to address various environmental and policy concerns, including disaster response.

The Study¹:

NASA DEVELOP helped the Center analyze CAMA data and use geospatial mapping tools to identify probable heirs properties in the path of 2017's Hurricane Irma. The study found that the *estimated tax appraised value of heirs property in 12 affected counties was \$3.576 billion¹.*

County Breakdown:

- Berrien: \$23,264,093
- Charlton: \$65,900,431
- Chatham: \$1,731,113,515
- Coffee: \$94,494,382
- Cook: \$24,011,050
- Crisp: \$148,388,281
- Glynn: \$1,069,584,884
- McIntosh: \$35,973,162
- Thomas: \$219,996,219
- Turner: \$23,810,789
- Wilcox: \$4,867,476
- Worth: \$135,016,466

TOTAL: \$3,576,420,748

The Bigger Picture

When this NASA study is extrapolated statewide, heirs property in Georgia is estimated at around \$47 billion in "frozen equity." This lack of clear title undermines families' ability to build generational wealth and hampers municipalities' recovery efforts, economic development, and neighborhood revitalization.

\$47 billion represents about 6% of the overall value of Georgia's property which totals \$802 billion.²

Identifying Heirs Property: A Visual Guide

With a better visual understanding of heirs property, community leaders can effectively plan for natural disasters.

What Does Heirs Property Look Like?

Heirs property is not limited to low-income areas, but it is more common in places where resources like legal services are scarce. Some people maintain their property and keep up with taxes, often unaware they own heirs property. Others may need to abandon or neglect their properties due to lack of resources, leading to:



Dilapidated Buildings

Overgrown Yards

Condemned Homes

Fallow Fields

Unmanaged Forest

When natural disasters hit, heirs property owners cannot access funds for repairs or replacements due to tangled titles. This leads to unsafe housing conditions and widespread, prolonged use of temporary fixes like blue tarps.

The Role of Manufactured or Mobile Homes (MHUs)

MHUs are a fundamental source of affordable housing for many in Georgia, especially in disaster-prone areas. MHUs offer a cost-effective alternative to traditional housing. However, without clear title to the land or the MHU itself, disaster relief becomes inaccessible. On the other hand, an MHU permanently affixed to land with a clear title can appreciate in value and offer the benefits of homeownership.

COMMON MISCONCEPTIONS

Understanding the facts about heirs property can help demystify heirs property for property owners and professionals. There are many myths and misconceptions that contribute to heirs property issues, but knowing the truth promotes effective remediation and prevention.

MYTH:

Heirs property is only found in one area of Georgia.

FACT:

Heirs property is across Georgia and all over the country. Heirs property can be found in rural and urban Georgia and includes houses, farms, forests, and commercial properties.

MYTH:

Heirs property can be identified just by looking at the tax records because it will be listed as heirs property.

FACT:

Heirs property can be identified by several indicators on the tax records such as "et al.," "etc.," "Estate of," or an out-of-state mailing address. For more on these indicators, see Section (i) Identifying Heirs Property below.

MYTH:

Heirs property only has negative consequences for the owners and not for me.

FACT:

Heirs property impacts all levels of community. Heirs property causes blight, which decreases neighborhoods' stability, reduces housing values, and depresses a municipality's tax base. Heirs property prevents banks from making loans and insurance companies from being able to issue policies.

MYTH:

Heirs property is a family problem, and they are solely responsible for solving it.

FACT:

To resolve and prevent heirs property, it takes a wide set of skills and people including attorneys, genealogists, elected officials, government employees, non-profit employees, and bankers.

MYTH:

It's not important to clear title to heirs property because heirs property status protects the property by preventing it from being sold.

FACT:

Marketable title is necessary to protect and manage property especially since individual heirs' interest in the property can be sold, making the property vulnerable to forced sales. Any co-tenant who owns an interest in the property, no matter how small the interest, can force a sale.

MYTH:

An heir cannot sell his or her interest in heirs property without the consent of the other heirs.

FACT:

An heir can sell his or her interest in heirs property to any non-family or family member and does not need the consent of any other heir.

MYTH:

An heir can change the locks or restrict other heirs' access to heirs property.

FACT:

One heir cannot keep another heir from enjoyment of the property. All heirs have equal, legal right to use and possess the property.

MYTH:

A co-tenant who pays property taxes has a greater ownership interest in the real property than the other non-paying co-tenants.

FACT:

Paying current or back taxes does not increase an heir's legal ownership of any real property, including heirs property.

MYTH:

Title problems can be cleared by letting heirs property go to tax sale.

FACT:

If the property was heirs property prior to a non-judicial tax sale, it is still heirs property after a non-judicial tax sale. The winning bidder at a tax sale has to wait out a 12-month redemption period and also hire an attorney to resolve the heirs property.

MYTH:

A Transfer on Death (“TOD”) deed avoids probate and prevents heirs property.

FACT:

It is important to work with a skilled attorney to prepare an estate plan and be fully aware of the risks and benefits of using a TOD deed. TOD deeds transfer property interest to another party or entity upon the property owner’s death and can sometimes create or complicate heirs property issues:

- **Existing Heirs Property:** If the property is already heirs property when the TOD is executed.
- **Premature Death:** If the recipient/grantee of the TOD dies before the grantor.
- **Multiple Beneficiaries:** If the TOD deed leaves the property to multiple people, effectively creating heirs property.
- **Lack of Will Consideration:** If the property owner doesn’t account for the TOD deed in their will.

