



## Supporting Heirs Property Owners Through Natural Disaster and Resiliency Programs

In 2023, the JPMorgan Chase PolicyCenter published [Preserving Generational Wealth by Untangling Titles for Heirs Property Owners](#), showcasing the challenges associated with heirs property and offering policy solutions to begin addressing the negative consequences for families and communities. Recognizing the intersection of heirs property with many broader housing market affordability challenges, the PolicyCenter is publishing updated evidence-based policy recommendations that help heirs property owners build and preserve wealth. This brief explores the intersection between heirs property and natural disasters—a relationship that exposes how ownership requirements prevent those with unclear title from accessing sorely needed assistance before and following a natural disaster.

### Heirs Property and Disaster Recovery

Heirs property, also referred to as a “tangled title,” occurs when a homeowner dies without a will or other formal estate plan and several people gain rights to indivisible shares in the same home or piece of land, or when an owner has a will that equally distributes the property among multiple decedents.<sup>1</sup> Heirs property is one of the most unstable and insecure forms of real property ownership, greatly increasing the risk of property loss due to land speculation, property partition sales, or tax default.<sup>2</sup> Heirs property can undermine the creation and preservation of generational wealth and is disproportionately found in Black, Latino, Hispanic, low-income, and low-wealth families in both rural and urban communities. It largely stems from oversights in estate planning, insufficient access to affordable legal services, and a knowledge gap in how property transfers from generation to generation.<sup>3</sup>

### Recommendations

#### Build heirs property owner’s resilience and preparedness against natural disasters:

- Implement flexible and alternative ownership requirements for homestead exemptions and related property tax relief
- Expand access to free or low-cost legal services to help heirs property owners clear the title to their home and partake in estate planning
- Build awareness of heirs property challenges among disaster relief administrators and policymakers to facilitate the equitable deployment of disaster recovery and climate resiliency resources.

#### Support heirs property owners’ recovery following a natural disaster:

- The [Housing Survivors of Major Disaster Act](#) and the [Reforming Disaster Recovery Act](#) would codify Federal Emergency Management Agency (FEMA) flexibility and permanently authorize Community Development Block Grant Disaster Recovery (CDBG-DR), respectively
- The [Heirs Empowerment and Inheritance Rights \(HEIR\) Act of 2024](#) would expand alternate forms of documentation to verify ownership to be eligible for disaster relief through CDBG-DR
- The [Heirs Estate Inheritance Resolution and Succession \(HEIRS\) Act of 2024](#) would establish a new grant program at the U.S. Department of Housing and Urban Development (HUD) to support heirs property owners with essential financial and technical resources to clear title to their home
- The [Heirs Education and Investment to Resolve Succession of Property Act](#) would reauthorize the U.S. Department of Agriculture (USDA) [Heirs Property Relending Program](#) and direct USDA to incorporate pro bono title resolution and succession planning services for eligible heirs farmland owners

Although heirs property can affect all property owners, the issue is most acute in low-income, low-wealth communities of color, particularly among Black communities. Correspondingly, the USDA cites heirs property as the primary cause of involuntary land loss in Black communities.<sup>4</sup> The South sees particularly high rates of land loss due to heirs property with over a third of land transferred informally across generations.<sup>5</sup> Despite its associations with rural areas, heirs property also exists in urban, suburban, and exurban geographies. For example, a recent study found heirs property to be a significant issue in Philadelphia with disproportionate impacts for Black residents.<sup>6</sup>

As extreme weather events intensify in frequency and severity, heirs property owners are often increasingly vulnerable to and unprepared to recover from natural disasters. Coastal states, in particular, have a high prevalence of heirs properties<sup>7</sup> prone to increasingly pervasive, severe, and costly hurricanes.<sup>8</sup> In the South, this means extreme flooding will rise by 26 percent by 2025, disproportionately impacting Black communities.<sup>9</sup> Similarly, the threat of property loss for heirs property owners in states susceptible to forest fires, droughts, and flooding will worsen as these types of natural disasters increase.<sup>10</sup>

Federal disaster relief programs are crucial in funding short- and long-term recovery for families and communities. Immediately after a disaster strikes, short-term relief provides direct resources to individuals and households to strengthen their ability to withstand the disaster's effects and return to basic living conditions.<sup>11</sup> From 2008 to 2016, the federal government spent an estimated \$9.1 billion on short-term

