



AgEcon SEARCH
RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

The World's Largest Open Access Agricultural & Applied Economics Digital Library

This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.

Help ensure our sustainability.

Give to AgEcon Search

AgEcon Search
<http://ageconsearch.umn.edu>
aesearch@umn.edu

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

HEIRS' PROPERTY IN AN URBAN CONTEXT

Sarah Stein and Ann Carpenter, Federal Reserve Bank of Atlanta,
sarah.stein@atl.frb.org/ann.carpenter@atl.frb.org

*Invited Paper prepared for presentation at the 2022 AEA/ASSA Annual Meeting VIRTUAL,
January 7-9, 2022*

Copyright 2022 by Sarah Stein and Ann Carpenter. All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies. The views expressed here are the authors' and not necessarily those of the Federal Reserve Bank of Atlanta or the Federal Reserve System

Abstract

Heirs' property owners are susceptible to family land loss due to the precarity of their shared ownership structure. They are also often limited in their access to the economic value of their land since they do not have clear, marketable title. Although often discussed as a rural issue, heirs' property manifests in urban areas, as well, where these properties have spillover effects, particularly in historically disinvested communities that experience deeper susceptibility to shocks and stresses. Using the Jacksonville, FL area as a case study, we first estimate the extent of residential heirs' property in this area. We do this using property records data. Based on these figures, we address the cumulative impacts these properties have on individual families, neighborhoods, and the broader urban region. We make efforts to account for the economic impact of these properties, on an individual family level as well as a community level. We also consider the intersection of heirs' property with system shocks, such as recent hurricanes, as well as historic practices of racial exclusion. Our research finds that urban heirs' property in this setting share many characteristics prior research has associated with rural heirs' properties. Heirs' properties tend to be found within lower-income, low-wealth (in terms of housing equity), low educational attainment, and racial and ethnic minority communities. Our regression results also indicated that neighborhoods with a higher share of the population that is Black had a significant and positive impact on heirs' property concentration. Our spatial analysis of historic redlining practices indicated significant overlap between the concentration of heirs' property and those areas explicitly excluded from mainstream financial investment on the basis of a neighborhood's racial composition. We estimate that \$5 billion in housing value may be locked or vulnerable to land loss in Duval County due to heirs' property status. These properties tend to be older, have elevated vulnerability to flooding based on claims filed after Hurricane Irma, and are less likely to be insured, meaning that they are ill-prepared and at high risk for events that could further depreciate or destroy homes owned by heirs as tenants in common.

Introduction

Widely regarded as a bulwark of wealth building and stability, real property ownership can shape the futures of families and fuel the development of communities and cities. Real property ownership is ultimately a legal status, defined and managed within a complex legal system, and a mere claim to ownership does not guarantee the rights and protections imagined by many as characteristic of property ownership. For owners of heirs' property, whose claim to their land (or "title") is shared equally with others and passed informally through descent, land ownership can be precarious, expensive, and emotionally taxing—especially when the property in question is also their home.

Following a growing body of research that explores the creation, prevalence, characteristics and consequences of heirs' property, our study focuses on Jacksonville (Duval County), Florida. We explore heirs' property as an element of the urban fabric of this metropolitan area, paying particular attention of socio-demographic context, historical practices of racial exclusion, and patterns of disaster exposure. This multifaceted approach considers heirs' property ownership as embedded in dynamic, overlapping systems. We attempt to understand where heirs' property is located, what factors have led to its creation, and what impacts it may have on those who own it and their surrounding communities.

Through this work we find that heirs' properties tend to be found within lower-income, low-wealth (in terms of housing equity), low educational attainment, and racial and ethnic minority communities. Our

regression results also indicated that neighborhoods with a higher share of the population that is Black had a significant and positive impact on heirs' property concentration. We conduct a spatial analysis of historic redlining practices and find significant overlap between the concentration of heirs' property and those areas explicitly excluded from mainstream financial investment on the basis of a neighborhood's racial composition. Importantly, we calculate the economic scale of the issue, estimating \$5 billion in housing value locked or vulnerable to land loss as heirs' property. We also note that heirs' properties in Duval County tend to be older, have elevated vulnerability to flooding based on claims filed after Hurricane Irma, and are less likely to be insured, meaning that their owners are ill-prepared and at high risk for events that could further depreciate or destroy their homes.

Heirs' Property: Definitions and Prior Research

The term "heirs' property" describes a form of property ownership in which multiple individuals inherit undivided interests in the same parcel of real estate. It is most often created when a property owner passes away without a legally recognized estate plan in place. This is often referred to as passing away *intestate*. State law determines the legal heirs of the intestate, deceased owner and these heirs become common owners by default. Legally described as, "tenants in common," they each own a fractional interest in the entire property. Notably, heirs' property can also be created when a simple will bequeaths the property equally to multiple family members and does not designate succession through survivorship rights.

Tenant in common heirs hold a highly unstable form of common real property ownership, and often find it very difficult to manage their property in a functional way (Mitchell, 2014; Mitchell, Malpezzi, & K.Green, 2009). In families and networks where access to affordable legal estate planning advice is limited—disproportionately Black, Indigenous, and communities of color—heirs' property owners can multiply in number quickly across generations, accumulating a large pool of owners for one parcel of land, some of whom may not know one another and many of whom may not know that they own anything at all. This status of fractionated title is particularly unstable because a single heir, or in certain cases a third party who has acquired the heir's interest in the property—thereby becoming a tenant in common with the cotenants who are family members—can demand their portion of the land's value by asking the court to order a forced, so-called partition sale of the entire property (Craig-Taylor, 2000; Mitchell, 2001). Fractionated title also often prevents landowners from accessing resources that could help them maintain or improve their property, including private and public grant opportunities, mortgage finance options, and any program or benefit that requires clear title or proof of ownership grounded in updated deed records (Way, 2009).

Heirs' property has played a significant role in land loss, particularly among Black farmers in the rural South. Research documenting the accumulation and loss of land by rural Black farmers since Emancipation identifies heirs' property title—and the practice of third party forced partition sales—as a principal and ongoing vulnerability leading to land loss for these rural landowners (Bailey et al., 2019; Emergency Land Fund, 1984; Mitchell, 2001). Research exploring the specific difficulties of land management faced by rural heirs' property owners associates heirs' property ownership with persistent poverty and the inability invest in improvements for productive land use, (Baab, 2011; Zabawa et al., 2016) such as timber investments that require many years to yield returns and often require clear title to sell timber from the land to a reputable buyer (Bailey et al., 2019).

A smaller body of research focuses on the incidence of nonrural heirs' property. Although these heirs' property owners may not struggle to yield productive crops or timber returns, they have faced challenges in accessing insurance and disaster recovery funds (Alexander, 2007; Baab, 2008; Bates & Greene, 2009; Weiss, 2006), home repair financing or other programs that require clear title (Way, 2009), and access to property tax abatement and homestead eligibility designed to benefit and protect owner-occupants (Flocks et al., 2018). Because it is harder to fund improvements and maintenance for heirs' property, homes often fall into disrepair. Heirs' property has been associated with issues of vacancy and abandonment, which—particularly in an urban setting—can give rise to public health, safety, and economic challenges for the surrounding community (Richardson, 2018). Coupled with housing segregation patterns that cut through most American cities, abandoned heirs' property can compound existing struggles in neighborhoods that have experienced decades of institutional disinvestment and neglect. In this study we look at the incidence of heirs' property in Jacksonville (Duval County), Florida, a city with a deep history of racial exclusion, housing segregation, and disenfranchisement. Our results indicate that these histories are woven into the local incidence of heirs' property, which significantly overlays with today's predominantly black neighborhoods and in locations that were redlined in the 1930s.

