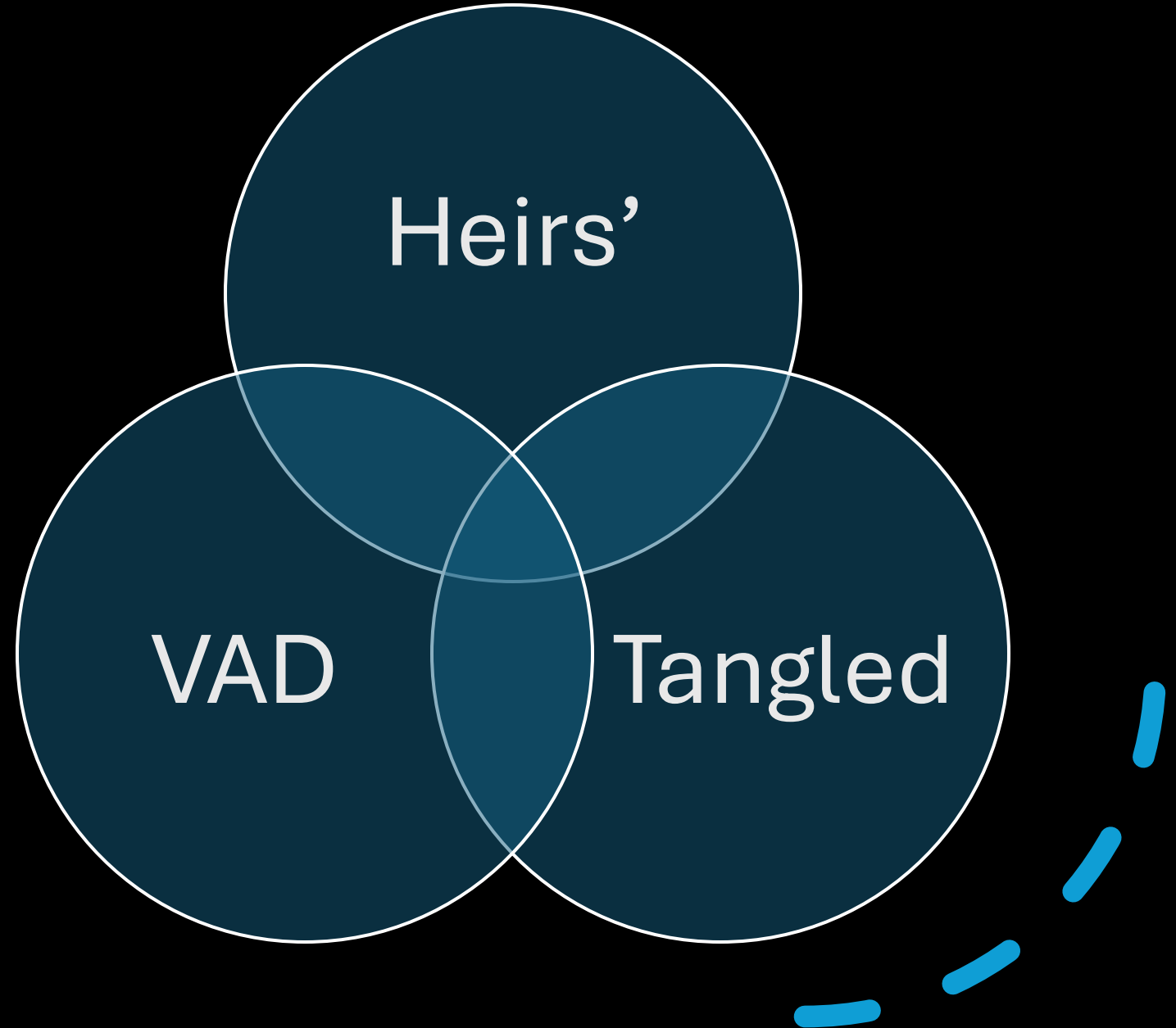


Welcome

Introductions

- Assistant A.G. Amber Villa
 - Private practice Sally & Fitch and Dechert LLP
 - AGO for 17 years
 - Chief of the Neighborhood Renewal Division
 - Works with municipalities around the state on receivership cases
- Professor Thomas W. Mitchell
 - Robert F. Drinan, S.J. Endowed Chair at BC Law
 - Director of the Initiative on Land, Housing & Property Rights
 - 2020 MacArthur Fellowship award (a.k.a. Genius Grant) recipient
 - 2021 Howard University Award for Distinguished Postgraduate Achievement
 - 2022, American Bar Association's Jefferson B. Fordham Advocacy Award
 - Principal drafter of a uniform real property act named the Uniform Partition of Heirs Property Act (UPHPA)
 - April 2026, appointed by Governor Healey to be 1 of 5 Uniform Law Commissioners for Massachusetts

