



# All Land is not Creating Equal: Unleashing Community and Family Wealth through Landownership

Wednesday, November 18, 2020 – 1:00 p.m. ET to 7:00 p.m. ET

Welcome from the Event Partners!

Community   
Strategies Group

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 THE ASPEN INSTITUTE

Janet Topolsky, Executive Director



Jennie Stephens, CEO



# Welcome Our Session Moderator

Melvin Oliver, President, Pitzer College

All Land is not  
Creating Equal

Today's Agenda  
*Attend any or all!*

## Overview Session:

1:00 – 3:10 p.m. ET

## Back-to-Back Deep Dive Breakouts:

*Repeated so that you can go to two!*

**Session One** – 3:45 to 4:30 ET

*15 Minute Intermission*

**Session Two** – 4:45 to 5:30 ET

*Special Event:*

## America's Forests with Chuck Leavell

6:00 – 7:00 p.m. ET

# Joining Breakouts & the Special Event

- At 3:10 we will take a 30ish-minute intermission.
- **Breakout Sessions will begin at 3:45** sharp and **4:45 sharp**. **Each will run twice.**
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  - If you have not received it or are having tech issues – please send a note to [csg.program@aspeninstitute.org](mailto:csg.program@aspeninstitute.org).
- After the breakouts we have another intermission before our **6:00 p.m. ET Special Session** with Chuck Leavell, Jennie Stephens and Yvonne Knight-Carter (Center Board Chair).
- As soon as possible in the next few days, recordings of the entire event will be available on the Aspen CSG event webpage. The video link will be sent to all who registered.

# All Land is not Creating Equal

## Logistics

- Your mics are muted. If you have any **tech** issues, please use the **Chat** box. We have people standing by to address!
- Use the **Chat Box** to share insights or echo/highlight a panelist's statement. **Please share your thoughts with civility and compassion.**
- Please save your **questions** for the Breakout Sessions.
- Tweet your experience today using: **#ruralinnovation** and **#heirsproperty**

# The Power, Problems, and Promise of Land Ownership

Part 1:  
History and  
Context of  
Heirs' Property

- **Lizzie Presser**

Journalist  
*ProPublica*

- **Faith Rivers James**

Assistant Provost for Leadership  
Department Head and Professor, Leadership Studies  
*The Citadel*

# The Power, Problems, and Promise of Land Ownership

Part 2:  
Breadth and  
Scope of Heirs'  
Property –  
and Systemic  
Obstacles

- **Thomas W. Mitchell**

Professor of Law

Co-Director, Program in Real Estate and Community  
Development Law

*Texas A & M University School of Law*

- **Cassandra Johnson Gaither**

Research Social Scientist

*United States Forest Service*

*Southern Research Station*

ALL LAND IS NOT CREATING EQUAL:  
UNLEASHING FAMILY AND COMMUNITY WEALTH  
THROUGH LAND OWNERSHIP

CENTER FOR HEIRS' PROPERTY PRESERVATION AND  
THE ASPEN INSTITUTE

NOVEMBER 18, 2020

Plenary Panel:  
Professor Thomas W. Mitchell  
Texas A&M University School of Law



# Heirs' Property Ownership

- Subset of tenancy-in-common ownership
- Primarily results from intestate succession
- The rules governing this form of ownership are often counterintuitive to those who own such property

Will-Making: Race and Class Disparities

	Respondent has a will	Respondent has a will, by education level		
		No high school	High school	College and above
	-----percent-----			
All respondents	56.93	47.13	58.92	65.71
White	64.23	56.76	65.26	72.04
Black	23.68	20.15	22.89	32.34
Other	27.24	20.79	34.54	38.63
Non-Hispanic	60.66	54.26	61.06	68.09
Hispanic	19.38	14.57	28.30	31.67