## By the Numbers

- In the past 40 years, the frequency and costs of extreme weather disasters, called billion-dollar disasters, have skyrocketed. From 2003 to 2022, there were 244 billion-dollar disasters with a cumulative, price-adjusted value cost of nearly \$2 trillion compared to 96 disasters with a cost of about \$546 billion from 1983 to 2002.<sup>12</sup> In 2022, Hurricane Ian cost an estimated \$115 billion in damages, making it the costliest tropical cyclone in Florida and the third most expensive on record in the U.S.<sup>13</sup>
- 7 of the top 10 states with the highest total of potential heirs properties are coastal, including Florida, North Carolina, Alabama, Georgia, South Carolina, Texas, and California,<sup>14</sup> increasing their risk to extreme weather such as coastal storms, hurricanes, and flooding.<sup>15</sup>
- 100,000 is the estimated number of applicants denied FEMA disaster relief due to ownership requirements after Hurricanes Maria, Katrina, and Rita.<sup>16</sup>
- FEMA denied 60.5 percent of the 1.1 million Puerto Ricans who applied for disaster relief after Hurricane Maria, citing title issues as the preeminent reason for denials.<sup>17</sup> An estimated 14 percent of Puerto Rico's population, or around 130,000 people, fled the island in the aftermath of Hurricane Maria in 2017.<sup>18</sup>
- \$32.3 billion is the total assessed value of heirs properties in 44 states and the District of Columbia,<sup>19</sup> which will be at an increased risk of loss if exposed to extreme weather.
- In 2023, Congress appropriated \$3 billion in CDBG-DR funding for extreme weather events.<sup>20</sup>

disaster recovery through FEMA's Individuals and Households Program (HIP), or about 14.4 percent of all projected federal spending during that time.<sup>21</sup> Congress also appropriates billions of dollars annually to mitigate the long-term consequences of natural disasters.<sup>22</sup> From 2021 to 2023 alone, Congress appropriated a total of \$10 billion for activities such as restoring infrastructure or repairing housing stock.<sup>23</sup>

Recent research on the long-term effects of natural hazards suggests that FEMA aid has a significant impact on a household's longer-term rebuilding and financial resiliency with household-level outcomes mirroring pre-disaster inequities across race, education, and homeownership.<sup>24</sup> For example, between 1999 and 2013, Black and Latino disaster survivors living in counties with billion-dollar disasters saw an estimated \$27,000 and \$29,000 in wealth erosion, respectively, while White disaster survivors recovered and accumulated an estimated \$126,000 over the same time period.<sup>25</sup> This research suggests that homeowners with more wealth pre-disaster—who are disproportionately White—and receive FEMA aid after a disaster tend to maintain their projected wealth-building trajectory long-term, whereas the opposite occurs for renters with no household wealth pre-disaster—who are more likely to be Black or Latino.

Heirs property status may exacerbate these racial wealth disparities following a natural disaster. For example, many disaster survivors have been denied FEMA assistance based on title documentation ineligibility, with disproportionate impacts for low-income homeowners, homeowners of color, and manufactured housing residents.<sup>26</sup> A 2021 investigative report found that FEMA denials were twice as high in counties with Black communities where heirs property was often prevalent.<sup>27</sup> An estimated 20,000 to 25,000 applicants were denied access to rebuilding assistance after Hurricanes Katrina and Rita because they failed to meet proof of ownership requirements<sup>28</sup> and another 80,000—or about 60 percent of applicants—were denied assistance after Hurricane Maria due in large part to heirs property challenges.<sup>29</sup> The intersection of heirs property, natural disasters, and the racial wealth gap is an important area for additional research and policy intervention.

## Recovery and Resilience Challenges for Heirs Property Owners

As natural disasters increase in frequency and severity, disaster relief programs will be a crucial safeguard to help homeowners repair their homes, stay housed, and stabilize neighborhoods.