Heirs'
Property,
VAD
Property, and
Tangled
Titles



Heirs' Property and Tangled Titles:

An Overview of Some Heirs' Property and Tangled Title Problems and Some Interventions to Address These Problems

Thomas W. Mitchell,
MacArthur Fellow, Professor & Founding Director,
Initiative on Land, Housing & Property Rights
Boston College Law School

Recent Empirical Studies Documenting Prevalence of Heirs' Property

National

U.S. Forest Service's Southern
Research Station, \$42 Billion

Housing Assistance
Council/Fannie Mae, \$32 Billion

Ryan Thomson at Auburn
University, \$425 Billion

Local

Detroit: 5,525 properties worth
at least \$268 million

New York City: A significant
percentage of 45,000
properties worth \$34.7 billion

Philadelphia: 10,407 properties
valued at over \$1.1 billion

Heirs' Property Ownership Challenges

Negative Impacts

- Property Loss
- Displacement
- Suboptimal Use and Management
- Cut off From Resources for:
 - Asset Preservation &
 - Wealth Building
- Neighborhood Decline
- Increases Racial Wealth Gap

Unstable & Insecure Ownership

Vulnerable to court-ordered partition sales, and to other forced transfers such a property tax sales because owners are “property rich and cash poor,” making them vulnerable

“Gridlocked” Ownership

Problem with unanimity requirement undermining rational management and valuable uses, locking families into disfavored ownership structure

Lack of Clear Title/Tangled Title

Rendering owners ineligible to use their property to secure loans with commercial lenders or to participate in government programs at various levels of government

Boxed Out From Property Laws Designed To Make Ownership More Affordable

E.g., Homestead exemptions



Uniform Partition of Heirs Property Act (UPHPA): Hierarchy of Remedies

Pillar 1

Buyout Provisions
For Cotenants
Opposing Sale
Request

Pillar 2

Adds Substance
to Preference for
Partition in Kind:
Replaces
Economics-Only
Test with Totality
of Circumstances
Test