Community Impact of Heirs Property

Heirs property’s impact reaches beyond the family members who own the property. For example:

- **Tax Base Reduction:** Abandoned and blighted heirs property reduces the county’s tax base.
- **Identification Challenges:** Heirs property makes it difficult for municipalities to identify owners, enforce code ordinances, and collect property taxes.
- **Decreased Home Ownership:** Both rural and urban areas with high rates of heirs property see lower rates in owner-occupied homes and family-owned farms.
- **Affordable Housing and Stability:** Heirs property hinders efforts to increase affordable housing and family stability.
- **Funding Loss:** Communities can lose funding for disaster relief or revitalization efforts if heirs property is widespread.
- **Economic Depression:** Decreased property values of heirs property depress the economy at the state, county, and city levels.

In short, heirs property impacts everyone. This handbook is here to help community leaders and residents understand the scope of heirs property in their areas and develop strategies to resolve and prevent it, both before and after disasters.

The Current and Future State of Natural Disasters in Georgia

Increasing Frequency and Impact

Georgia faces a growing number of natural disasters like tornadoes, hurricanes, tropical storms, flooding, and extreme heat. Over the last two decades, the frequency of these events has notably increased, making it critical to understand the current and future state of natural disasters in Georgia.

Climate Assessment and Economic Impact

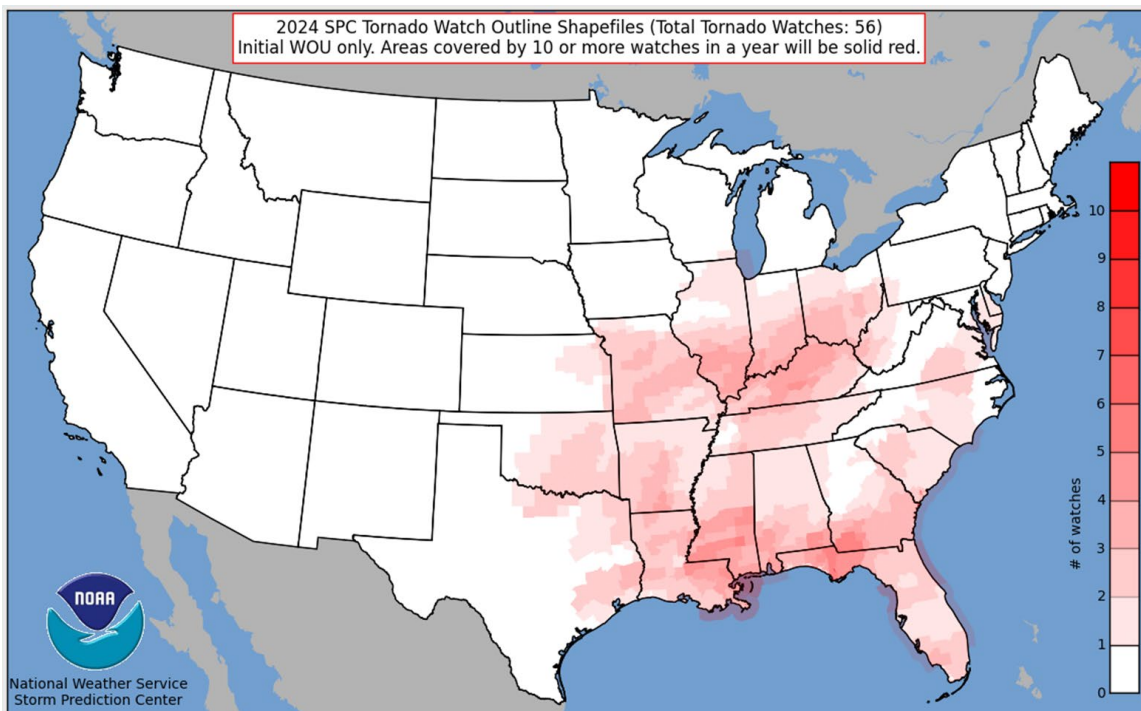
The Fifth National Climate Assessment, released in 2023, highlighted the challenges rural and place-based economies in the Southeast face due to climate threats. Georgia leads the Southeast in the number of “billion-dollar disasters” over the last 40 years. Housing in under-resourced rural communities is particularly vulnerable, with mobile homes and manufactured housing at a higher risk.

Flooding and Hurricanes

Since 2018, the most damaging floods in the Southeast have come from tropical storms and hurricanes. According to the Georgia Emergency Management and Homeland Security Agency (GEMA), Georgia is at high risk from hurricanes forming in the southern Atlantic Ocean, Caribbean Sea, and Gulf of Mexico. Though they pose a great risk to coastal areas, hurricanes can also cause significant damage far inland.

Tornadoes and Tropical Storms

Tropical storms and hurricanes often produce tornadoes, which are Georgia’s deadliest natural disaster. Increased hurricane and tropical storm activity means more tornadoes, more wind, and more property damage. Data from the National Weather Service (NWS) shows the increasing storm damage from wind, tornadoes, and tropical storms in Georgia³. The map below shows that the National Oceanic and Atmospheric Administration issued 56 tornado watches from January 1, 2024 to April 5, 2024⁴.