Conceptually, the idea of “dead capital,” has caught on as a useful tool for describing the economic weight of heirs' property. Originally coined by Hernando De Soto to indicate the wealth-building potential of untitled property in developing countries (De Soto, 2000), Brady Deaton (2007) applied the term to heirs' property research to emphasize the loss of economic utility and efficiency that accompanies fractionated title. When thought of in these terms, the work of quantifying the amount and value of dead capital captured in heirs' property becomes a project of comprehending lost wealth potential, a potent calculation in the context of deeply-rooted social inequities that face many of the communities where heirs' property is most often found—Jacksonville included.

Because heirs' property is entirely a product of legal construct—assembled through systems and processes that grant legitimacy to one status over another—it is an insidiously invisible but pervasive issue. Land owned in this way cannot be identified in a satellite image or the window of a car. Its status can only be traced through legal documents and public record by those who have the access and knowledge to navigate them. Tallying the mass of its existence, quantifying its consequences within dominant economic systems, and tracing its emergence to histories of exclusion renders it—and the disadvantages that its status carries—visible and present. Some owners of heirs' property may not be interested in viewing their land or home as an asset that can be alienated or leveraged, and certainly some owners may even become more vulnerable with clear title that could expose them to predatory market actors (Johnson Gaither & Zarnoch, 2017). However, the economic tally of the categorical exclusion of these owners from the wealth benefits of property rights—and the system that assumes the value of these rights—powerfully accounts for the toll that past and current legal practices have taken on the generations of landowners whose default treatment has provided them with tenancy in common ownership. In this paper we explore the tally of heirs' property in Jacksonville, seeking to account for its mass, its characteristics, the vulnerabilities its owners are exposed to, and the history of systems and practices in which it is situated.

Jacksonville, Florida Study Area

Our study examines the incidence of heirs' property in the Jacksonville, Florida. Previous research has found a higher incidence of heirs' property in communities with more significant Black populations. Based on 2019 census data, the city of Jacksonville's population is 31.0% Black, among the highest proportion Black population of Florida's large urban areas, and a significantly higher proportion than the state of Florida (16.9%).

Because it is created through the process of legal descent, heirs' property is principally a generational phenomenon, implicating patterns of population growth and migration that reach back many decades. Jacksonville experienced a boom in its Black population during the Reconstruction period—a time when newly emancipated Black Americans established political presence and began acquiring property (Crooks, 2017). Duval County was also a high-frequency Southern destination among Black migrants between 1910 and 1930 (Collins & Wanamaker, 2015). By 1890 the Black population in Jacksonville grew to encompass over half of the city's overall population and by 1887 the Black Jacksonville community had secured positions on city council, as judges, and in the police force. However, that quickly changed when in 1889 conservative white delegates from the city, citing the irresponsibility and disarray of Black voting masses, fought for and won state legislation that overhauled the Jacksonville city government and replace its leadership with white gubernatorial appointees. Soon thereafter conservative factions worked to implement poll tax and literacy hurdles to the ballot, siphoning off much Black political engagement (Cassanello, 2013). The Black community in Jacksonville were targeted in many other legal, political, and economic instances of discrimination and disenfranchisement leading up to and during the Jim Crow Era (Cassanello, 2013; Crooks, 1986). In addition to these events, the Black community had little resources to recover from Jacksonville's devastating 1901 fire, cementing existing inequities in a political environment that provided little formal avenue for reform or support. Jacksonville's Black community, which had grown triumphantly in the Reconstruction era was deeply destabilized and experienced tremendous population churn between 1900 and 1914. By 1916 Jacksonville became a center for northward migration (Crooks, 2017), although it also remained a destination for Black southern migrants moving within the South (Collins & Wanamaker, 2015). These dynamics sewed an atmosphere where deep distrust of the legal establishment would likely have spread and cemented in the Black community, creating a climate in which informal inheritance practices can easily lead to the emergence of heirs' property.

In addition to its socio-demographic and political history, the physical geography of the Jacksonville area provides important contours for analysis of heirs' property. Situated near Florida's Atlantic coast and bisected by the tidal St. John's River, much of the Jacksonville landscape is low-lying and veined with tributaries. It has high exposure to severe storm and hurricane activity, which could place heirs' property owners at higher risk of financial exposure and land loss. Considering this exposure, we analyze FEMA claim data from hurricane Irma to better understand the potential compounding effects of disaster impact and heirs' property ownership. Based on conversations with contacts in area this is a concern.

Our choice to focus on the Jacksonville area was also influenced by conversations we had with contacts in the area who identified heirs' property as an issue of growing consciousness and concern among Jacksonville residents. In particular, the Jacksonville Local Initiative Support Coalition (LISC) has launched an initiative to address Black wealth building in the Jacksonville area and, through discussion with local leadership, has identified heirs' property as an issue of current and future concern in Jacksonville's

predominantly black neighborhoods. Legal services attorneys in the area have also identified the resolution and prevention of heirs' property as a prevalent legal need among their clients.

Jacksonville is also poised for our analysis because property-level tax parcel data in the Jacksonville area are openly available and, as we discuss later in more detail, these records contain important markers that indicate the presence of heirs' property. Our interest in taking a closer look at heirs' property in Jacksonville is bolstered by forthcoming research that indicates that Jacksonville has the densest concentration of heirs' property in the Southeast (Thomson et al., Forthcoming).

Florida Legal Context

There are two matters of Florida law that are important to lay out as local context for a discussion of Jacksonville's heirs' property. These include the laws around intestate descent of real property and the effect of heirs' property ownership status on access to Florida's homestead protections.

Intestate Descent Under Florida Law

As discussed above, heirs' property is created through the operation of legal default rules of intestate succession. These rules, like nearly all aspects of property law and probate law, are determined by state law. In Florida, when a person dies without a legally valid will and with no surviving spouse, real property is inherited "per stirpes" among heirs of the decedent as tenants in common. Per stirpes descent provides an equal share of the property to each heir based on their tier of descent. Children of the decedent would divide the property into equal shares. If a child had passed away with heirs, each heir would receive an equal portion of that child's share (Flocks et al., 2018).

It should also be noted that, the Florida Constitution provides strong protections on homestead property. If a decedent is the owner of homestead property at death and is survived by a spouse and one or more descendants, the surviving spouse takes a life estate in the homestead with a vested remainder in the decedent's lineal descendants. For example, if a husband who dies intestate with a surviving wife and two of his own adult children, his residence would pass to his wife as a life estate and the two children would become owners as tenants in common upon the death of the wife. These interests pass outside of the decedent's estate and can be formalized in record title through a petition to determine homestead, which must be filed in a probate proceeding. The surviving spouse may elect to take an undivided one-half interest in the property as a tenant in common but must actively petition to do so within six months of the death of the spouse ("§ 4.06 Homestead Exemption," 2021). In the case of surviving spouses who are not on title, the life estate homestead can clarify their right to possess the property for their lifetime and can protect their access to the home from creditors of the spouse's estate, but ultimately, the property could face many of the same challenges that heirs' property faces and would become heirs' property once the surviving spouse passes away if there are more than one "remainderman" on the life estate—as in the example where there are two children.

Florida Homestead Protections

The Florida Constitution provides strong homestead protections to owner-occupants of real property. As described above, these protections extend to heirs in the process of the settling of an estate, such that the value of homestead property is removed from the value of a decedent's estate. Owner-occupants also enjoy protection from creditor's forced sale of their property and property tax exemption benefits, which can reduce their property tax bill. However, these protections would only extend to heirs'

property owners who actively and permanently live on the property. They are also only eligible for protection and exemption up to the proportion of the property that they own. An heir who owns with 15 other relatives would only get 1/15 of the benefits and protections that Florida's homestead rules provide (Flocks et al., 2018).