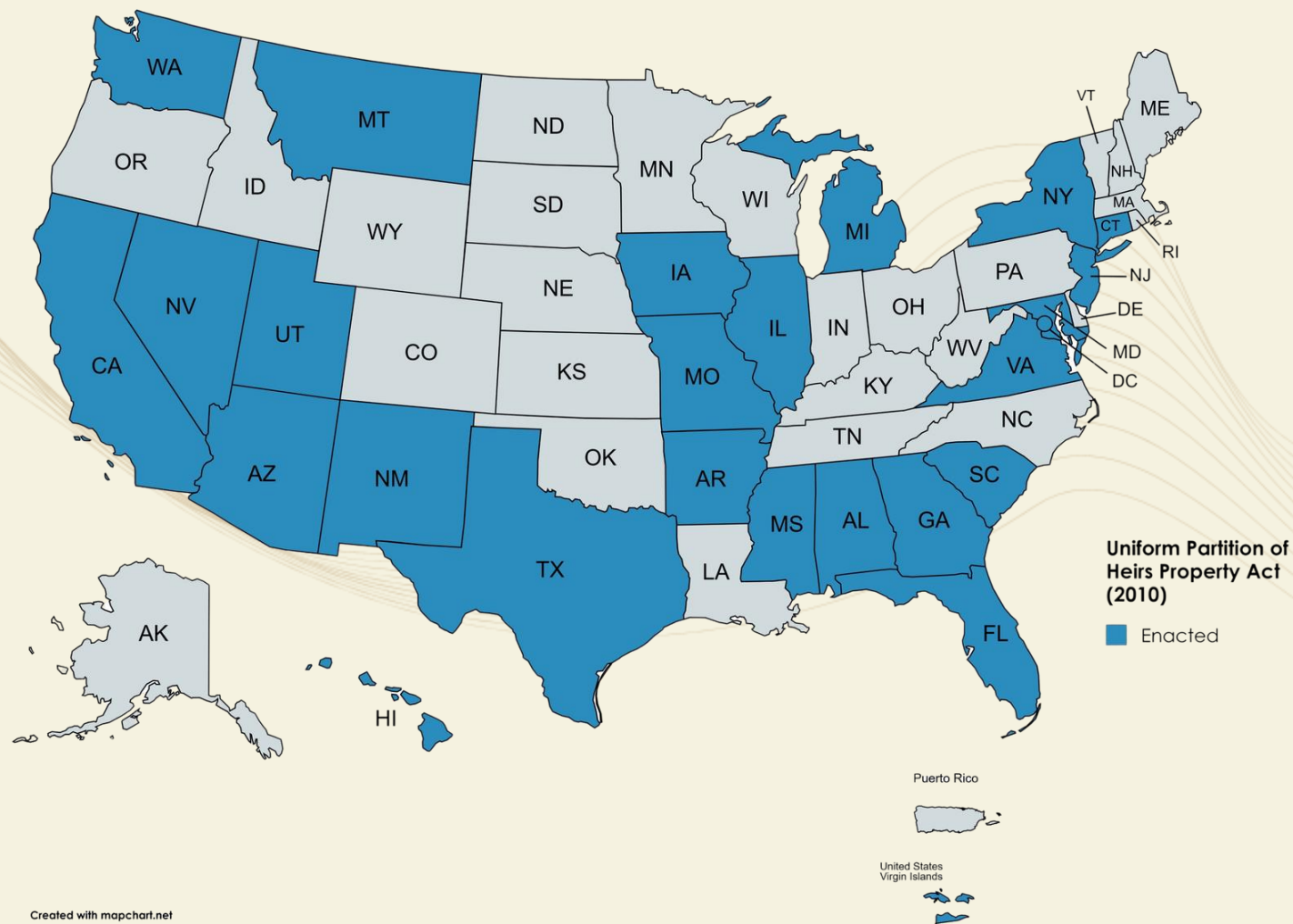
Pillar 3

Restructured
Sales Procedure
to Protect Family,
Generational
Wealth

UPHPA Enactments

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Created with mapchart.net

As of May 20, 2026

Addressing and Resolving Heirs' Property/Tangled Title Challenges Requires a Multiplicity of Strategies

Problems

- Gridlocked Ownership
- Lack of Clear Title

Type of Intervention

- Legislative
 - Tenancy-in Common Default Reforms
- Private Ordering: Modified TIC Agreements
- Multiple Strategies

 - Preventive
 - Community Legal Education
 - Wills Clinics: Law School-Based & Nonprofits
 - Curative in Terms of Work to Clear Title
 - Funding/In-Kind Services
 - Government, Private Market, and Universities
 - Adaptive
 - Legislative: 2018 Farm Bill
 - Private Market: New Loan Products

Preventing the Formation of Heirs' Property Through Proactive Estate Planning and Community Engagement

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Homeownership Estate Planning Project

In Boston and Cambridge, property owners in historically disadvantaged communities are losing their homes. That devastating loss of homeownership can fuel neighborhood instability and gentrification.

The Homeownership Estate Planning Project aims to reverse this trend by empowering homeowners and homebuyers with tools to protect their legacy. Through estate planning classes and legal assistance, **the project will educate and support individuals seeking to protect their homes and thereby help close the racial wealth gap.** The loss of homeownership due to the instability of owning a home as heirs' property can be prevented.

The project's goal is to **sustain long-term homeownership in disadvantaged communities in Boston and Cambridge** and thereby promote intergenerational wealth creation. To achieve this goal, the project will meet an identified unmet need in Massachusetts for estate planning education and estate planning legal services for disadvantaged communities.

To date, the project has initiated discussions with national and state housing counseling intermediaries to facilitate the adoption and replication of the project's estate planning curriculum and other tools to broaden our impact.

What is Heirs' Property?

Heirs' property is a form of unstable, common ownership that can be created if an individual dies without a will.