High-Tide and Inland Flooding

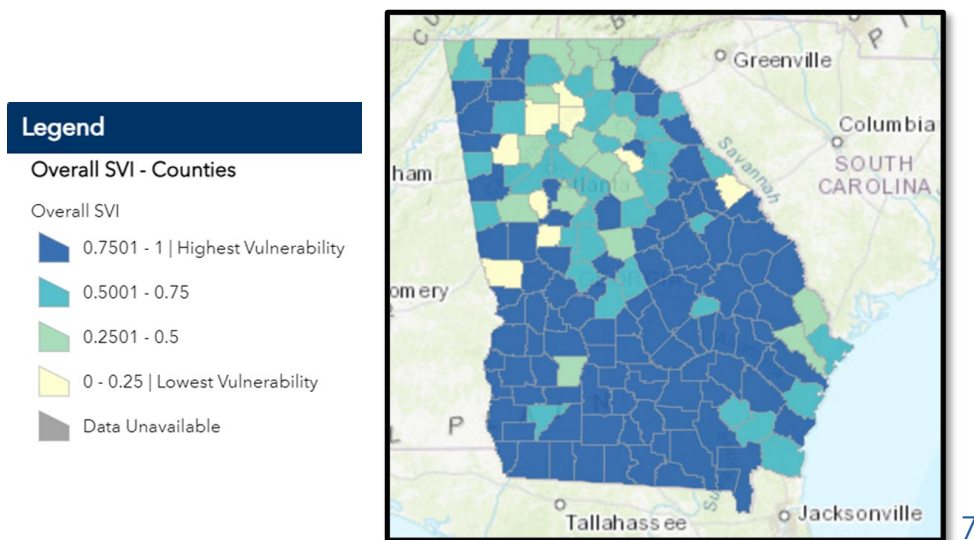
Heavy rains from tropical storms and hurricanes also increase the risk of flooding. High-tide flooding along Georgia’s coastline has become more frequent since 2012, with an average of 8.67 flooding reports per year⁵. Inland flooding is also a major threat, especially from stalling hurricanes that dump rain for days.

“Approximately 25 percent of U.S. hurricane deaths from 1963-2012 occurred in inland counties, with more than half of tropical hurricane deaths related to freshwater flooding. From what the past has shown, damage from inland flooding caused by these storms can often time run well into the billions of dollars — especially when a major metropolitan area is impacted.”⁶

HIGH-TIDE FLOODING	
YEAR	OBSERVED
2012	9
2013	0
2014	0
2015	10
2016	12
2017	3
2018	5
2019	15
2020	12
2021	6
2022	12
2023	20

Social Vulnerability and Economic Impact

The most vulnerable populations in Georgia often live in areas hardest hit by natural disasters. These areas show higher rates of social vulnerability, making them more susceptible to the negative effects of natural disasters. Improvements in weatherization are difficult without clear property titles, leaving low-income households particularly exposed. They often spend a larger portion of their income on energy costs, leading to cuts in essential services like healthcare and childcare.



“Low-income households carry a larger burden for energy costs, typically spending 16.3% of their total annual income versus 3.5% for other households. Often, they must cut back on healthcare, medicine, groceries, and childcare to pay their energy bills.”⁸

CLIENT STORY

Mr. Edward* was raised on his family's homeplace first by his parents and then, when they passed, by his older siblings. He has lived on the property in rural Georgia most of his life. Because of heirs property, he had been unable to qualify for any assistance programs since the natural disaster of Hurricane Irma. The Center cleared his title and qualified him to participate in disaster recovery home repairs.

*Names have been changed to protect client confidentiality.

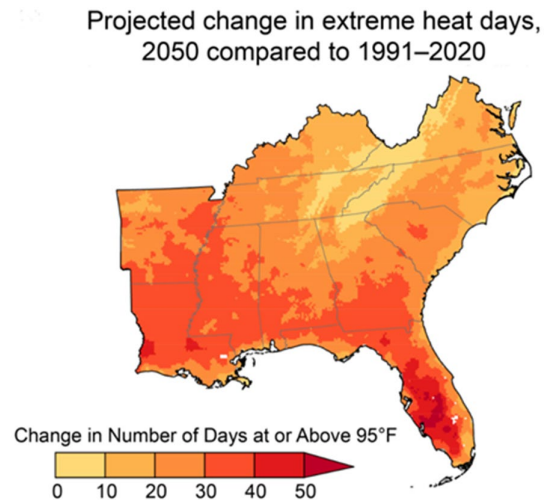
Weatherization and Its Importance in Georgia

The map shows the areas most affected by natural disasters are also expected to face extreme heat. Georgia residents are particularly hard-hit by heat.

What is Weatherization?

Weatherization includes improvements like:

- Air and duct sealing
- Insulation
- Heating, ventilation, and air conditioning (HVAC) system upgrades
- Energy-efficient lighting
- Hot water tank and pipe insulation
- Water conservation devices



[9](#)

Why Weatherization Matters

Weatherized homes can better withstand extreme weather conditions and save money. These upgrades help lower energy costs, making it easier for households to manage their budgets and live comfortably despite the changing climate.

Preparing for the Future

Understanding the connection between heirs property and natural disasters is crucial for building resilient communities. This handbook aims to help community leaders and residents explore the scope of heirs property and develop strategies to resolve and prevent it, ensuring better preparedness and recovery from natural disasters.

In addition to the quantitative research with NASA DEVELOP, the Center held 50 listening sessions across 18 counties and cities in Georgia, involving 30 governmental and community organizations. Through these sessions, key community needs and practical solutions were identified and are listed in the following sections.

PRE-DISASTER SOLUTIONS: MITIGATION

Preparing for disasters means more than just having an emergency plan — it also means ensuring that property ownership is clear and legally recognized. Addressing heirs property before disaster strikes can prevent delays in recovery efforts and ensure that residents can access needed resources.