**Homeowner Recovery Following a Natural Disaster:** The already challenging process of recovering from a natural disaster is disproportionately burdensome for heirs property owners. To be eligible for financial relief, disaster survivors must comply with proof of ownership requirements, which can create barriers for heirs property owners who lack a deed or clear title to their home. As a result, heirs property owners, who are disproportionately low-income, low-wealth, and of color, do not have access to urgently needed disaster relief and receive little to no financial assistance to repair disaster-related damages to their homes.<sup>30</sup> This increases the likelihood of structural disrepair, abandonment, property loss, and generational wealth erosion.<sup>31</sup> In the aftermath of disasters in Alabama and Louisiana, many heirs property owners who were denied FEMA assistance became delinquent on their property taxes, losing their homes in public auctions shortly after.<sup>32</sup> Without intervention, natural disasters will continue to exacerbate the loss of

property and generational wealth. Currently, two primary federal disaster aid programs provide financial support for natural disaster survivors.

**FEMA's IHP Program:** The primary source of short-term disaster recovery assistance is the FEMA's Individuals and Households Program (IHP), which derives its authority from the Robert T. Stafford Disaster and Emergency Act. Funding for FEMA's Disaster Relief Fund (DRF) is appropriated by Congress, most of which are emergency appropriations in response to severe weather events.<sup>33</sup> IHP provides eligible individuals and households with immediate financial assistance and direct services in the event of a presidentially declared natural disaster.<sup>34</sup> IHP's financial aid is especially important for property owners, who can access funding for temporary housing, repairs and replacements, and hazard mitigation assistance to fortify homes against disasters.<sup>35</sup> Crucially, IHP funds both uninsured and underinsured disaster-induced expenses.<sup>36</sup>

Prior to granting financial assistance, FEMA is legally obligated to verify an applicant's home occupancy and ownership.<sup>37</sup> Despite having a broad definition for owner-occupied residence, FEMA historically required applicants to provide proof of title, such as a deed in their name, as a prerequisite for financial relief.<sup>38</sup> This requirement resulted in routine and commonplace denials for heirs property owners.<sup>39</sup> After years of advocacy against stringent ownership requirements that disproportionately discriminated against Black homeowners,<sup>40</sup> **FEMA reformed IHP in 2021 to accept additional documentation to verify ownership.** In 2022, FEMA distributed \$350 million in disaster assistance to heirs property owners and extended disaster relief to 42,000 homeowners who had previously been denied assistance.<sup>41</sup> Although essential in preserving homeownership for already disadvantaged disaster survivors, **FEMA's reforms require congressional approval to be made permanent.**<sup>42</sup>

**CDBG-DR Program:** The second major program is the CDBG-DR program. CDBG-DR is the federal government's foremost long-term rebuilding program in the event of a natural disaster.<sup>43</sup> CDBG-DR funds are unique in that they are appropriated by Congress and allocated to the HUD in response to presidentially declared natural disasters.<sup>44</sup>

CDBG-DR's allows for long-term recovery by providing grants to cities, counties, and states to be used for relief, restoration, and revitalization in areas most impacted by disasters.<sup>45</sup> CDBG-DR requires that 80 percent of funding is allocated to areas with the most impact and distress, according to standards set by HUD.<sup>46</sup> CDBG-DR's flexible funding allows homeowners to repair and reconstruct their homes, as well as replace their home with one in a zone less prone to disasters altogether.<sup>47</sup> To access funding for repairs and reconstruction, survivors must apply directly to their local CDBG-DR grantee agency.<sup>48</sup>

Unlike IHP, CDBG-DR continues to present significant barriers to heirs property owners. After the funds are appropriated by Congress, HUD establishes the parameters for their use in long-term recovery, resulting in an ad hoc system with diverse and unclear rules on ownership eligibility. It is then up to state and local government CDBG-DR grantees to establish policies on acceptable forms of verification, and policies are modified after each natural disaster. As a result, **access to CDBG-DR relief for heirs property owners varies across states and localities and changes depending on**

**each disaster.**<sup>49</sup> Without federal statutory requirements for ownership verification, most states have implemented policies that provide no or vague guidance for heirs property owners.<sup>50</sup> In most cases, states provide no alternative if a property owner is unable to provide a deed or written verification from all co-owners of their home or fails to consolidate homeownership under an applicant's name, greatly limiting or even barring their access to CDBG-DR relief.<sup>51, 52</sup>

In response to barriers faced by heirs property owners, a growing yet limited number of states have implemented administrative programming and rules that allow for greater flexibility in acceptable forms of ownership verification.<sup>53</sup> These states include Texas, North Carolina, South Carolina, and Louisiana, as well as Puerto Rico.<sup>54</sup> By expanding eligibility, these jurisdictions allow heirs property owners to qualify for additional relief to recover from more severe damage and build resilience post-disaster.<sup>55</sup> In 2021, HUD issued guidance encouraging grantees to expand acceptable forms of verification, such as self-certification, tax receipts, or proof of payment for home insurance or utility bills.<sup>56</sup> If CDBG-DR were permanently authorized, Congress could formalize standardized alternative forms of ownership verification.