If a person dies without a will or other estate plan, all of the heirs will own the property together. Each of the common owners owns an undivided, fractional percentage of the entire land or home but not any specific part of the land or home. Each heir can transfer his or her fractional interest to anyone else whether a family member or not.

Any one heir or person who acquired an heir's interest can request a court to order a forced sale of the property even if no other common owner wants the property sold.

Because heirs are not named on the deed, they are ineligible for important programs such as tax abatements, disaster relief, and mortgage loan modification to prevent foreclosure.

A will or other estate plan can help you avoid creating heirs' property.



PLAYERS
COALITION

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ESTATE PLANNING & BUILDING GENERATIONAL WEALTH TUESDAY, APRIL 28TH | 6-8 PM 88 WARREN ST, BOSTON, MA



Estate planning basics



Asset protection and preservation



Key legal documents every homeowner should have



Discover why estate planning is not just for wealthy families



CASSANDRA L.M. PRINCE, J.D.
VP, Wealth Planner
Brown Brothers Harriman
Board Member, MBLA



THOMAS W. MITCHELL
Boston College
Director, Initiative on
Land, Housing &
Property Rights



JEREMIAH BROWN
Former NFL Athlete
& Players Coalition
Advocate

DESTINI M. AGÜERO, ESQ.

Deputy Director, Legal Services Center
of Harvard Law School
Senior Clinical Instructor and Estate Planning
Project Director, Veterans Legal Clinic

TO REGISTER, PLEASE VISIT:

[TINYURL.COM/ULEM-ESTATEPLANNING](https://tinyurl.com/ulem-estateplanning)

Addressing Complex Problems Requires Holistic, Multi-Pronged Interventions: Washington, D.C. As Case Study

- Enacted UHPHA Into Law in 2023
- Washington, D.C. Established Heirs' Property Assistance Program in 2023
 - Department of Housing and Community Development has provided funding for legal assistance to:
 - AARP Legal Counsel for the Elderly (LCE)
 - D.C. Affordable Law Firm (DCALF)
- Probate Legal Assistance Network (PLAN)
 - Collaboration between LCE, DCALF, and the DC Bar Pro Bono Center
 - Enhance the D.C. Superior Court Probate Division's Self-Help Center by offering to DC residents educational probate materials, as well as limited, general legal assistance for straightforward matters.
- Howard University School of Law
 - Estate Planning and Heirs' Property Clinic
 - Professor Keeva Terry's Policy Work

Initiative on Land, Housing & Property Rights

Initiative on Land, Housing & Property Rights (ILHPR)