1. Develop Funding for Heirs Property Solutions
2. Identify Vulnerable Communities
3. Include Heirs Property in Existing Plans
4. Provide Education on Heirs Property Prevention and Remediation
5. Provide Legal Services to Prevent and Resolve Heirs Property

1. Develop Funding for Heirs Property Solutions

Securing Funding for Legal Services and Outreach

There is a significant need for skilled attorneys to handle heirs property issues, especially in rural Georgia. According to research by the Georgia Bar Foundation, 70% of Georgia's licensed attorneys practice in five metro Atlanta counties. Funding for direct legal services and targeted outreach is essential to promoting heirs property resolution as part of disaster mitigation.

Eligible Expenses:

- Make heirs property prevention and resolution eligible for state, local, and federal funding.
- Include a contingency fund for title clearing services in all home rehab programs so no property is overlooked due to unclear title.

Support for Rural Communities:

- Lower the dollar threshold for assessed damage required for federal aid to help rural communities qualify for assistance. The current threshold often excludes these areas due to their smaller population size and lower tax base.

Unclear title prevents access to financing and repair services, trapping owners in systemic disrepair. To break this cycle, communities need access to direct legal services from skilled heirs property experts.

Funding Strategies

Before the Storm:

- **Incentivize Learning:**
 - Prioritize funding for communities participating in strategic planning sessions, listening sessions, and outreach/education for disaster mitigation and heirs property.
- **Direct Legal Services:**
 - Fund legal services to prevent heirs property by maintaining clear titles through specific deeds, transfers, or estate planning.
- **Emergency Planning:**
 - Support outreach that promotes emergency document retention planning before disasters strike.

After the Storm:

- **Clear Titles Post-Storm:**
 - Incorporate heirs property and estate planning information into disaster recovery outreach and education.
- **Quick-Response Funding:**
 - Develop rapid-response state and local funding for title clearing services to leverage more federal home repair resources.
- **Ongoing Legal Support:**
 - Provide funding for specialized direct legal services focused on estate planning to close the loop on heirs property issues.

Sample County, GA

Summary

Parcel Number 0083XXXXXX
 Location Address LL 555-5TH LD
 Legal Description (Note: Not to be used on legal documents)
 Class R4-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Tax District Sample (District 05)
 Millage Rate 34.137
 Acres 1
 Homestead Exemption No (S0)
 Landlot/District N/A

[View Map](#)

Owner

JOHN O. SAMPLE ET AL
 P O BOX 000
 SYLVESTER, GA 31791

Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Homesite 1.0 AC	Rural	1	1

Valuation

	2023	2022	2021
Previous Value	\$15,000	\$15,000	\$15,000
Land Value	\$15,000	\$20,000	\$15,000
+ Improvement Value	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0
= Current Value	\$15,000	\$15,000	\$15,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
6/1/1987	629 101		\$0	Non-Market		SAMPLE, JOHN ET

2. Identify Vulnerable Communities

- **Method:** Use First Pass and Second Pass indicators to find areas with high rates of heirs property.
 - **First Pass Indicators:** Tax records showing multiple owners, special terms like "Heirs of," out-of-county tax bill payments, last sale date over 30 years ago, and properties without special tax statuses.
 - **Second Pass Indicators:** Poverty rates, code violations, unsafe housing, low property values, and delinquent taxes.

3. Include Heirs Property in Existing Plans

- **Housing and Landscape Plans:** Ensure heirs property is not omitted from affordable housing and environmental sustainability programs.
- **Collaborative Efforts:** Work with various governmental departments and community stakeholders to address property ownership issues, vital for infrastructure upgrades and disaster mitigation.

Collaborations and Tools

- **Partnerships:** Work with local nonprofits, churches, Voluntary Organizations Active in Disaster (VOADs), and government agencies to include title clearing in their programs.
- **Resources:** Provide tools like the Disaster Planning and Heirs Property Guide and Emergency Document Checklist (included in this handbook) to residents, promoting estate planning and clear titles.

4. Provide Education on Heirs Property Prevention and Remediation

- **Why It Matters:** Clearing titles before disasters strike ensures families can access recovery funds and avoid being overlooked in recovery efforts.
- **How:** Facilitate outreaches and share educational materials to residents on property ownership and estate planning.

Education & Outreach

Community participation and education are essential for building a successful heirs property program. Engage residents and leaders through effective education and outreach, facilitated by trusted community figures like neighborhood, faith-based, and local nonprofit leaders. Presenters should have experience with clearing titles and can explain the legal process and client rights clearly.

Outreach Topics:

- Negative impacts of heirs property.
- Including heirs properties in disaster recovery strategies.
- Estate planning and disaster mitigation/prevention.
- The probate and title remediation process.
- Safeguarding documents in case of natural disasters.



5. Provide Legal Services to Prevent and Resolve Heirs Property

- **Title Clearing:** Conduct title searches, identify heirs, and develop legal strategies like probate, quitclaim deeds, partition actions, and other legal actions as needed.
- **Estate Planning:** An attorney should be used to identify and execute the best legal strategy. These may include Transfer on Death Deeds, Joint Tenants with Rights of Survivorship Deeds, trusts, and LLCs to manage property transfers and prevent heirs property issues.



Homeowners who receive public subsidies for home or land should have an estate plan that prevents heirs property in order to protect the public investment.

REMINDER: Wills Can Still Create Heirs Property

Even with the best intentions, a will can still lead to heirs property issues. For example, if you plan to leave your property to several children, heirs property will be created after your death.