# Heirs' Property Ownership Challenges

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- Unstable and Insecure Ownership: Vulnerable to Partition Sales
  - Especially properties in the path of development or in areas experiencing intensified development
  - Results in
    - Property Loss
    - Loss of Real Estate Wealth
- Problem with ownership which often becomes fractionated over time, causing paralysis
  - Default rules don't allocate rights and responsibilities rationally
    - Often source of tension among cotenants with respect to so-called carrying charges: e.g., property taxes & insurance
  - Requirement of 100% agreement among cotenants on some important matters, locks many owners into dysfunctional regime
- Problems with Lacking Clear Title
  - Makes obtaining commercial loans and eligibility for many government programs at state and federal levels extremely difficult

## People/Communities Impacted

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- African Americans across the United States with property in question located mostly in the South
  - Certain studies have estimated heirs' property to constitute between 10-40% of black-owned property in many municipalities or regions though these studies have tended to be small and are not generalizable.
- Latinos in the Southwest
- Poor white Americans in regions such as Appalachia
- Disadvantaged families in urban areas who are disproportionately families of color
- Some Native Americans who own their property in fee simple as opposed under a trust relationship with U.S. and many Native Hawaiians

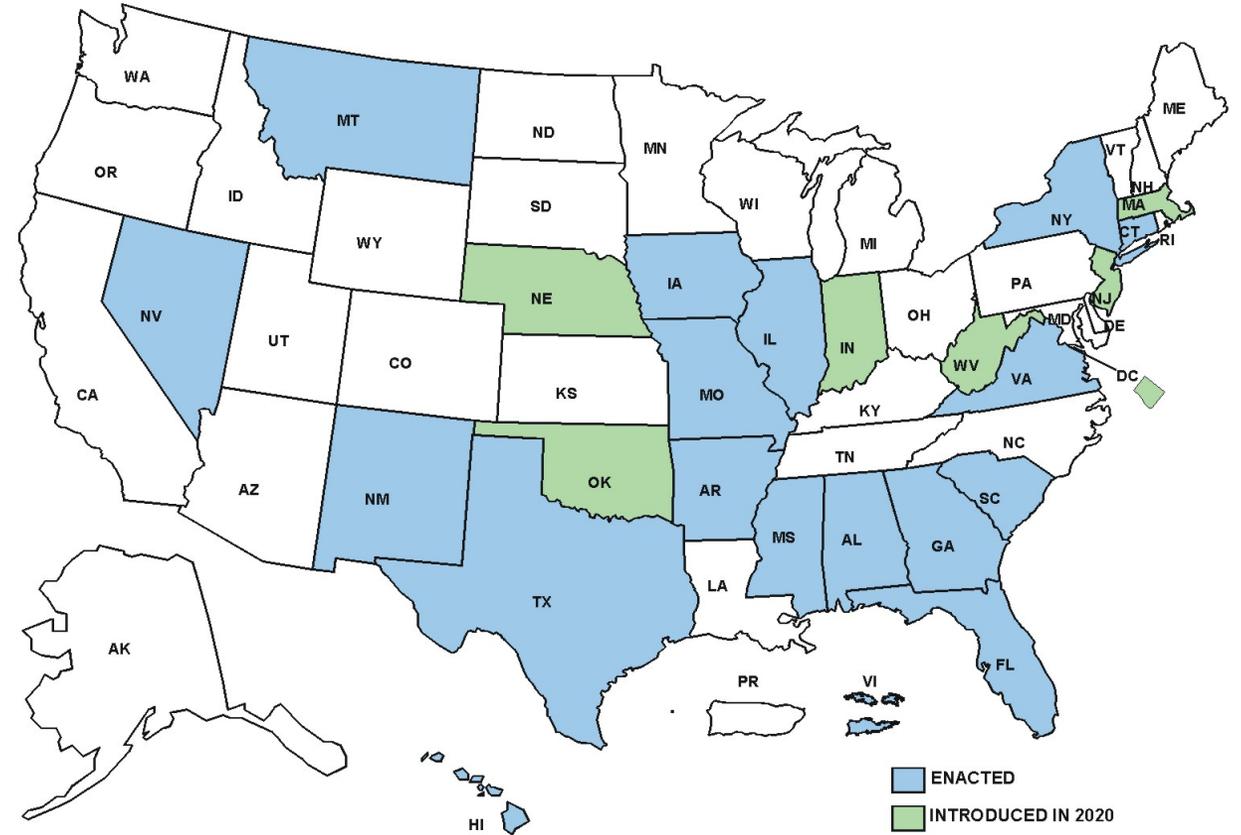
# Uniform Partition of Heirs Property Act: Historic Success