Some Relevant Publications

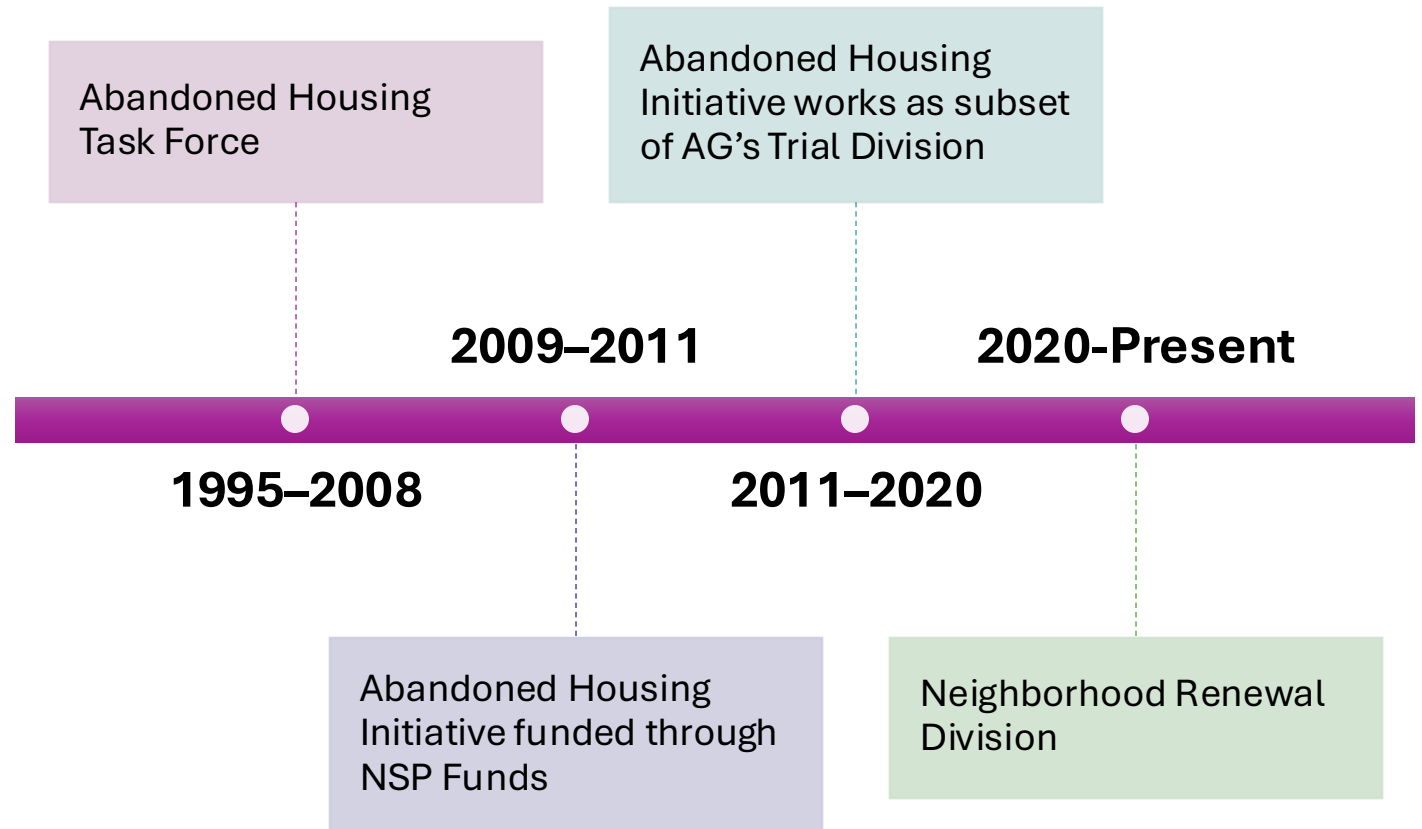
- Heirs' Property and the Uniform Partition of Heirs Property Act (A.B.A. Book)
- The Heirs' Property Field: Moving From the Shadows to the Light to Enlightened, Evidence-Based Solutions
 - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6233499

Neighborhood Renewal Division

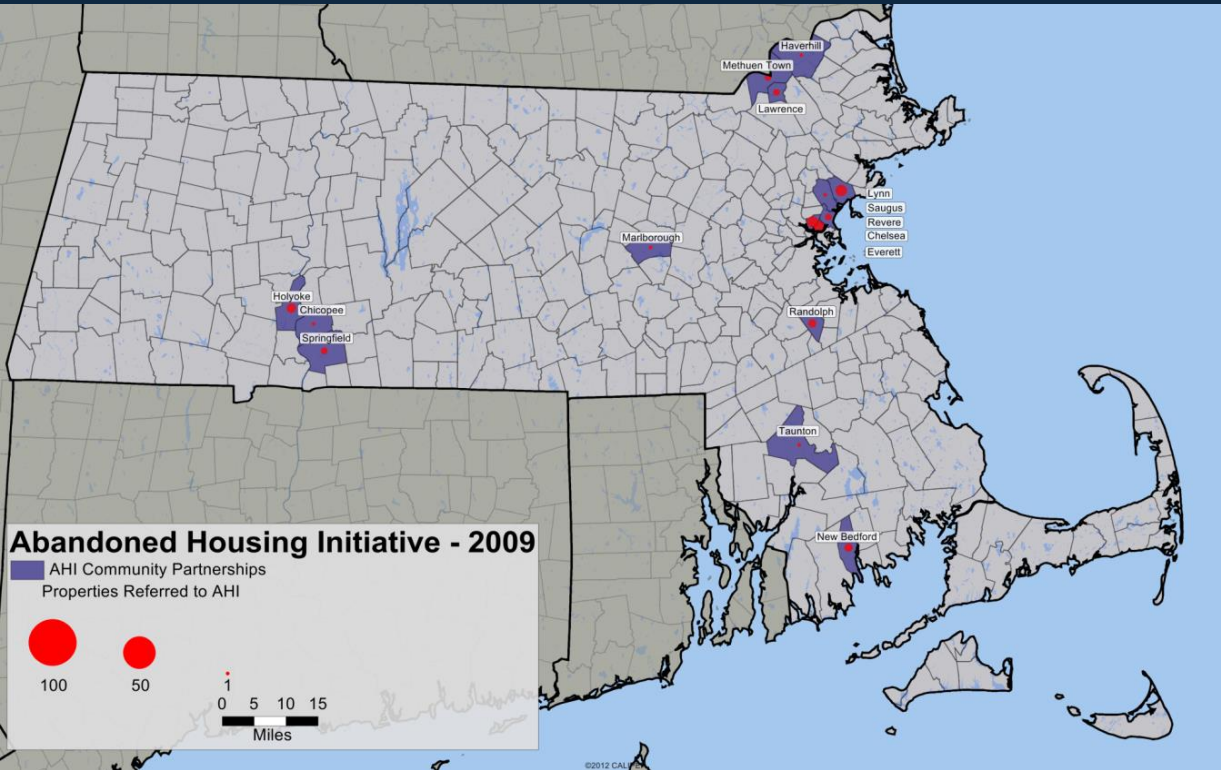
Mission: to ensure safer neighborhoods by working with municipalities to rehabilitate homes in violation of the State Sanitary Code into safe, habitable homes.