**Resilience to Withstand Natural Disasters:** In the past decade, natural disasters have caused significant physical and financial damage to heirs properties across the U.S.<sup>57</sup> Due to legal complexities in property ownership, heirs property owners are often unable to access the resources needed to recover from disaster-induced damages. Unlike homeowners with clear titles, heirs property owners are precluded from using their property as collateral in accessing low-interest, secured loans or financing, which could help fund emergency costs or repairs to resist disaster-caused damages.<sup>58</sup> To build financial and structural resiliency against potential extreme weather, state and local policymakers can increase access to resources that promote financial health and protective disaster repairs for heirs property owners like homestead exemptions,<sup>59</sup> weatherization programs, and sustainability efforts.

Many states and localities are already embracing these policies:

- Heirs property owners in **San Antonio, Texas** may access the [Casa Verde Weatherization Program](#) to receive free weatherization upgrades given flexible eligibility requirements based on income rather than ownership status.<sup>60</sup> The program has successfully weatherized over 30,000 homes with a focus on addressing structural barriers to access such as heirs property.<sup>61</sup>
- In **Duval County, Florida**—the county with the highest density of heirs property cases in the Southeast U.S. and most at-risk to natural disasters in Florida—[LISC Jacksonville](#) is engaging in a multi-pronged approach to identify and connect heirs property owners with the resources needed to clear title to their home and make necessary repairs.<sup>62</sup> In doing so, LISC Jacksonville is helping build resiliency against natural disasters and preserve homeownership for heirs property owners in a state where extreme weather events pose an increased risk of property loss.
- In municipalities across **Puerto Rico**, the [Centro Para La Reconstrucción del Habitat \(CRH\)](#) leverages alternative property ownership methods, such as community land trusts, to preserve ownership of abandoned and dilapidated properties that may have unclear titles.<sup>63</sup> Many of these properties were

abandoned after Hurricane Maria when an estimated 14 percent of the population, or approximately 130,000 people, left the island.<sup>64</sup>

- In **Texas**, heirs property owners are not only eligible for property tax savings offered through the state's homestead exemption program but benefit from special state laws that help homeowners with a homestead exemption manage their property taxes after a disaster strikes. This includes granting homeowners with a homestead exemption who reside in a disaster area the ability to: pay their property taxes in four installments without penalties rather than paying them up front; qualify for the homestead exemption for up to two years if they can no longer reside in their home due to disaster damages; and exclude certain home improvements or replacements from taxable income to lower the tax increase that homeowners would otherwise pay.<sup>65</sup> Access to the homestead exemption and related property tax relief measures can support recovery after a disaster strikes and strengthen a household's financial safety net in preparation for future disasters or related shocks, which is particularly valuable for heirs property owners.
- In 2021, the [Center for Heirs Property Preservation](#) and the [Mississippi Center for Justice](#) launched the two-year [Mobile Basin Heirs Property Support Initiative](#) to help locals preserve land tenure generationally, serving the dual purpose of protecting against heirs property loss and conserving natural forestland.<sup>66</sup> Since, the initiative has engaged with approximately 47,000 farmers and families to provide title-clearing legal services to preserve forestland ownership and generational wealth, as well as increase access to forest resources to promote sustainable, productive forestland.<sup>67</sup>

Insights from these state and local policies can help guide the implementation of [Inflation Reduction Act \(IRA\)](#) funding so that property owners without clear title can access financial and programmatic resources for home repairs and climate upgrades.<sup>68</sup> For example, the IRA is providing \$19.5 billion for agricultural conservation, and \$250 million of this funding will provide land loss assistance to rural landowners who may have fractionated land and be vulnerable to property loss.<sup>69</sup> Heirs property cases are prevalent in rural and farmland areas across the Southeast U.S.,<sup>70</sup> so devoting resources specifically to rural landowners at risk of fractionated ownership can help heirs property owners not only preserve their property but also support their conservation and resiliency efforts.<sup>71</sup> As IRA funding is deployed, programming should continue to embed flexible and alternative ownership requirements to ensure that heirs property owners can leverage federal funding to build climate resiliency and preserve property ownership.