Motivation and Research Question

As previously noted, while heirs' property is increasingly recognized as an issue with complex and cascading implications for communities, there is relatively little study of urban heirs' property. A robust literature exists around heirs' property in rural areas, particularly in the southern U.S., given its significant contribution to the loss of Black-owned land in this region. We turn our attention to a southern urban area known to be affected by this issue in order to 1) estimate the extent of heirs' property and its implications, 2) determine whether these properties differ materially from comparable residential properties, and 3) understand the characteristics of the neighborhoods in which heirs' properties are concentrated, including how they have been impacted by a recent natural disaster. Essentially, we ask whether urban heirs' property is consistent with what we know about rural heirs' property and what implications exist for Jacksonville families and the community.

Data and Methodology

Our analysis of urban heirs' property is centered on Jacksonville, Florida. We first systematically identified known (or probable) heirs' property in current parcel-level tax data to determine how many heirs' properties exist. We then examined the characteristics of these properties and of the neighborhoods in which they tend to cluster based on descriptive statistics. Finally, we conduct a regression analysis to understand how social marginalization has led to increased incidence of heirs' property at the census block group level. To identify heirs' properties and their physical and economic characteristics, we used 2021 Name-Address-Legal (NAL) real property tax roll data compiled by the Florida Department of Revenue and supplied to us by the Shimberg Center for Housing Studies at the University of Florida. We used U.S. Census Bureau American Community Survey 2015-2019 5-year estimates to obtain demographic and socioeconomic characteristics of neighborhoods at the block group level. For an understanding of historic patterns of exclusion, we used the University of Richmond's "Mapping Inequality: Redlining in New Deal America" geospatial version of the 1936 Home Owners' Loan Corporation (HOLC) mortgage security map. To determine the relative disaster risk of communities with higher concentrations of heirs' properties and the availability of disaster recovery housing assistance in those communities, we used the Federal Emergency Management Agency (FEMA) OpenFEMA Individual Assistance Housing Registrants – Large Disasters -v1 (accessed 10/25/2021).

Results

Quantifying Heirs' Property

We began our exploration of Jacksonville area heirs' properties by speaking with representatives of the county tax assessor offices and county clerk offices to gain an understanding of how ownership of heirs' property or other indicators of heirs' property are characterized in their records. We spoke to the five counties in the Jacksonville metropolitan area and found that the standards used varied from county to county. For example, "et al" is attached to properties with more than two owners in Duval County and to those with more than one owner in St. Johns County. In these conversations, we also found that

“estate of,” “care of,” or “C/O” are associated with ownership by heirs as tenants in common. “Heirs” clearly indicates ownership by heirs but is infrequently used. Finally, we heard in Duval County that “life estates” are employed in instances where a property owner dies with a surviving spouse and children over the age of majority.¹ These indicators were used to identify likely heirs’ property in all five counties. Using the NAL data, we performed a character index search to find the heirs’ property indicator substrings in the owner name and owner address strings. In some cases, more than one indicator was found in a record.

Table 1: Number of Records with an Heirs’ Property Indicator by Substring

	Baker	Clay	Duval	Nassau	St. Johns	5 County Total
Heirs	-	268	9	3	2	282
Et al	225	530	25,940	197	14,628	41,520
Estate	3	6	32	6	1	48
Life estate	4	-	5,320	-	1	5,325
C/O (Family Owned)	18	730	10,795	650	1,202	13,395
Residential Parcels	8,771	88,013	320,312	47,707	133,354	598,157

Source: 2021 NAL tax data

Given the inconsistent usage and meaning of the indicator terms and the low incidence of them in Baker, Clay, Nassau, and St. Johns counties, we limited our analysis to Duval County, which is the largest and most populated county, and since 1968 has functioned as a consolidated governmental entity with the City of Jacksonville, thus housing the city’s central business district. Inconsistency in record keeping at the county level is one of the key challenges in identifying heirs’ property at larger geographic or even national levels. We found the identifiers listed in Table 1 in both the owner name and owner address fields of the NAL data. We culled the data to remove corporate entities, organizations, trusts, and other non-family owners that commonly include “C/O” in their name and address.

In determining the total number of residential properties in Duval County and the total number of residential heirs’ properties, we removed non-residential and inapplicable residential land uses from our analysis. While non-residential heirs’ properties do exist, we limited this analysis to homes and homesteads, which are more commonly held as heirs’ property and have deeper economic and social impacts on families and communities. Using the NAL land use code variable, we limited our analysis to vacant residential, single family, mobile homes, condominiums, and cooperatives. We excluded multi-family rental, retirement homes, miscellaneous residential (migrant camps, boarding homes, etc.), and residential common elements/areas. With the exception of vacant residential, which can result from heirs abandoning a property where the structure is subsequently demolished, our included land uses are

¹ Through our research we learned that it is common practice in Duval County for the property tax appraiser’s office to notate a “life estate” on a parcel that falls into this category—whether that notation comes from the court records or from documentation provided by a resident owner. We counted any such properties in our heirs’ property count because 1) such a notation indicates the death of a homeowner and the default passing of interest to multiple parties, 2) the form of ownership retains many of the issues that tenant in common owners face, and 3) the appraiser’s records may not reflect a change if the surviving spouse dies and the remaindermen own as tenants in common. It is very likely these properties are heirs’ property.

only owner-occupied residential properties. For brevity, we refer to these included parcels as “all residential property.”

Using these criteria, we identified 29,389 likely heirs’ properties in Duval County (9.2% of all owner-occupied parcels in the county) among family-owned properties (Table 2).

Table 2: Heirs’ Property Share by Number of Parcels and Acreage in Duval County, Florida

	Duval
Number of residential heirs’ properties	29,389
Total number of residential properties	320,312
Heirs’ properties as a share of residential properties	9.2%
Land acreage of residential heirs’ property	10,791
Total residential land acreage	111,649
Heirs’ properties as a share of residential property acreage	9.7%

Source: 2021 NAL Duval County tax data

Characteristics of Heirs’ Property in Duval County

We also used the NAL data to understand the condition and economic value of heirs’ properties in Jacksonville. In exploring the data at the parcel level, we found observable differences in the Duval property appraiser’s records on building quality, value, and type of residential land use.

The effective year built is the year that the primary structure on a parcel was built adjusted for any substantial deterioration or improvements that affect its life. Heirs’ property structures in Duval County tend to be older, with a mean effective year built of 1982 versus 1986 for all homes (Table 3). This statistically significant difference is not surprising, as heirs have less access to grants or loans to fund improvements on the property due to lack of clear title. Uncertainty over rights and control and disagreements between surviving relatives can also hinder decisions to undertake improvements.