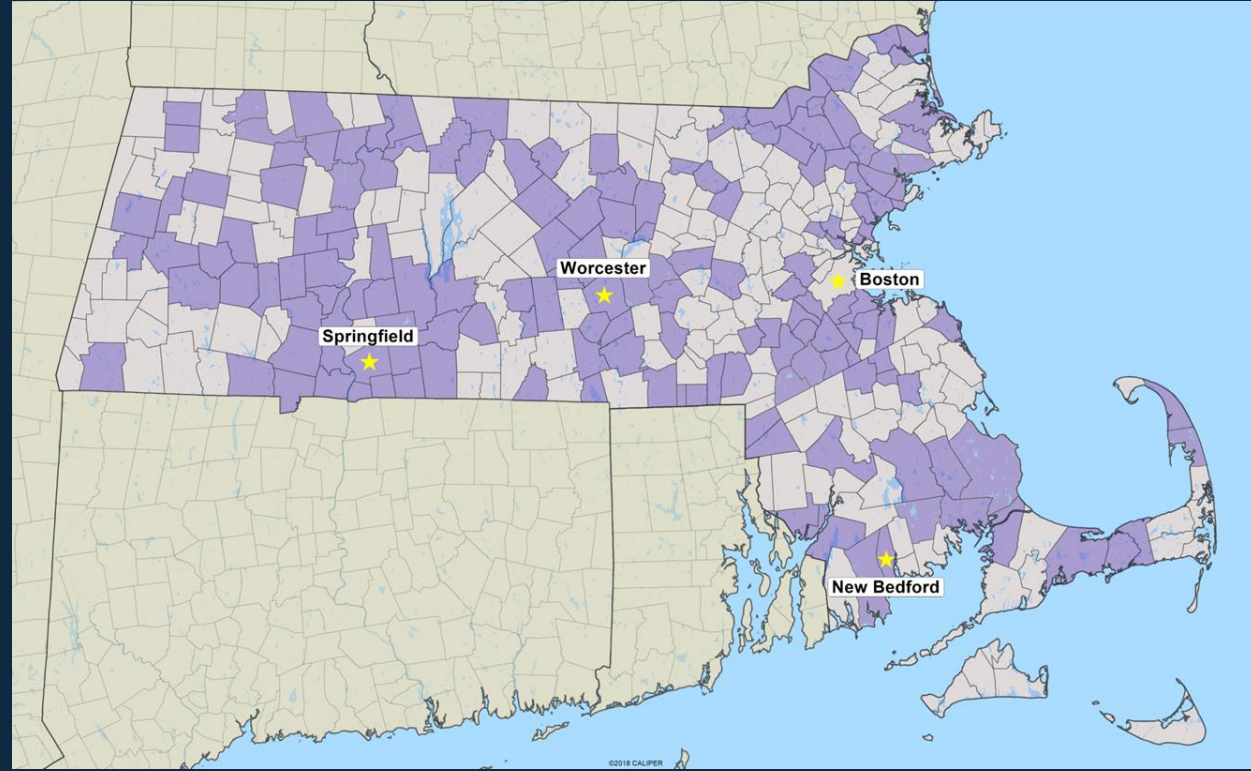
Evolution of Neighborhood Renewal Division