The right attorney can help you prevent heirs property in your will. Some possible solutions may include:

- **Sell the Property:** Sell the property and divide the proceeds among your children.
- **Option to Purchase:** Give an individual heir an option to purchase the property from the other heirs.
- **Executor Powers:** Include provisions that give the executor the authority to prevent heirs property issues.

By planning ahead and exploring these, and additional options, with an attorney, you can help ensure a smoother transfer of property and avoid potential legal headaches for your heirs.

CLIENT STORY

Mr. Dean* was referred to the Center for title clearing services by DCA so he could qualify for HRRP 2018 to make repairs to his double-wide mobile home. The home was in his mother and brother's names, but they did not own the land the home sits on. The only heirs were Mr. Dean and his sister. All that is required to transfer title to a mobile home from a decedent to a living heir is an affidavit of inheritance. The Center needed an executed affidavit for both owners and both sides of the mobile home. The tax assessor's office received a lien release from the lienholder for one side of the mobile home but not the other. Therefore, the Center had to contact the lienholder to get the second lien released. Mr. Dean filed the release and the affidavits with the tax assessor's office and received the title to the mobile home soon afterward. The owners of the land consented to the forthcoming repairs, and now DCA can move forward with repairing Mr. Dean's home.

*Names have been changed to protect client confidentiality.

POST-DISASTER RESPONSE AND SOLUTIONS

1. Title Clearing Services in CDBG-DR HRRPs
2. Title Clearing in Non-Governmental Home Repair Programs
3. Title Clearing in Long-Term Recovery Planning

1. Title Clearing Services in CDBG-DR HRRPs (Community Development Block Grant-Disaster Recovery Home Repair & Reconstruction Programs)

- **Why It Matters:** Heirs property can delay recovery efforts because unclear titles prevent owners from accessing recovery funds.
- **The Center's Approach:** Create a pipeline to legal services. Affordable housing repair programs should refer applicants with heirs property to legal service providers for title clearing, getting them back into the home repair pipeline.

Heirs Property Magnifies a Natural Disaster's Impact on a Community's Most Vulnerable Residents:



63%
of applicants
were affected by
hurricanes.



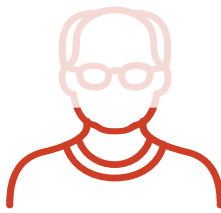
26%
of applicants
were affected by
tornadoes.



66%
of applicants
were women.



74%
of applicants
were Black/
African-American.



The Average
of applicant age was
62.5.



32%
of applicants
reported having a
disability.

A Model for Direct Legal Services: The Georgia Heirs Property Law Center, Inc.

The Center partners with the Georgia Department of Community Affairs to help residents qualify for the HRRP. To participate, homeowners need a clear title to their property. The Center's legal services enable qualifying residents to clear their titles, allowing them to access home repair funds. This effort helps combat blight, stabilize affordable housing, and boost local tax bases.

Partnership with Georgia Department of Community Affairs (DCA)

After Hurricane Irma in 2017, 15 Georgia counties (Berrien, Camden, Charlton, Chatham, Coffee, Cook, Crisp, Dougherty, Glynn, Liberty, McIntosh, Thomas, Turner, Wilcox, and Worth) were eligible for FEMA disaster mitigation funds. Recognizing the heirs property challenge, DCA partnered with The Center to remediate heirs property and develop resiliency strategies.

"[C]larifying property ownership for residents is a critical component of every community's resiliency planning process. Whether a local government would like to upgrade infrastructure like wells and septic tanks, expand roads or utilities across rights-of-way, or help residents mitigate the impacts of Natural Disaster through infrastructure improvement and buyout programs, clear title is required."

The Center created a Disaster Planning and Heirs Property Guide and an Emergency Document Checklist to help residents plan for disasters. These resources were distributed at events and are available online.

OVERVIEW OF DCA & THE CENTER'S PARTNERSHIP

HURRICANE IRMA & TORNADOES (2017)

- **75 REFERRALS**
 - 63% identified as heirs property.
- Cleared **14 TITLES**, with ongoing services for 6 properties

HURRICANE MICHAEL (2018)

- **232 REFERRALS**
 - 32% identified as heirs property.
- Cleared **8 TITLES** so far, with more cases open and in the intake process

HURRICANE IDALIA & TORNADOES (2023)

- Estimated **\$1.8 BILLION** in heirs property impacted.
- Active efforts to clear titles for future federal fund access

Successful Referral and Support Process

The HRRP process involves several steps to ensure families get the help they need:

- 1. Eligibility Check:** HRRP Case Managers vet applicants based on income, location, and other criteria.
- 2. Title Search:** If preliminarily eligible, the applicant's property address is sent to the Center for a title search.
- 3. Title Clearing:** If the title is not clear, the Center opens a title clearing case and works with the applicant to resolve it.
- 4. Ground Support:** Case Managers assist with finding necessary documentation and staying updated on the case progress.
- 5. Final Steps:** Once the title is clear, the Center notifies the Case Manager so the homeowner can proceed with repairs through the HRRP program.

This streamlined process ensures that families receive the assistance they need efficiently and effectively.

CAUTIONARY NOTE ON SELF-CERTIFICATION

REMINDER: 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.

Non-profits and government agencies have introduced self-certification as a means for the person residing in heirs property to claim the rights of an "owner occupant" so they can qualify for home repair programs.¹⁰ *However, self-certification does not override the legal rights and responsibilities of the other tenants in common. Rather, self-certification may increase the self-certifying heir's legal issues.* Having clear, marketable, insurable title is the only way for the occupant to have true stability and the ability to continue maintaining the repaired or replaced home without risking displacement and repercussions from the other heirs.