Table 3: Effective Year Built of Parcels in Duval County, FL

	Valid N	Minimum	Maximum	Mean**	Std. Deviation	Median
Heirs’ Property	27,814	1899	2020	1982	21.59	1985
All Residential Property	305,620	1887	2020	1986	20.79	1990

Source: 2021 NAL Duval tax data, **The mean difference is significant at the 0.01 level

Figure 1: Effective Year Built of Heirs' Property

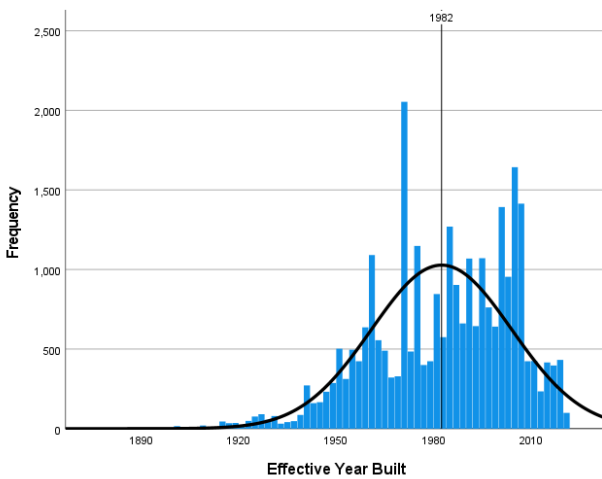
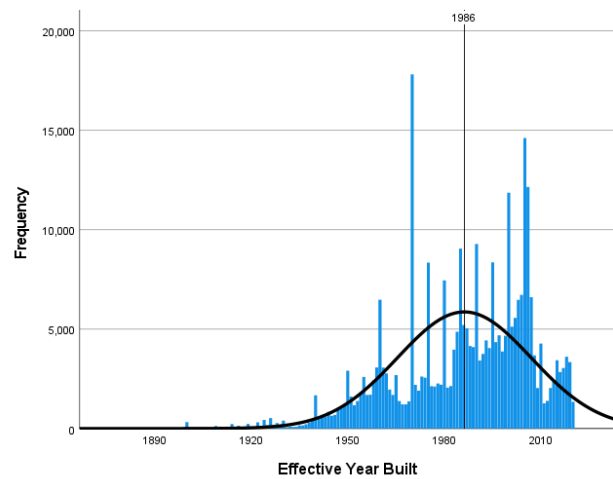


Figure 2: Effective Year Built of All Residential Property



Source: 2021 NAL Duval tax data

Similarly, the improvement quality of heirs' property structures was more likely to be below average or worse than all homes (11.7% versus 9.3%) and less likely to be above average or better (12.0% versus 14.6%) (Table 4). Improvement quality is the overall quality of the primary structure or structures on the property. Appraisers in Duval use Marshall & Swift, a nationally recognized and uniform set of quality of construction standards customized to the county's local residential building market.² This discrepancy in build quality of homes on heirs' property indicates that the home was acquired by a household that likely had limited resources requiring a more economic build quality. Build quality can also be an indicator that homes will need more maintenance or improvement to retain use and value over time. This indicates that these owners of heirs' property are more likely to face more frequent home repair challenges more often than owners of higher build quality structures.

Table 4: Improvement Quality of Parcels in Duval County, FL

	Minimum/ Low Cost	Below Average	Average	Above Average	Excellent	Superior
Heirs' Property	0.6%	11.1%	76.3%	10.4%	1.5%	0.0%
All Residential Property	0.4%	8.9%	76.1%	12.4%	2.2%	0.1%

Source: 2021 NAL Duval tax data

Duval County determines a property's just value, which is an estimate of the fair market price for that property in a hypothetical arm's length sale based on recent sales and comparable property values.³ The mean just value for heirs' property (\$169,269) is 11% lower than that of all residential property (\$190,500), a statistically significant difference (Table 5). This is consistent with previous studies that have pointed to lower market values among heirs' property. In an urban context, this depressed

² See Duval County Appraisal District 2019 Mass Appraisal Report, accessed at <https://duvalcad.org/wp-content/uploads/2020/06/2019-Mass-Appraisal-Report.pdf>

³ See Truth In Millage (TRI) Notice of Proposed Property Taxes, accessed at [https://www.coj.net/departments/property-appraiser/truth-in-millage-\(trim\)](https://www.coj.net/departments/property-appraiser/truth-in-millage-(trim))

valuation, particularly when clustered into specific, historically disadvantaged neighborhoods as our redlining analysis indicates, can compound the economic hardship of a neighborhood as a whole.

Despite indicators that heirs' property in Duval County carried depressed market value, its cumulative value is significant. The total just value of the 29,389 heirs' properties with a valid just value entry is \$4,974,648,970.

We also used census data to interpolate housing value. In Duval County, there are 27,943 heirs' properties located in a block group with valid median housing value at the block group level. Extrapolating the median housing value to those properties, a total of \$5,214,513,900 in potential value is captured in the known heirs' properties within the county and is vulnerable to land loss. The average housing value is \$186,613, which is in line with the mean just value of \$190,500 reported by the county appraiser. Our analysis indicates that a reasonable estimate for how much wealth is held as heirs' property in Duval County is roughly \$5 billion.

Recall that heirs' property owners are tangled in a web that makes it difficult if not impossible to leverage the value of their property or even sell it freely at a market rate. For a single county to have nearly \$5 billion in estimated real estate value systematically locked in this form of ownership must place significant drag on economic potential—from the individual household level to the county tax digest as a whole.

Table 5: Just Value of Parcels in Duval County, FL

	Valid N	Minimum	Maximum	Mean**	Std. Deviation	Median
Heirs' Property	29,389	\$1	\$4,733,576	\$169,269	\$151,402	\$143,992
All Residential Property	320,312	\$1	\$9,238,677	\$190,500	\$253,840	\$157,033

Source: 2021 NAL Duval tax data, **The mean difference is significant at the 0.01 level

Figure 3: Just Value of Heirs' Property

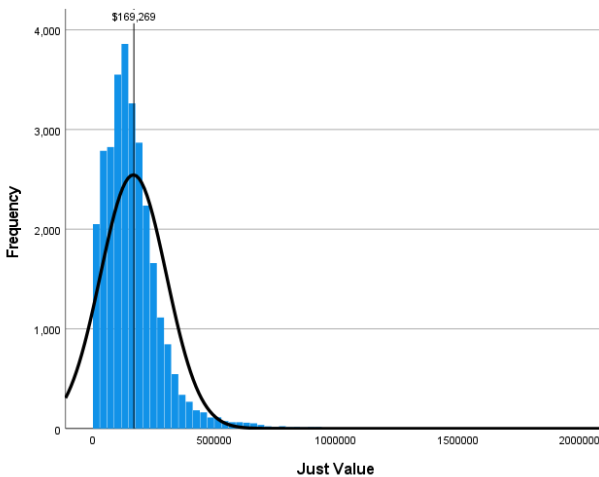
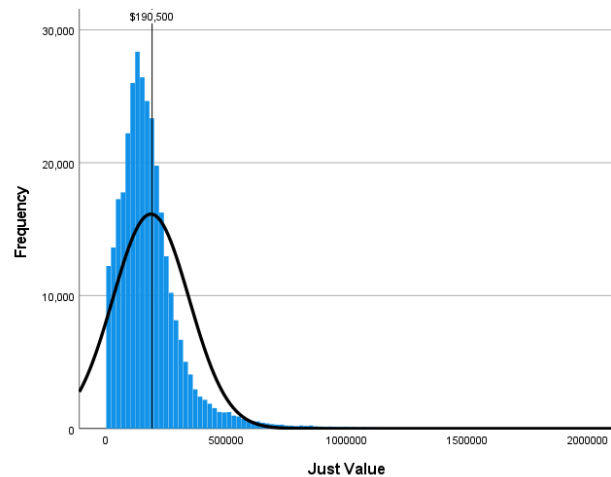


Figure 4: Just Value of All Residential Property



Source: 2021 NAL Duval tax data

We also examined the housing characteristics of Duval heirs' property to understand any patterns in the improvements that heirs have access to. The examined parcels were largely single-family properties (81.8%). Importantly they contained a higher share of mobile homes (4.0% versus 2.9%) and vacant residential land uses (5.4% versus 4.6%) than residential property as a whole (Table 6). Previous work, primarily focused on rural heirs' property has discussed the prevalence of manufactured housing on land owned by heirs, as these structures are financed as chattel instead of being secured with real estate and therefore do not require clear title (Dyer, 2007). It appears that even in a more urban setting, heirs' owners utilizing mobile homes for dwelling structures. More research into the incidence of vacant residential heirs' property could illuminate whether this is a product of the demolition of older, deteriorated homes.

