



INNOVATIONS FOR SUCCESSFUL SOCIETIES

Untangling Heirs' Property Rights in the U.S. South

After massive hurricanes battered the Gulf Coast of the United States in 2005, thousands of families learned they were ineligible for disaster assistance to rebuild their homes, because they lacked clear title to their land. They lived on property passed down informally from one generation to the next. Termed "heirs' property," under the law, this form of communal land ownership gave each relative a partial share in a property, but full rights to use it or force its partition and sale. In addition to being unable to secure loans to rebuild storm-damaged housing, the families could not easily sell timber or invest in improvements that could help them capitalize on their property. Further, they were vulnerable to predatory developers who acquired clouded properties for pennies on the dollar. Beginning in 2001, a coalition of scholars, lawyers, and activists united to draft and pass new state laws to strengthen the rights of heirs' property owners. By 2017, these efforts were beginning to pay off, as advocates across the region helped affected families access public aid and build wealth for future generations.

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Three years after Hurricane Katrina, New Orleans homeowners continue to repair their damaged homes. Photo by Barry Bahler. (This image is from the FEMA Photo Library.) (Public domain), via Wikimedia Commons.

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