Program Growth



2009



2025

NRD Snapshot

169

Number of municipal partners

205+

Active properties

54+

Cases in active litigation

\$714,226

Municipal back taxes & fees recovered (FY2025)

Sources of Referrals to NRD

Foreclosed properties

Failed/incomplete foreclosures

Owner incapable of or refuses to make repairs

- Financial reasons
- Health issues, including mental health issues, such as hoarding disorder

Unprobated estates

- 31% of current referrals



Data

New Bedford

- 729 residential properties
 - deceased person's name and address matches a current assessor owner field and address

Springfield

- Over 2200 properties with no water over 12 months

MassINC Research

Civil Justice System Responses

Preventative and remedial

Roles for:

- Pro bono
- Legal Aid
- Law Schools
- Social Service Agencies
- Tech

Pro Bono Programs

- Pro Bono Institute
 - 2024 “Breaking the Cycle: The Power of Pro Bono in Addressing Racial Wealth Disparities Through Heirs’ Property” describes programs around the country
- Philadelphia VIP
 - “The hub of Pro Bono in Philadelphia”
 - Administers “Tangled Title Fund”
 - Grants to low-income persons seeking to clear legal title to their homes.
 - Cover administrative, legal, and other costs that may arise in resolving a homeownership issue.
 - Primary funder is the City of Philadelphia
 - Owner/occupants

Legal Aid Programs

- LISC – Local Initiative Support Corporation
 - Heirs' Property Initiative in 8 markets
 - Program Design and Implementation Playbook
 - Jacksonville
 - resolved 186 cases, protecting over \$11.5 million in housing market value
- Legal Aid Society of Greater Cincinnati and Pro Seniors
 - Probate litigation and estate planning services
 - January 2025. In the first 7 months, 22 probate cases were closed, ensuring the title to the home is in the rightful heirs' name. The initiative also provided estate plans to 53 homeowners. The average household income for homeowners receiving probate and estate planning support is less than \$30,000,

Law School Programs

Boston College Law School

- ILHPR partners with Legal Services Center of HLS and Massachusetts Affordable Homeownership Alliance (MAHA)
- <https://legalservicescenter.org/students-clinics/estate-planning/>

UMass Law School

- Internship program with New Bedford

Wake Forest University School of Law

- Housed within the Environmental Law & Policy Clinic, the *Heirs' Property Project* helps North Carolina property owners preserve their ancestral land.
- <https://law.wfu.edu/academics/experiential/clinics/environmental/heirs-property/>

University of Florida Levin College of Law

- The *Heirs' Property Clinic* helps low-income residents in Alachua County navigate probate and secure clear titles to inherited property.
- <https://news.ufl.edu/2025/10/heirs-property-clinic/>

Law School Programs (continued)

SMU Dedman School of Law

- Through its Civil/Consumer Clinic, the *Homestead Preservation Project* helps Dallas-area families resolve title issues to keep and protect their homes.
- <https://www.smu.edu/news/latest/how-smu-law-students-help-dallas-families-keep-ancestral-homes>

Fordham Law School

- The Community Economic Development Clinic (CEDC) partners with civil rights organizations to assist low-income landowners with securing their property titles.
- <https://news.law.fordham.edu/blog/2020/10/13/community-economic-development-clinic-works-to-promote-black-land-ownership/>

Howard University School of Law

- The *Estate Planning and Heirs' Property Clinic* works to protect generational real estate wealth.
- <https://law.howard.edu/academics/clinical-law-center/estate-planning-and-heirs-property-clinic>

Social Service Agencies

CHAPA (Citizens' Housing and Planning Association)

