State of the South

Heirs' Property
2026 Update

Summary

Heirs' property is created when a property owner passes away without a clear will in place, and the property rights are split among many family members across generations. When there are many property shareholders without clear legal documentation of ownership, families who have lived in a home for years are left unprepared to face disaster recovery, tax burdens, property repairs, and predatory developers. Using a combination of data to identify potential heirs' property issues, trusted navigators to educate community members, and free legal services, organizations like LISC Jacksonville are working to support community members in protecting these important assets.

Heirs' Property, Explained

When a landowner or homeowner intends to leave their property to family members but passes away without a clear will in place, their property becomes known as heirs' property. An heirs' property home may have been passed down informally for several generations with a lack of clear or documented ownership of the home and land. This can result in many family members who do not reside in the home having a small share of ownership in the property. This may leave the tenants of the property vulnerable to low offers or challenges from developers, tax liabilities, and sales requested by unfamiliar co-owners of the property. Learn more about challenges owners of heirs' property face.

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Why Stewardship of Heirs' Property Matters

Protecting heirs' property is a key issue for Southern states, as it is estimated that almost 322,500 land parcels are heirs' property – nearly 73% of heirs' property parcels in the United States. These properties contain over 6.2 million acres of land worth an estimated $24.7 billion. As heirs' property primarily impacts Black and Brown families due to inequitable access to legal services, resolving heirs' property issues is essential to prevent the loss of land at this magnitude.

Heirs' property holders can also face challenges in taking care of the property because they are not officially listed as the owner. Without having their name on the property deed, heirs may face challenges getting utilities set up and may not even receive notice of property taxes being due. They likely would not qualify for any property tax relief programs due to the lack of formal documentation. Failure to make these tax payments can ultimately lead to foreclosure on the home and families losing their land.

Similarly, in the event of a natural disaster, having clear documentation and proof of ownership is necessary to access many disaster relief and recovery programs and funds. Recovery from a disaster can be challenging, and the fact that many heirs' property homes are older buildings only adds to the complexity of managing and financing repairs. Resolving title issues before a disaster strikes will simplify the process of recovery in an already-challenging time.

In some states, it is possible for one individual holding a small share of an heirs' property to force the sale of the whole property, known as a partition sale. The property sale often happens through public auction at below market rates, resulting in families losing huge amounts of the property's value. When a property has been passed down for several generations in large families, it becomes easier for a predatory developer to seek out a disconnected heir and pay them to force a sale so that the developer can purchase the property at a much lower price than the home is worth. This leads to the gentrification of communities where families have lived for decades, and the more often this cycle happens, the less likely it is that families displaced through the sale of their ancestral home will be able to find an affordable house in the same neighborhood as prices continue to rise. Resolving heirs' property issues is critical to ensure that families can remain in the communities in which they are deeply rooted.

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Heirs' Property, Homeownership, and the Racial Wealth Gap

Homes are more than just a financial asset. Homes are gathering places, community centers, and family hubs. Homes are sites of celebration and grief, of comfort and growth, and homes serve as an anchor for families and communities to cook, laugh, play, and work together. These spaces of connection have more emotional resonance than most financial investments, and the importance of having a space to connect and all your own is explored more in the 2025 State of the South Report. Unfortunately, many Southerners have historically been denied access to homeownership due to systemic racism.

As rights to own property have evolved in the United States over centuries, Black families in particular have faced constant policy hurdles to owning and keeping property. These hurdles include the G.I. Bill that offered low-interest home loans only to white veterans to redlining policies intended to maintain segregation and block access to home loans for Black families. Yet, homeownership is one of the most critical tools for a family to build generational wealth. The policies locking Black families out of home ownership and lack of access to legal services to create estate plans are key contributing factors to the racial wealth gap between Black and white Americans. As of 2022, Federal Reserve Board survey data showed that the gap in wealth between the median white household ($284,310) and the median Black household ($44,100) was about 85%, only 1% lower than the same gap in 1992. To make real progress in closing the racial wealth gap, it is essential to support Black families in resolving heirs' property issues.

Community Expert: Natavia Wicker, *Jacksonville, FL*

Natavia Wicker, a Program Manager and Case Manager for Historic Eastside Community Development Corporation, brings personal experience to her role helping families navigate heirs' property issues. As a fourth generation resident of the Historic Eastside neighborhood with a personal connection to heirs' property, Natavia's background and occupational therapist training allows her to build trust and connect with members of her community in a way that is impossible for community outsiders. Many homes in the neighborhood were built in the early 1900s and are considered historic, which can make repairs costly and difficult. "A lot of people walk away from these properties because they can't pull the permits to update it. . . In a community where education often stopped in middle school, a lot of people are worried about the legal side of things. I translate this information in a relatable way."

Natavia's first introduction to resolving heirs' property issues came as she took ownership of her family's home and began to understand it's value. "It's your family's generational legacy. That one home might be the only asset the whole family network has." She encourages families to think of resolving heirs' property issues and completing home repairs as an investment in the next generation of their family. "As a mom, I think of the hurdles I had to go through, and how hard it was for my mother and grandmother. We don't want history to repeat itself." The longer heirs' property issues linger, the more complicated they become to resolve. Losing the property to developers, disasters, or tax liabilities becomes more likely. "With heirs' property, you're clutching sand, but it's slipping from your fingers the whole time. The pieces get smaller and smaller, and it's more costly to resolve. In the end, if you don't resolve it, you're left with nothing."

Case Study: LISC Jacksonville

LISC Jacksonville has worked to develop a scalable model for organizations seeking to resolve heirs' property issues in their communities: find likely heirs' properties, engage trusted community leaders, and support heirs by offering legal and estate planning services among other resources. LISC uses a combination of data tools and local knowledge to identify parcels of land that are likely heirs' properties, then partners with local community leaders to reach out to residents and offer education and assistance navigating the process to resolve the title questions. These leaders work at the neighborhood level, making sure that the broader community is aware of heirs' property issues. A key piece of LISC Jacksonville's success has been its partnership with a legal aid firm to clarify property titles and create new wills to prevent heirs' property from occurring in the future. As of December 2025, LISC Jacksonville's approach has helped resolve titles on over 180 properties and created 2,200 estate plans, helping to stabilize local communities for generations to come. You can learn more about LISC's approach in their Heirs' Property Playbook.

Conclusion

Resolving heirs' property issues is critical to help Black and Brown communities build wealth, remain in long-time family homes, and stabilize neighborhoods at risk of gentrification and turnover by investors. By working to resolve heirs' property issues now, communities can better prepare for the unexpected and can invest in property renovations and repairs to improve their home's comfort and value. Connecting residents with estate planning services before heirs' properties are created is essential to prevent this issue from impacting future generations and help ensure that families are able to invest in their futures.