As additional funding sources become available to build climate resiliency, alternative pathways to ownership verification and programming attuned to heirs property challenges will allow for greatest the uptake and impact.

# Solutions to Help Heirs Property Owners Prepare for and Recover from Natural Disasters



## Federal Policy Opportunities

The following federal policies can meaningfully improve access to disaster relief for heirs property owners:

- The **Heirs Empowerment and Inheritance Rights (HEIR) Act of 2024** would increase access to and expand eligibility for CDBG-DR financial relief for heirs property owners by allowing for alternative forms of documentation to verify ownership. The HEIR Act would also direct HUD to create a standardized affidavit of ownership form, available in various languages, to ensure uptake of resources by heirs property owners.<sup>72</sup> If passed, this legislation would establish standardized practices for verifying ownership across CDBG-DR grantee jurisdictions and facilitate access to relief for heirs property owners in times of greatest need.
- The **Housing Survivors of Major Disasters Act** would codify the flexibility FEMA has already provided via executive action to allow expanded forms of documentation for proof of ownership and occupancy verification, including declarative statements and receipts of utility bill payments. This legislation would require FEMA to consider alternative forms of ownership verification in determining an applicant’s eligibility to prevent the immediate denial of heirs property owners in accessing disaster relief.
- The **Reforming Disaster Recovery Act** would permanently authorize CDBG-DR and allow for greater consistency and transparency in the allocation of federal disaster relief. If passed, the legislation would establish the Office of Disaster Management and Resiliency and a long-term disaster recovery fund within HUD. This entity would work across federal agencies and oversee national disaster recovery efforts. If authorized, HUD would have discretion to issue regulations for CDBG-DR programming to promote its effectiveness in addressing the needs of communities most impacted by disasters,<sup>73</sup> including heirs property owners, and authority to “quick release” funds after a natural disaster.<sup>74</sup> As extreme weather events increase and intensify, the Reforming Disaster Recovery Act would ensure that disaster survivors, including those with unclear title, can access CDBG-DR relief rapidly to recover from damages and preserve property ownership.
- FEMA and CDBG-DR can expand resources for heirs property applicants by funding state-based legal services to assist with ownership verification and title resolution. This can assist heirs property owners with preventative title resolution or in applying for disaster relief if ownership is unclear. This effort can build upon existing legal services for heirs property owners, such as those offered by [California’s Disaster Legal Assistance Collaborative](#), which provides pro bono legal services to help Californian homeowners clear their title for disaster preparedness.<sup>75</sup> With legal aid assistance, heirs property owners can ensure that they have the documentation necessary to apply for disaster relief while seeking legal avenues to clear ownership and partake in succession planning.

- The **Heirs Education and Investment to Resolve Succession of Property Act of 2024** would reauthorize the USDA's Heirs Property Relending Program (HPRP) and incorporate pro-bono legal support for under-resourced heirs property owners. The HPRP is an important resource for farmland owners to clear title to prevent property loss and gain access to federal, state, and local resources to build climate resiliency and access disaster relief. HPRP allows eligible intermediaries to re-lend to documented heirs property owners of agricultural land to assist with title resolution, such as financing the consolidation of property interests. In 2021 alone, USDA allocated \$67 million for HPRP.<sup>76</sup> This important federal program can scale its impact by embedding loan forgiveness options for heirs property owners who tend to be low- or moderate-income, increasing geographic eligibility beyond agricultural land to expand reach, and building Community Development Financial Institution (CDFI) capacity to serve as participating lenders.<sup>77</sup> By increasing HPRP's scale, heirs property owners can clear ownership, access resources to build climate resiliency, and increase their preparedness for more commonplace and severe natural disasters.
- The **Heirs Estate Inheritance Resolution and Succession (HEIRS) Act of 2024** would create a two-pronged grant program through the HUD for states and community organizations to provide financial and programmatic resources to prevent and cure existing cases of heirs property. In doing so, the HEIRS Act would fill a critical gap in existing resources by helping more heirs property owners clear their title and, as a result, increase their ability to access disaster recovery funds.<sup>78</sup>