2. Title Clearing in Non-Governmental Home Repair Programs

- **Why It Matters:** Homes will be damaged in counties that do not receive a federal disaster designation.
- **Our Approach:** Local nonprofits, churches, and VOADs (Volunteer Organizations Active in Disaster) should include title clearing costs in their repair budgets to prevent blight and loss of generational wealth.



3. Title Clearing in Long-Term Recovery Planning

- **Why It Matters:** Intermediate and long-term recovery efforts need to support the most vulnerable residents.
- **Recommendation:** Integrate free or low-cost title clearing services into federal, state, and local recovery plans, ensuring residents understand heirs property and how to have titles cleared.

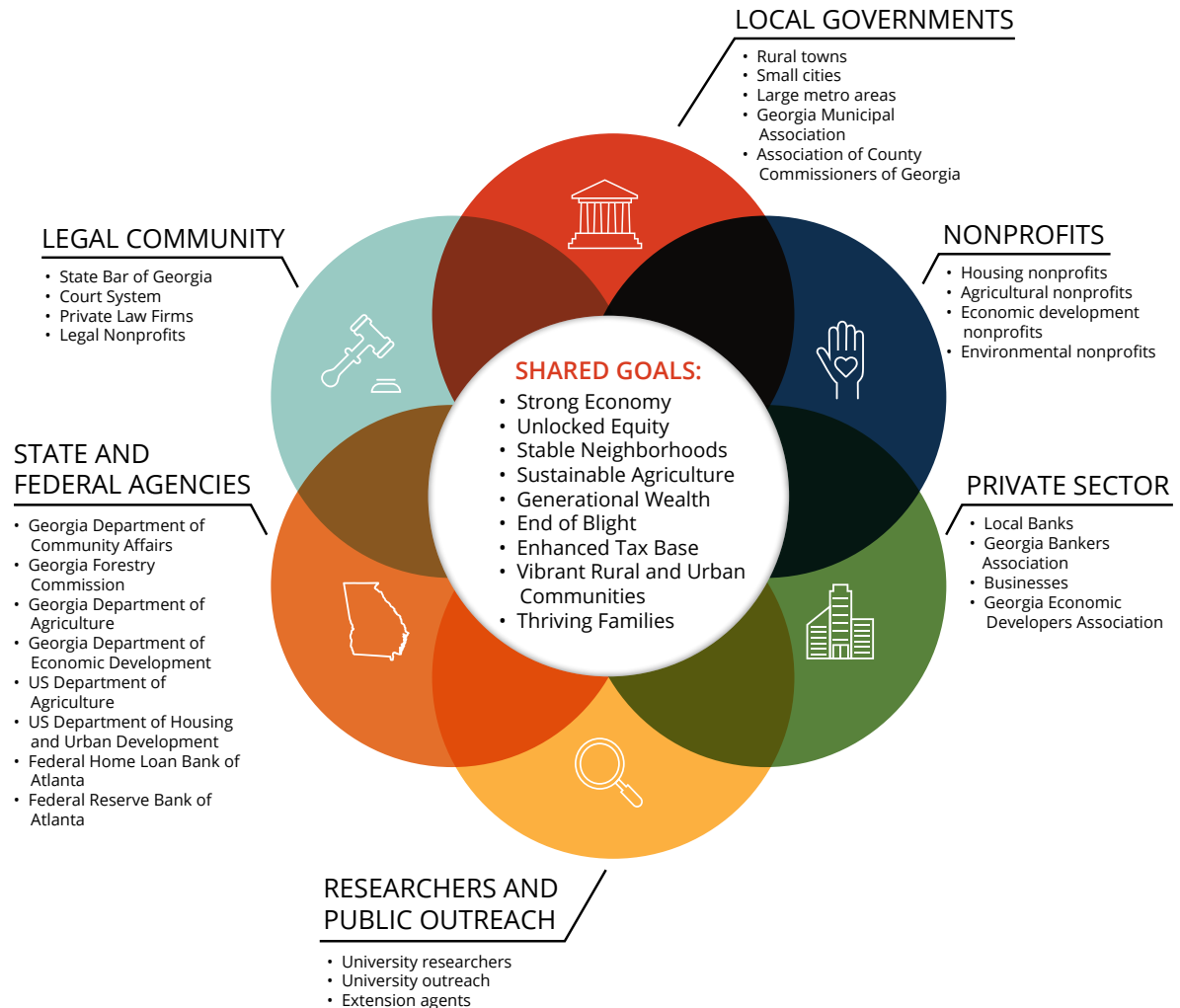
After a community provides short-term recovery services such as medical, food, and emergency shelters, intermediate and long-term activities begin. Intermediate activities occur within the months following the disaster, and long-term activities begin within the following months and are often ongoing for years. Clearing titles for heirs property should start in the intermediate and long-term stages to ensure that a community's most vulnerable residents can keep up with the community's overall recovery. In addition to information about what heirs property is and how residents can access title clearing legal services, federal, state, regional, and local recovery plans should be included.

CLIENT STORY

Mobile home owners in Georgia are especially vulnerable to storm damage. Clouded title creates an additional obstacle for mobile home owners as it prevents them from receiving disaster relief and making repairs. With the help of the Center, clear title and habitable homes are possible. Ms. Anderson* and her son lived in a mobile home that was severely damaged by Hurricane Irma in 2017. Repairs were unaffordable, and while Ms. Anderson qualified for the HRRP Program as a victim of Hurricane Irma, the clouded title on her mobile home kept her from getting the assistance she needed. The Center was able to consolidate the title into Ms. Anderson's name. Now she is qualified to receive a new mobile home!