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UNIFORM PARTITION OF HEIRS PROPERTY ACT



As of October 2020

# IDENTIFYING POTENTIAL HEIRS PROPERTIES IN THE SOUTHEASTERN UNITED STATES

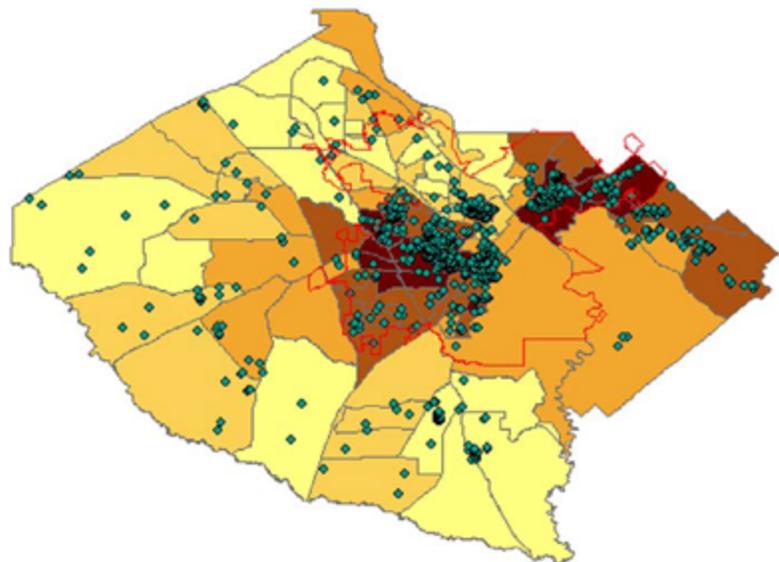
A New GIS Methodology  
Utilizing Mass Appraisal Data



In 2015, the Coalition of Geospatial Organizations gave the United States a D+ for its poor investment in the development and maintenance of parcel data, noting that more than “3,200 counties and [equivalents] maintain 150 million non-Federal land parcels” in a piecemeal and nonstandard manner....”

Pippin et al., 2017

### Macon-Bibb County: Proportion African American and Heirs' Parcels



#### Legend

- City of Macon
- ◆ Heir Parcels

#### Proportion Black

- 0.051136 - 0.178947
- 0.178948 - 0.365854
- 0.365855 - 0.618812
- 0.618813 - 0.856075
- 0.856076 - 0.986322



### Jefferson County, KY: Heirs' Property & Black Proportion



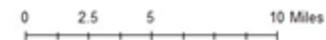
#### Legend

- Louisville
- ◆ Jefferson County Heirs' Parcels

#### Jefferson County KY Block Groups

##### PROP BLACK

- 0.000000 - 0.106250
- 0.106251 - 0.257019
- 0.257020 - 0.472222
- 0.472223 - 0.751647
- 0.751648 - 0.978245