Table 6: Residential Land Use Types of Parcels in Duval County, FL

	Single Family	Vacant Residential	Mobile Homes	Other Residential Land Uses
Heirs' Property	81.8%	5.4%	4.0%	8.8%
All Residential Property	83.9%	4.6%	2.9%	8.7%

Source: 2021 NAL Duval tax data

Characteristics of Neighborhoods by Concentration of Heirs' Property

Having explored the characteristics of heirs' properties in Duval to understand how its owners and communities may be impacted by the phenomenon, we also sought to better understand the socioeconomic and demographic characteristics of the neighborhoods in which they are most likely to be found. To do so, we aggregated the NAL data to 2019 census block groups, the smallest level of geography for which a parcel-level geographic identifier was available. We then used U.S. Census Bureau American Community Survey 2015-2019 5-year data to obtain demographic and housing estimates for these block groups. After appending heirs' property counts and residential parcel counts to each block group, we ranked the 490 block groups in Duval County by heirs' property as a share of all residential properties. We sorted the block groups into quartiles and deciles by the share of heirs' property. We excluded 16 block groups with fewer than 65 residential parcels in the NAL data. These block groups generally included non-owner-occupied housing types or other land uses, such as military housing or student housing.

We found notable differences in block groups containing the largest share of residential heirs' properties, particularly those in the 10th decile, as compared with Duval County as a whole and as compared with block groups with a lower share of heirs' property. These differences were particularly stark in comparison with 1st quartile (lowest share of heirs' property) (Table 7).

Block groups in the 10th decile tended to have a lower average household income, larger percent of Black residents, a higher share of residents 25 years and older without a high school diploma, a higher housing vacancy rate, and a lower homeownership rate. This aligns with previous research and widespread understanding that heirs' properties are associated with lower-income, lower-educational attainment, and racial and ethnic minority families due to social marginalization. Higher vacancy rates and lower homeownership rates indicate that heirs' properties have a negative effect on community stability and tenure. The 10th decile also tended to be lower density than the county as a whole and block groups in the lower quartiles by share of heirs' property (with average lot sizes of 2 acres for the 10th decile versus 1.2 acres for the county). This relationship did not appear to be linear, however.

Although we are studying heirs' property in an urban context, this points to the elevated presence of suburban and exurban heirs' properties in Duval, a large county that encompasses an urban core as well as areas with varying degrees of rurality. Further research into the relationship between development patterns and population migration within the metropolitan area could illuminate the relationship between the urban core and the current incidence of sub- and exurban heirs' property.

Table 7: Demographic and Housing Characteristics in Quantiles by Block Group Share of Heirs' Property

Quantiles by block group share of residential heirs' property	Average Household Income	Percent Black	Percent of Population 25+ without a high school diploma	Percent Housing Vacancy	Home-ownership Rate	Housing Density (units/acre)
1 st quartile (lowest share)	\$86,088	33%	10%	12%	61%	0.66
2 nd quartile	\$86,617	23%	8%	10%	61%	1.13
3 rd quartile	\$73,016	24%	11%	13%	52%	0.89
4 th quartile	\$59,735	38%	14%	13%	54%	0.68
10 th decile (highest)	\$45,273	54%	19%	17%	44%	0.49
Duval County	\$78,339	29%	10%	12%	58%	0.83

Source: Census ACS 5-Year estimates 2015-2019, 2021 NAL Duval tax data

Block groups with the highest share of heirs' properties also tended to have lower average housing values and lower average contract rent paid than Duval County or quartiles with a lower share of heirs' property (Table 8). Without clear title, heirs' properties tend to generate lower sales prices, whether that is because they are sold through forced sale conditions or in a cash transfer, since a buyer of an heirs' property would not be able to obtain the standard of title required by most lending institutions. Condition issues also limit the value of these properties. In addition to losing value themselves, in the context of proximity and comparison-driven market valuation methods, heirs' properties may also have the effect of depressing surrounding housing values in their vicinity, given the deep discount demonstrated in the average housing values of block groups in the 1st quartile versus 10th decile. Those neighborhoods with higher shares of heirs' property also commanded lower contract rents than those with lower shares of heirs' property.

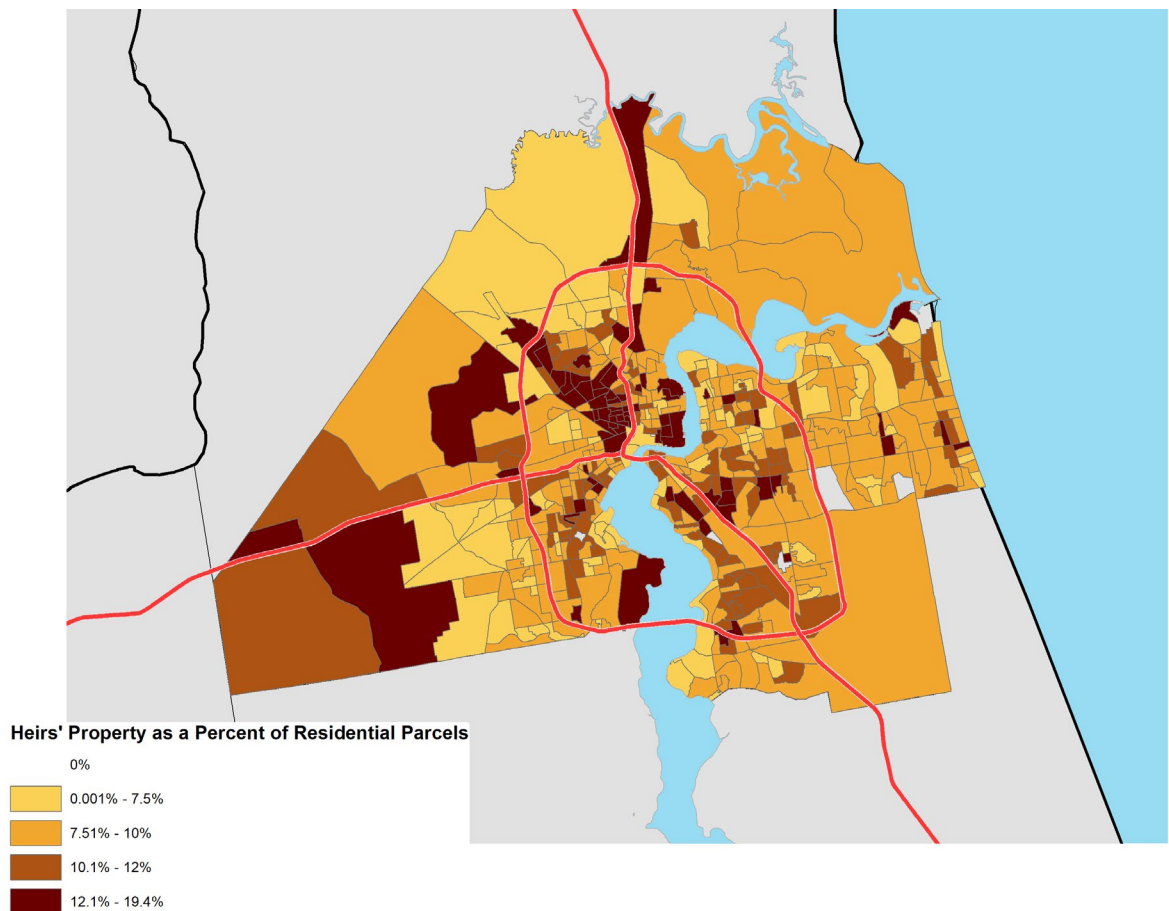
Table 8: Housing Value and Rent Characteristics in Quantiles by Block Group Share of Heirs' Property