*Names have been changed to protect client confidentiality.

KEY INSIGHTS FOR LOCAL OFFICIALS AND COMMUNITIES



SUMMARY OF RECOMMENDATIONS

Pre-Disaster:

1. Develop funding for heirs property solutions.
2. Identify communities particularly vulnerable to natural disasters because of high rates of heirs property.
3. Include heirs property remediation in existing affordable housing and landscape restoration plans through collaboration.
4. Provide education on heirs property prevention and remediation.
5. Provide Legal Services to prevent and resolve heirs property.

Post-Disaster:

1. Include title clearing services in all Georgia CDBG-DR HRRPs.
2. Include heirs property remediation a/k/a title clearing in non-governmental funded home repair programs.
3. Include heirs property remediation in intermediate and long-term post-disaster recovery planning.



RESOURCES FOR INDIVIDUALS: Safeguarding Your Documents & Property Interests

Safeguarding estate planning documents and other important records can curb post-disaster confusion, preserve your wishes, and protect your ability to provide generational wealth. The following recommendations can help keep your documents and property interests secure.

Keeping Your Documents Safe

- **Storage:** Store original documents in a safe, accessible place, not in safety deposit boxes as they can be hard to access.
- **Executor Access:** Ensure the executor knows where to find the will.
- **Handling Wills:** Do not write on or alter your will, as this can invalidate it.

Protect Your Property with GSCCCA's Filing Activity Notification System (FANS)

- **FANS:** This system notifies you when property records are filed, helping protect against unauthorized filings and fraud.
- **How to Use:** Create an account at FANS GSCCCA.

Documenting Your Home

- **Real Property:** A deed conveys real property ownership. Make sure you have a copy of the recorded deed from the clerk of the superior court.
- **Manufactured/Mobile Homes:** Title is conveyed through a VIN or serial number. Confirm the clear chain of title using:
 - o **Certificate of Title:** Contains owner's name, MHU model info, VIN, and possible liens.
 - o **County Tag Office/Tax Assessor:** Can verify VIN for current owner status.
 - o **Data Plate:** Contains model info, specs, serial number (VIN), and HUD number, usually found in a closet, cabinet, or electrical panel.
 - o **HUD Label:** A metal label on the home's exterior with the HUD number.

If you own the land but not the manufactured home, have the deed to the real property and the VIN/serial number on hand to prove ownership.



SAFEGUARDING YOUR DOCUMENTS:

Your original, signed and sealed, estate planning documents should be stored in a safe and accessible place. Keep copies of the documents for your personal records. Your Executor and Agent(s) should know where to find the original copies, if needed.

WHERE TO STORE YOUR DOCUMENTS:

You should keep your documents at home, preferably in a fireproof box or similar safe place. Documents should not be stored in your safety deposit boxes because they are not easily accessible to your Agent(s) or Executor.

Last Will and Testament: If you would not like to keep it at home, you can file your original Last Will and Testament with the Probate Court for safekeeping, in the country where to live . You will be charged a small fee. Tell your Executor if you have filed your Last Will and Testament with the Probate Court for safekeeping.

Advanced Directive for Health Care: You can file a copy of your Advance Directive for Health Care with your doctors and any hospital where you receive medical services. Your primary care provider should be given a copy.

Financial Power of Attorney: Your Agent should know where the original is kept in the event of your temporary or permanent disability.

WHAT IF I NEED TO MAKE CHANGES TO MY LAST WILL AND TESTAMENT?

DO NOT write on your Last Will and Testament, cross out any sections or words, or make any changes in writing on the original document. Doing so may invalidate your entire document. **If circumstances have changed and you need to update your Last Will and Testament, please contact an attorney.**

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Have an Emergency Document Kit

The Center's Emergency Document Checklist helps nonprofits and municipalities engage residents in disaster planning that emphasizes the importance of documenting clear title.

Natural disasters can happen at any time and could require property owners to evacuate their home to stay safe. A disaster preparedness kit should include all important documents that a property owner may need during the relief and recovery process and beyond.

- Proof of Clear Title (i.e., a valid deed to the property and/or a rent-to-own agreement);
- Note containing the VIN number for your car and manufactured home, if applicable;
- Drivers License, passport, and/or other forms of identification;
- Mortgage Information;
- List of Digital Passwords;
- Birth Certificates;
- Banking Information;
- Debit, Credit Cards, and/or Cash;
- Medical Records with Medication List;
- List of Emergency Contact Information; and
- Original Estate Planning Documents (or copies with a note containing the location of the original)
 - Last Will and Testament
 - Financial Power of Attorney
 - Advance Directive for Health Care

Conclusion

Natural disasters and heirs property and their economic impact in Georgia are intertwined, and with natural disasters on the rise, resolving heirs property and promoting disaster preparedness are musts. Heirs property impacts all levels of community, hindering housing efforts, depressing tax bases, and displacing families. Recognizing what heirs property looks like on paper and in person can help people better understand its breadth and impact. As the leading heirs property experts in Georgia, the Center recommends that disaster recovery efforts include title clearing of heirs property and that disaster preparedness and sustainability plans include preventative title clearing and estate planning. Without addressing heirs property, Georgia is undermined economically, socially, and environmentally.

