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!

Janet Topolsky, Executive Director

Jennie Stephens, CEO
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.**
  - To enter each breakout discussion, click on its specific unique Zoom link.
  - The breakout links are in the Agenda – you have received an email this morning with access to the Agenda.
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  - If you have not received it or are having tech issues – please send a note to 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
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*
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

<table>
<thead>
<tr>
<th>Will-Making: Race and Class Disparities</th>
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<tbody>
<tr>
<td>Respondent has a will</td>
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<td>------------------------</td>
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<td></td>
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<tr>
<td>All respondents</td>
</tr>
<tr>
<td>White</td>
</tr>
<tr>
<td>Black</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Non-Hispanic</td>
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<tr>
<td>Hispanic</td>
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Heirs’ Property Ownership Challenges

- 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

- 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
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
<table>
<thead>
<tr>
<th>State</th>
<th>Digital Map Products Data</th>
<th>Number of heirs' parcels</th>
<th>Heirs as % of parcels</th>
<th>Heirs Acreage (^a)</th>
<th>Heirs Assessed Value (^a) (dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>2,917,525</td>
<td>13,787</td>
<td>.47</td>
<td>322,475</td>
<td>176,144,363</td>
</tr>
<tr>
<td>Arkansas</td>
<td>1,883,866</td>
<td>4,276</td>
<td>.23</td>
<td>113,861</td>
<td>50,289,501</td>
</tr>
<tr>
<td>Florida</td>
<td>10,312,079</td>
<td>67,744</td>
<td>.65</td>
<td>274,134</td>
<td>13,771,103,500</td>
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<tr>
<td>Georgia</td>
<td>4,571,240</td>
<td>9,091</td>
<td>.20</td>
<td>66,550</td>
<td>638,037,011</td>
</tr>
<tr>
<td>Kentucky</td>
<td>1,968,247</td>
<td>6,141</td>
<td>.31</td>
<td>211,666</td>
<td>448,443,454</td>
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<tr>
<td>Louisiana</td>
<td>2,362,247</td>
<td>10,548</td>
<td>.43</td>
<td>208,821</td>
<td>148,458,586</td>
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<tr>
<td>Mississippi</td>
<td>1,883,169</td>
<td>6,971</td>
<td>.37</td>
<td>212,063</td>
<td>40,004,675</td>
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<tr>
<td>North Carolina</td>
<td>5,445,259</td>
<td>50,713</td>
<td>.93</td>
<td>512,677</td>
<td>3,772,297,509</td>
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<tr>
<td>Oklahoma</td>
<td>2,272,391</td>
<td>6,968</td>
<td>.31</td>
<td>408,238</td>
<td>38,531,939</td>
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<tr>
<td>South Carolina</td>
<td>2,805,638</td>
<td>20,133</td>
<td>.71</td>
<td>183,823</td>
<td>2,648,070,759</td>
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<tr>
<td>Tennessee</td>
<td>3,734,302</td>
<td>4,802</td>
<td>.13</td>
<td>94,206</td>
<td>196,704,812</td>
</tr>
<tr>
<td>Texas</td>
<td>12,121,668</td>
<td>24,692</td>
<td>.20</td>
<td>775,656</td>
<td>3,669,922,336</td>
</tr>
<tr>
<td>Virginia</td>
<td>3,890,023</td>
<td>12,892</td>
<td>.33</td>
<td>163,696</td>
<td>3,693,928,176</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>55,657,874</strong></td>
<td><strong>238,853</strong></td>
<td><strong>.43</strong></td>
<td><strong>3,548,936</strong></td>
<td><strong>28,692,164,601</strong></td>
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\(^a\) 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 of," "heirs," "et al," "estates of," "ins." (fractional ownership), deceased," "d.o.d.," "trusts."

\(^b\) Land and improvement value

Estimates should be considered 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

<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
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</thead>
<tbody>
<tr>
<td><strong>Ann English</strong></td>
<td>State Conservationist, USDA Natural Resources Conservation Service, South Carolina Government</td>
</tr>
<tr>
<td><strong>Kellie Terry</strong></td>
<td>Senior Program Officer, Surdna Foundation, Philanthropy</td>
</tr>
<tr>
<td><strong>Jim Porter</strong></td>
<td>President, Business Development and Latin America, WestRock Business</td>
</tr>
<tr>
<td><strong>Kristopher Pickler</strong></td>
<td>Board Member, Land Trust Alliance, In-House Attorney, Legal Real Estate Team, Lowe’s Companies, Inc., Private Landowner</td>
</tr>
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</table>
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!