Quantiles by block group share of residential heirs' property	Average Housing Value	Average Contract Rent
1 st quartile (lowest share)	\$278,646	\$896
2 nd quartile	\$245,899	\$998
3 rd quartile	\$213,094	\$937
4 th quartile	\$161,277	\$772
10 th decile (highest)	\$110,158	\$700
Duval County	\$233,491	\$912

Source: Census ACS 5-Year estimates 2015-2019, 2021 NAL Duval tax data

As seen in Figure 5, heirs' properties in Duval were concentrated in outlying neighborhoods and those near the St. Johns River. Proximity of neighborhoods with high concentrations of heirs' property to the St. Johns River and other coastal and inland waterways led us to an exploration of the impacts of recent natural disasters on heirs' property in Duval County. Given the difficulties that heirs' property owners can face financing repairs and improvements, increased exposure to natural disasters could exacerbate these difficulties, leading to immediate or eventual involuntary loss.

Figure 5: Heirs' Property as a Percent of Residential Parcels by Block Group, Duval County, FL



Source: Census TIGER/Line Shapefiles, 2021 NAL Duval tax data

We used the Federal Emergency Management Agency (FEMA) OpenFEMA Individual Assistance claims data to capture disaster damage and levels of damage to dwellings at the neighborhood level. The data include all major disasters declared beginning in 2017. For Duval County, the only major declared disaster for which individual assistance for housing was administered was Hurricane Irma in 2017, which caused storm surge and historic, widespread inland flooding in Jacksonville (Schuppe, 2017).

As a proportion of property owners that filed a claim after Irma, neighborhoods with the highest share of heirs' property tended to have lower rates of flood and home owners' insurance coverage and higher shares of owner occupied units with a claim (using the number of claims as a percentage of all homes in the block group) as well as claims with damage that resulted in a repair or replacement payout (Table 9). This indicates that heirs' properties in Duval County tend to be more vulnerable to damage from major disasters and less likely to have coverage to repair their property. This is consistent with anecdotal

evidence that heirs' property owners have difficulty securing insurance due to their ownership status as well as the tendency for their property to have deferred maintenance and condition issues. Based on self-reported income data, residents of neighborhoods with a higher share of heirs' property also had lower average income. Somewhat unexpectedly, the percentage of claims paid was highest in neighborhoods with higher shares of heirs' property, despite known difficulties in obtaining assistance due to lack of clear title.⁴ FEMA data are helpful to understand trends among property owners that filed for assistance. However, it should be noted that analysis by FEMA indicated that lower-income homeowners are less likely to access federal assistance, even when holding levels of damage constant (Perls & Underwood, 2021). Therefore, actual damage, insurance coverage, and financial need following Irma may not be represented by the universe of individuals who received or even applied for assistance.

Table 9: Hurricane Irma Claims Data in Quantiles by Block Group Share of Heirs' Property

Quantiles by block group share of residential heirs' property	Number of Claims	Percent of Claims with Home Insurance	Percent of Claims with Flood Insurance	Share of Homes with a Claim	Percent of Claims with Serious Damage (Repair or Replace)	Average Self-Reported Income of Claimant	Percent Claims Paid
1st (lowest share)	29,803	70.0%	9.7%	25%	3.5%	\$68,139	7.0%
2nd	29,523	64.8%	9.5%	17%	4.4%	\$58,883	6.6%
3rd	22,868	62.1%	9.5%	21%	5.1%	\$59,265	8.2%
4th	26,925	52.9%	6.1%	29%	6.8%	\$49,002	10.3%
10 th (highest)	12,154	44.1%	5.0%	42%	8.2%	\$41,716	10.8%
Duval County	109,119	63.1%	8.8%	22%	4.8%	\$59,069	7.9%

Sources: FEMA OpenFEMA Dataset: Individual Assistance Housing Registrants – Large Disasters -v1, Census ACS 5-Year estimates 2015-2019, 2021 NAL Duval tax data

Finally, we conducted an OLS linear regression analysis to identify the relationship between neighborhood demographic and socioeconomic characteristics and the density of heirs' property using block groups as the unit of analysis (Table 10). We replicated the methodology of Johnson Gaither and Zarnoch (2017) by using heirs' property per acre as the dependent variable and percent of the block group population that is Black, percent of households with income at or below 100% of the federal poverty level, percent of adults 25 and older without a high school degree, and population per acre as independent variables. The authors theorized based on existing literature that social marginalization, measured by racial or ethnic minority identity, lower education levels, and lower income result in the formation and concentration of heirs' property. As in Johnson Gaither and Zarnoch's block group-level analysis of Macon-Bibb County, Georgia, our model explained around a third of the variation in heirs' property concentration. We also found that the percent of the population that is Black and population per acre had a significant and positive effect on the dependent variable. Our quantile analysis showed that neighborhoods with the highest concentration of heirs' property tended to be lower density, although the relationship was not linear. Therefore, it is unclear from our analysis how and whether

⁴ FEMA addressed this issue in 2021 by expanding the list of allowable forms of proof of ownership. See https://www.fema.gov/sites/default/files/documents/fema_updated-iappg-version-1.1.pdf. Our data predate this change.

housing or population density is a contributing factor to heirs' property in an urban context, a question that warrants further exploration. Johnson Gaither and Zarnoch found that educational attainment as measured by percent of the adult population without a high school degree also had a positive and significant effect on heirs' property concentration, while this variable was not significant in our model. In both models, poverty was not significant. While Johnson Gaither and Zarnoch used a similar method to identify heirs' property from property tax record owner names, our diverging results may stem from varying standards in county level record keeping as well as differing socioeconomic and demographic characteristics of the two counties. Housing discrimination by race impacts historical development and homeownership patterns, particularly in southern U.S. counties. Further investigation into these phenomena are needed.

Table 10: Regression Model Results

	Standardized Coefficients	t	Sig.	Collinearity Statistics	
	Beta			Tolerance	VIF
(Constant)		4.249	.000		
pc_black	.217***	4.717	.000	.641	1.561
pc_pov	-.035	-.704	.482	.553	1.808
pc_nohsdip	-.014	-.301	.763	.673	1.486
pop_acre	.559***	15.018	.000	.977	1.023

Dependent Variable: hp_acre

*** significant at 1%, ** significant at 5%, *significant at 10% confidence interval

$R^2 = .367$ $p = .000$

Adjusted $R^2 = .362$

df = 472

Heirs' Property and Racial Exclusion

To understand how urban development and racial exclusion may have affected the generation of heirs' property, we used 1936 Home Owners' Loan Corporation (HOLC) mortgage security or "redlining" map, which was used to determine the level of risk for banks issuing home loans in the area. In drawing these maps the HOLC marked areas considered safest for investment by shading them green and giving them an "A" grade. Those considered highest risk were shaded red and given a "D" grade. Risk criteria were explicitly racist. In Jacksonville, "D" rated areas were "principally the negro areas of the City" (Nelson, Winling, Marciano, Connolly, & others). By using existing spatial stratifications of race to establish standards for investment and development, redlining cemented the exclusionary practices put in place by white power structures in the decades since Emancipation into the urban landscape. Many of the redlined areas in the 1936 map overlay with the neighborhoods identified in accounts of Jacksonville's history as locations where Black Americans built their homes and communities during Reconstruction and the early years of Jim Crow (see Crooks, 2017; Cassanello, 2013; Crooks, 1986). The practice of redlining deeply impacted the possibilities of growth and development in the areas they touch such that vestiges of this practice are associated with present-day segregation and disinvestment (Aaronson, Hartley, & Mazumder, 2020).