## State and Local Policy Opportunities

In addition to federal reforms, state and local governments can reform proof of ownership requirements to increase access to CDBG-DR relief. The reforms can clarify and make accessible the forms of documentation accepted to verify ownership, such as an affidavit or self-certification. In 2024, North Carolina is updating its CDBG-DR policy to expand flexibility in their proof of ownership requirements by allowing heirs property owners to agree that they have or will notify known parties who may have an ownership interest in their property of their participation in disaster aid programs.<sup>79</sup> Prior to this update, North Carolina policy required heir applicants to certify that they had either received an agreement from those with a claim of ownership or failed to locate those parties after reasonable attempts.<sup>80</sup> While less flexible than in North Carolina, similar CDBG-DR proof of ownership reforms have been adopted in Texas, Puerto Rico, South Carolina, and Louisiana.<sup>81</sup>

Local funding can also provide additional financial support for legal services that help heirs property owners with probating a will, clearing a title, and executing an estate plan to ensure they are prepared to access federal aid and recover in the event of a natural disaster. The Federal Home Loan Bank of Dallas, for example, announced \$1 million for member institutions to allocate grants to nonprofit, tribal, and public entities for initiatives seeking to cure or prevent heirs property<sup>82</sup> and has since awarded more than \$900,000 in heirs property grants.<sup>83</sup> In 2023, JPMorgan Chase committed \$500,000 to Howard University to support the development of a pro bono estate planning legal clinic in partnership with the Law School and the Center for an Equitable Economy and Sustainable Society at Howard University. The clinic hosts





outreach events at the Chase Skyland Community Center to provide District of Columbia and Maryland residents free estate planning services to prevent the negative consequences of heirs property.

The model Uniform Partition of Heirs Property Act (UPHPA) is an important legal safeguard for heirs property owners who are subject to a forced partition sale. Disaster survivors with heirs property who are unable to receive financial relief may be unable to make tax payments and are at increased risk of property loss. Adopted in 24 jurisdictions, including California, Alabama, Florida, Mississippi, Texas, and Georgia, the UPHPA ensures due process protections to heirs property owners who are at immediate risk of losing their property after a third party has purchased a fractional share and forced a sale. By legally requiring notice of sale, right to an appraisal, and right of first refusal, among other provisions, the UPHPA provides heirs with rights to preserve or sell their property closer to its market value. JPMorgan Chase has actively supported the adoption of the UPHPA in Arizona, California, Utah, Washington, Philadelphia, and the District of Columbia.

## Education and Awareness Building

In addition to advancing policy reform, raising awareness is critical so that heirs property owners, who may be unaware of their ownership status, are well-equipped in the event of a natural disaster. Awareness is also critical for policymakers and disaster relief administrators to promote greater access to disaster recovery and climate resiliency resources. The [Socially Disadvantaged Farmers and Ranchers Policy Research Center](#), [Southern Extension Risk Management Education](#), and the [Southern Rural Development Center](#), for example, help to support and coordinate a diverse team to jointly offer heirs property train-the-trainer workshops that serve to educate professionals who will be providing trainings for households and communities in their home states.<sup>84</sup> Disaster recovery administrators may benefit from a similar model to ensure those assisting communities on the ground are aware of compounding heirs property challenges and available resources. Many of those affected by Hurricane Katrina, for instance, were unaware of or lacked resources to address their property title,<sup>85</sup> including hundreds of New Orleans residents who were disqualified from disaster relief due to their ownership status.<sup>86</sup> There is an important role for public officials, disaster relief program administrators, community organizations, and relevant stakeholders to train and recognize heirs property challenges and work to increase access to disaster relief.

## Moving Forward

JPMorgan Chase continues to advance policy, philanthropic, and business solutions that help ensure all families can realize the full benefits of homeownership. This includes identifying solutions that support heirs property owners with the tools and resources to preserve homeownership and transfer generational wealth. As natural disasters increase in frequency and intensity—creating challenges for homeowners and communities nationwide—heirs property owners are at an increased risk of property loss and wealth erosion. JPMorgan Chase is committed to building national awareness about these structural challenges and developing evidence-based policy solutions that support generational wealth building for our customers and communities.



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