*Special thanks to the Georgia Department of Community Affairs
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GEORGIA HEIRS PROPERTY
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gaheirsproperty.org

Citations

1. See generally, Chittumuri, et al., Georgia Disasters Evaluating the Impacts of Hurricane Irma on Georgia Heirs Property Owners Using NASA Earth Observations, Nov. 18, 2022, https://ntrs.nasa.gov/api/citations/20230002491/downloads/2022Fall_GA_GeorgiaDisasters_TechPaper_FD_v3.docx.pdf; and Rogers, et al., Evaluating the Impact of Hurricane Irma on Georgia Heirs Property Owners Using NASA Earth Observations, Spring 2023, <https://appliedsciences.nasa.gov/what-we-do/projects/evaluating-impact-hurricane-irma-georgia-heirs-property-owners-using-nasa-earth>. NASA DEVELOP determined that the total tax-appraised value of probable heirs property in 12 Georgia counties was \$3,576,420,748. The Center divided this value by 12 to determine a rough average value for a single county and multiplied the value by 159 (the total number of Georgia counties), finding that the average tax-appraised value of probable heirs property across the state of Georgia was \$47,387,574,911 as of Spring 2023 ($\$3.58/12 \times 159$).
2. Ownwell, Georgia Property Taxes – Real Estate Values and Property Tax Valuation in Georgia (November 01, 2023) <https://trends.ownwell.com/average-tax-assessment/georgia>.
3. Georgia Emergency Management and Homeland Security Agency, NWS Damage Assessments (last visited Apr. 5, 2024) <https://gema-soc.maps.arcgis.com/apps/MapSeries/index.html?appid=ce54a035db9f482ea4443be9f14fdf13>. Damage assessments in Georgia have increased every year since 2014. By April 2024, there were 882 damage assessments across the state.
4. Georgia Emergency Management and Homeland Security Agency, Tornadoes (last visited Apr. 5, 2024) <https://gema.georgia.gov/tornadoes>.
5. The Climate Explorer, Fort Pulaski, GA, https://crt-climate-explorer.nemac.org/high_tide_floodin_g/?city=Atlanta%2C+GA&county=Fulton+County&area-id=13121&fips=13121&zoom=9.27&lat=31.98&lon=-80.68&id=tmax&mode=high_tide_flooding&threshold=1&window=1&threshold-variable=precipitation&tidal-station=8670870&tidal-station-name=Fort+Pulaski%2C+GA&tidal-station-mhhw=0.59. The graph is created with the report numbers provided by The Climate Explorer. Numbers taken from The Climate Explorer graph for 2012 through 2023 were added together and divided by 12 to produce the average.
6. NOAA, Inland Flooding: A hidden danger of tropical cyclones, (June 25, 2012, Updated June 7, 2018) <https://www.noaa.gov/stories/inland-flooding-hidden-danger-of-tropical-cyclones>.
7. Georgia Emergency Management and Homeland Security Agency, Georgia Social Vulnerability Index Viewer, <https://gema-soc.maps.arcgis.com/apps/webappviewer/index.html?id=d31ab817a7f843fb9bedd9806e6a579f>.
8. U.S. Dept. of Energy, Weatherization Works! (2019) <https://www.energy.gov/sites/prod/files/2019/07/f64/WAP-Fact-Sheet-2019.pdf>. See also National Climate Assessment, Fifth National Climate Assessment - Southeast (2023) <https://nca2023.globalchange.gov/chapter/22#fig-22-9> "...[A]ir-conditioning prevalence varies along racial and economic lines.220 Furthermore, the Southeast has high rates of households that experience energy insecurity. While the Southeast has the lowest energy rates in the US, households there pay the country's highest energy bills. High energy bills disproportionately impact rural and under-resourced residents, elderly residents on fixed incomes, and communities of color."
9. National Climate Assessment, Fifth National Climate Assessment - Southeast (2023) <https://nca2023.globalchange.gov/chapter/22#fig-22-9>.
10. See generally FEMA, Verifying Homeownership or Occupancy, <https://www.fema.gov/assistance/individual/after-applying/verifying-home-ownership-occupancy>.

The Georgia Heirs Property Law Center (the "Center") is a not-for-profit law firm that helps low- to moderate-income heirs property owners, nonprofits, and municipalities remediate fractured title, increase equity, and transfer wealth to the next generation.



**GEORGIA HEIRS PROPERTY
LAW CENTER**

Heirs property is the hidden story behind blight, farm loss, natural disaster devastation, and generational poverty in Georgia.



LEGAL SUPPORT

The Center offers direct legal services for families, individuals, organizations, and municipalities to resolve heirs property. Services include title audits, heirs determination, probating estates, and title clearing.

LAND LOSS PREVENTION

To prevent heirs property, the Center works with clients to create an estate plan (a last will and testament, advanced directive for health-care, and a financial power of attorney).



ASSET EDUCATION

The Center works with nonprofit and governmental partners to provide outreach and education and to help clients develop land and home management plans, qualify for USDA, Disaster Recovery, and other programs.

The total tax-appraised value of
probable heirs property in Georgia is
\$47 billion

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*Heirs property is the **problem**.
Clear title is the **solution**.*

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For more resources, visit our website at
www.gaheirsproperty.org

Georgia Estate Planning Handbook for Communities
Myths & Facts • Heirs Property Brochure • Webinars
Disaster Mitigation Planning Handout • Emergency Document Checklist



Communities Contact with the Center for:

ASSESSING CONDITION
OF TITLES

TITLE CLEARING &
ESTATE PLANNING
SERVICES

EDUCATIONAL
OUTREACH