**Heirs Property Search Using Digital Maps Products and Corelogic Data, 2017-2018<sup>+</sup>**

State	Digital Map Products Data	Number of heirs <sup>†</sup> parcels	Heirs as % of parcels	Heirs Acreage*	Heirs Assessed Value <sup>**</sup> (dollars)
Alabama	2,917,525	13,787	.47	323,475	176,144,363
Arkansas	1,883,866	4,276	.23	113,861	50,289,501
Florida	10,312,079	67,744	.65	274,134	13,771,103,500
Georgia	4,571,240	9,091	.20	66,550	638,037,011
Kentucky	1,968,247	6,141	.31	211,666	448,443,454
Louisiana	2,362,347	10,548	.45	208,851	148,456,566
Mississippi	1,883,169	6,971	.37	212,063	40,004,675
North Carolina	5,445,359	50,715	.93	512,677	3,772,507,509
Oklahoma	2,222,391	6,968	.31	408,238	38,551,939
South Carolina	2,805,658	20,133	.71	183,823	2,048,070,759
Tennessee	3,274,302	4,895	.15	94,206	196,704,812
Texas	12,121,668	24,692	.20	775,696	3,669,922,336
Virginia	3,890,023	12,892	.33	163,696	3,093,928,176
<b>Total</b>	<b>55,657,874</b>	<b>238,853</b>	<b>.43</b>	<b>3,548,936</b>	<b>28,092,164,601</b>

\*rounded

<sup>†</sup>Heirs estimates based on identification of heirs indicators in Digital Maps Products data. Owner names annotated with the following are indicative of heirs parcels. "heirs/heirs of," "hrs.," "et al," "estate of," "1/n" (fractional ownership), "deceased," "d'cd," "trustee."

<sup>\*\*</sup> Land and improvement value

Estimates should be considered as **very conservative representations** of heirs' property, as the numbers are from county taxing authorities. Not all taxing authorities provide heirs' indications.

USDA Forest Service, Southern Research Station

Contact: Cassandra Johnson Gaither (cassandra.johnson@usda.gov)

# 15 Years at the Center for Heirs' Property Preservation: Vision and Impact

- **Jennie L. Stephens**

CEO

*Center for Heirs' Property  
Preservation*

- **Janet Topolsky**

Executive Director

*Aspen Institute  
Community Strategies Group*

- **Darrin Goss, Sr.**

President & CEO

*Coastal Community Foundation  
of South Carolina*

# We're All in This Together: Partnering to Create Sustainable Wealth Creation

- **Ann English**

State Conservationist  
*USDA Natural Resources Conservation Service*  
*South Carolina*  
Government

- **Kellie Terry**

Senior Program Officer  
*Surdna Foundation*  
Philanthropy

- **Jim Porter**

President  
Business Development and Latin America  
*WestRock*  
Business

- **Kristopher Pickler**

Board Member  
*Land Trust Alliance*  
  
In-House Attorney  
Legal Real Estate Team  
*Lowe's Companies, Inc.*  
Private Landowner

# Closing Session...*and Send-off to Deep-Dive Breakouts*

- **Melvin Oliver** President, Pitzer College
- **Jennie Stephens** CEO, Center for Heirs' Property Preservation
- **Janet Topolsky** Executive Director, Aspen Institute Community Strategies Group
- **Daniel Porterfield** President, Aspen Institute

# The Breakouts & Special Event

**Breakouts: 3:45 and 4:45 ET – attend two!**

*Separate links for each are on the agenda sent to you by email – and in Chat!*

- Legal and Policy Approaches to Resolving Heirs' Property
- The Opportunity for the Conservation Sector: Engaging People of Color and Their Land
- Building a Movement of Landowner Advocates
- Heirs' Property Across Race and Place
- Forestry and Wealth Creation in the American Black Belt

**6:00-7:00 p.m. ET**

## ■ **America's Forests with Chuck Leavell**

Watch the story of three landowners produced as part of Chuck's series for PBS.

Then we'll have a discussion with Chuck, Jennie Stephens, Yvonne Knight-Carter – and you!

Bring your questions (and maybe dinner or a snack!)

*Individual link for this session on your agenda and in your email.*

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Thanks for joining the Overview Session – *see you later today!*

Community   
Strategies Group



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