The 1936 map only covers a portion of Duval County; therefore, we limited an analysis to only those 121 blocks that were fully or partially within the map boundaries (Figure 6). The percent of land area in each rating category was calculated as a share of the area of the block group covered by the map. Block groups with the highest shares of heirs' property tended to have higher percentages of land categorized as "D" grade than the county as a whole (Table 11). This indicates a relationship between the formal practice of redlining and the emergence of heirs' property. Further research into this relationship is needed to understand how explicit practices of racial exclusion like redlining may be implicated and imbricated with systemic elements of disadvantage, like the laws and practices that lead to the default creation and treatment of heirs' property ownership. For instance, could redlining have pushed Black homebuyers into informal lending and ownership avenues that did not stress title standards and estate planning? Could these transaction have structured purchases in ways that set Black buyers on a path toward the creation of heirs' property and its effects?

Figure 6: Home Owners' Loan Corporation Risk Map

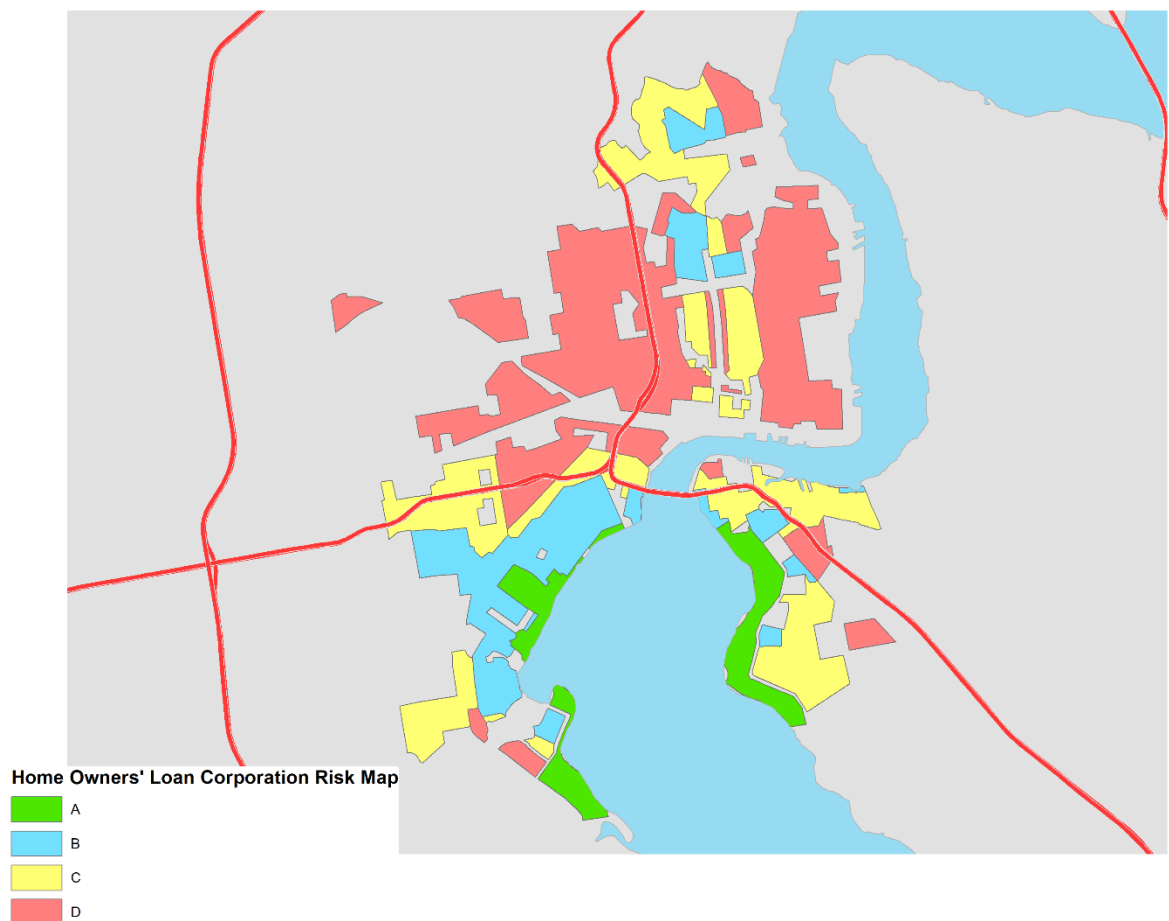


Table 11: Redlining Prevalence in Quantiles by Block Group Share of Heirs' Property

Quantiles by block group share of residential heirs' property	Percent of block group categorized as "D" quality
1st (lowest share)	41.3%
2nd	33.0%
3rd	22.5%
4th	64.4%
10 th (highest)	87.6%
Duval County	43.7%

Source: *Mapping Inequality* (Nelson et al.), 2021 NAL Duval tax data

Discussion

The above analysis of likely heirs' property in Jacksonville-Duval County, Florida yielded several significant findings. First, urban heirs' property in this setting share many characteristics associated with rural heirs' properties, based on prior rural-focused studies, including the findings that heirs' properties tend to be found within lower-income, low-wealth (in terms of housing equity), low educational attainment, and racial and ethnic minority communities. Our regression results also indicated that neighborhoods with a higher share of the population that is Black had a significant and positive impact on heirs' property concentration. A spatial analysis of historic redlining practices indicated significant overlap between the concentration of heirs' property and those areas explicitly excluded from mainstream financial investment based on a neighborhood's racial composition. Second, the scale of the issue, with \$5 billion in housing value locked or vulnerable to land loss has material consequences for families and neighborhoods in Jacksonville. Resolution of more than 29,000 heirs' property cases would require significant resources and the availability of community outreach resources, attorneys, and other professionals. Third, these properties tend to be older, have elevated vulnerability to flooding based on claims filed after Hurricane Irma, and are less likely to be insured, meaning that they are ill-prepared and at high risk for events that could further depreciate or destroy homes owned by heirs' as tenants in common.

This largely exploratory study is limited in that Jacksonville, like all metropolitan areas, is idiosyncratic in many ways. Duval County records relevant information for the identification of heirs' property in the owner name and address fields of its tax records, a practice that is not even consistent among adjacent metropolitan region counties. Yet, we also know that an unknown quantity of heirs' property exist that were not captured by our methodology due to the difficulty of maintaining up to date and precise records. Furthermore, Jacksonville is a city with particular geographic features, historical migration patterns, practices of racial exclusion, and one that, unlike so many declining rural and urban communities facing heirs' property concerns, has witnessed persistent population growth.

This study was conducted after Florida passed the Uniform Partition of Heirs Property Act (UPHPA) in 2020—a bright spot in the story of heirs' property and the efforts to alleviate its negative effects. The UPHPA is a product of a decades-long work begun by Thomas Mitchell, law professor and Reporter to the Uniform Law Commission, seeking to change the legal atmosphere in which partition laws have led to involuntary land loss. The Act includes three significant areas of reform that apply to heirs' property

aimed to ensure heirs' buyout rights against parties who would partition, to account for social, historical and cultural value of land, and to require open market sales at fair market value if a sale is indeed necessary. Although Florida's passage of the UHPA will not reduce the number of family properties that already are or will become heirs' property or remedy program eligibility issues that often come with fractionated title, it does provide legal protections against a key vulnerability that heirs' property owners have faced for generations: land loss through undervalued, forced partition sale. It also raises awareness of heirs' property as an issue that many people face and provides that issue with formal legal recognition. This is important context for a study like ours, which digs into the quantity and characteristics of heirs' property in one of Florida's largest cities.

Areas for future inquiry include developing our statistical model to better understand factors alongside race that may contribute to the concentration of heirs' property. More granular exploration of the vulnerability and the incidence of exposure of heirs' properties to natural disasters is also necessary. Our work begins to define the contours of the issue in Jacksonville, including the enormous need for assistance to mitigate and resolve heirs' property, the scale of family wealth and land that is at risk of loss, and the vulnerability of communities with high concentrations of uninsured heirs' property to natural disasters. This information is a strong argument for more resources and outreach to heirs' property owners and to neighborhoods where heirs' properties are prevalent.

Sources

- § 4.06 Homestead Exemption. (2021). In *Florida Probate Code Manual*.
- Aaronson, D., Hartley, D. A., & Mazumder, B. (2020). *The Effects of the 1930s HOLC 'Redlining' Maps*. Retrieved from Federal Reserve Bank of Chicago: <https://ssrn.com/abstract=3038733>
- Alexander, F. S. (2007). Louisiana Land Reform in the Storms' Aftermath. *Loyola Law Review*, 53(727–761).
- Baab, C. H. (2008). *Emergency CDBG Funds in the Gulf Coast: Uses, Challenges, and Lessons for the Future: Hearing Before the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services, U.S. House of Representatives, One Hundred Tenth Congress, Second Session, May 8, 2008* (Vol. 4). U.S. Government Printing Office.
- Baab, C. H. (2011). Heir Property: A Constraint for Planners, an Opportunity for Communities. *Planning and Environmental Law*, 63(11), 3–11.
- Bailey, C., Zabawa, R., Dyer, J., Barlow, B., & Baharanyi, N. (2019). Heirs' Property and Persistent Poverty among African Americans in the Southeastern United States. In C. J. Gaither, A. Carpenter, T. L. McCurdy, & S. Toering (Eds.), *Heirs' Property and Land Fractionation: Fostering Stable Ownership to Prevent Land Loss and Abandonment* (pp. 9-19). U.S. Forest Service. Retrieved from <https://www.srs.fs.usda.gov/pubs/58543>
- Bates, L. K., & Greene, R. A. (2009). Housing Recovery in the Ninth Ward: Disparities in Policy, Process, and Prospects. In *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast* (pp. 229–245). Westview Press. <https://silo.pub/race-place-and-environmental-justice-after-hurricane-katrina-struggles-to-reclaim-rebuild-and-revitalize-new-orleans-and-the-gulf-coast.html>
- Cassanello, R. (2013). *To Render Invisible: Jim Crow and Public Life in New South Jacksonville*. University Press of Florida. <https://muse.jhu.edu/book/22453>
- Craig-Taylor, P. (2000). Through a colored looking glass: a view of judicial partition, family land loss, and rule setting. *Washington University Law Review*, 78(3), 737-788.

- Collins, W. J., & Wanamaker, M. H. (2015). The Great Migration in Black and White: New Evidence on the Selection and Sorting of Southern Migrants. *Journal of Economic History*, 75(4), 947–992.
- Crooks, J. B. (1986). Jacksonville in the Progressive Era: Responses to Urban Growth. *The Florida Historical Quarterly*, 65(1), 52–71.
- Crooks, J. B. (2017). *Jacksonville After the Fire, 1901-1919: A New south City*. University Press of Florida. <https://ufdc.ufl.edu/AA00061986/00001>
- De Soto, H. (2000). *The mystery of capital: Why capitalism triumphs in the West and fails everywhere else*. New York: Basic Books.
- Deaton, B. J. (2007). Intestate Succession and Heir Property: Implications for Future Research on the Persistence of Poverty in Central Appalachia. *Journal of Economic Issues*, XLI(4), 927-942.
- Dyer, J. F. (2007). *Heir Property: Legal and Cultural Dimensions of Collective Landownership*. Retrieved from Alabama Agricultural Experiment Station, Auburn, AL: <https://aurora.auburn.edu/bitstream/handle/11200/4107/BULL0667.pdf?sequence=1>
- Emergency Land Fund. (1980). *The impact of heir property on black rural land tenure in the southeastern region of the United States*. Retrieved from <http://hdl.handle.net/2027/coo.31924067935720>
- Flocks, J., Lynch, S. P., II, & Szabo, A. M. (2018). The Disproportionate Impact of Heirs Property in Florida's Low-Income Communities of Color. *The Florida Bar Journal*, 92(8), 57–61.
- Johnson Gaither, C., & Zarnoch, S. J. (2017). Unearthing 'dead capital': Heirs' property prediction in two U.S. southern counties. *Land Use Policy*, 67, 367–377.
- Mitchell, T. W. (2001). From Reconstruction to Deconstruction: Undermining Black Ownership, Political Independence, and Community through Partition Sales of Tenancy in Common Property. *Legal Studies*, 95(2), 505-580.
- Mitchell, T. W. (2014). Reforming Property Law to Address Devastating Land Loss. *Alabama Law Review*, 66(1), 1-61.
- Mitchell, T. W., Malpezzi, S., & K.Green, R. (2009). Forced Sale Risk: Class, Race, and the "Double Discount". *Florida State University Law Review*, 37, 589-658.
- Nelson, R. K., Winling, L., Marciano, R., Connolly, N., & others. Mapping Inequality. *American Panorama*. Retrieved from <https://dsl.richmond.edu/panorama/redlining/#loc=12/30.325/-81.796&maps=0&city=jacksonville-fl>
- Perls, H., & Underwood, D. (2021). *Equitable Disaster Relief: An Analysis of FEMA's Legal Authority to Integrate Equity under the Stafford Act*. Retrieved from Harvard Law School Environmental & Energy Law Program: <http://eelp.law.harvard.edu/wp-content/uploads/Equitable-Disaster-Relief-Perls-Underwood-PDF.pdf>
- Richardson, J. J., JR. (2018). Receivership: Another Option for Partition of Heirs Property. *West Virginia Law Review*, 120, 27.
- Schuppe, J. (2017). Irma's Storm Surge Swallows Jacksonville With Record Floods. *NBC News*. Retrieved from <https://www.nbcnews.com/storyline/hurricane-irma/irma-s-storm-surge-swallows-jacksonville-record-floods-n800331>
- Thomson, R., Bailey, C., & Gunnoe, A. (Forthcoming). *Quantifying Heirs' Property Across the Deep South: A Geospatial Approach*. US Department of Agriculture Forest Service, Southern Research Station.
- Way, H. K. (2009). Informal homeownership in the United States and the law. *Saint Louis University Public Law Review*, 29(113), 273-613.
- Weiss, K. (2006). Clearing Title in Katrina's Wake. *Probate & Property*, 20, 42–44.
- Zabawa, R., Bailey, L. C., Baharanyi, N., Barlow, R., Horne, S., & Baab, C. (2016). *Securing The Land For Agricultural And Community Development: Addressing Heir Property As An Asset Building Strategy*. Tuskegee University, Auburn University, Land Loss Prevention Project, Alabama Appleseed.