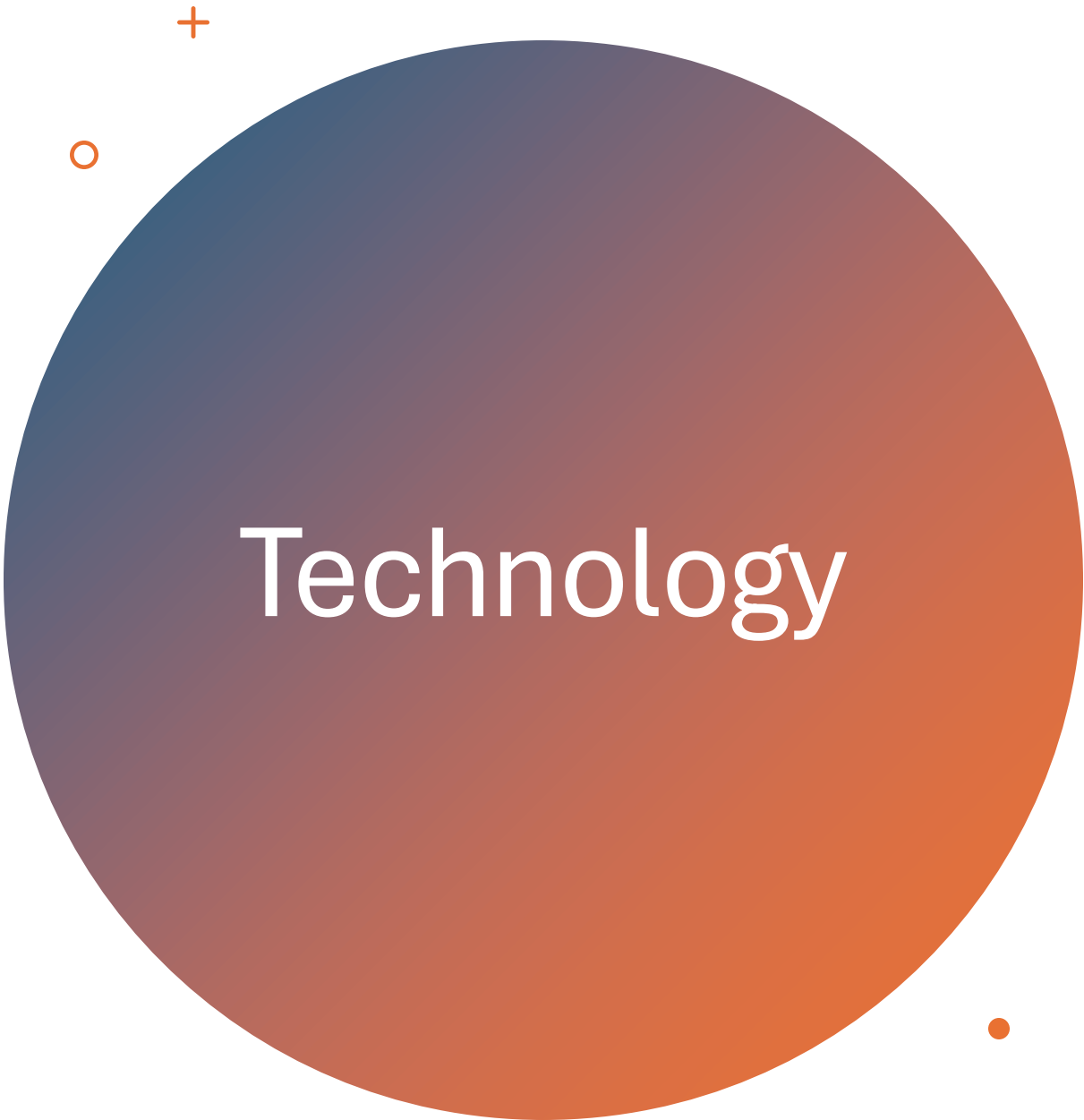
- Estate Planning for Certified First-Time Homebuyer Counseling Programs

MAHA (Massachusetts Affordable Homeownership Alliance)

- Through the **Homeownership Estate Planning Project**, hosts educational classes about heirs' property, about creating wills and simple trusts in partnership with ILHPR
- https://mahahome.org/estate_planning?page=1

Centro de Apoyo Familiar

- \$150,000 grant from the Wells Fargo Foundation to fund outreach and legal referrals for Latino and low-income heirs property owners



Technology

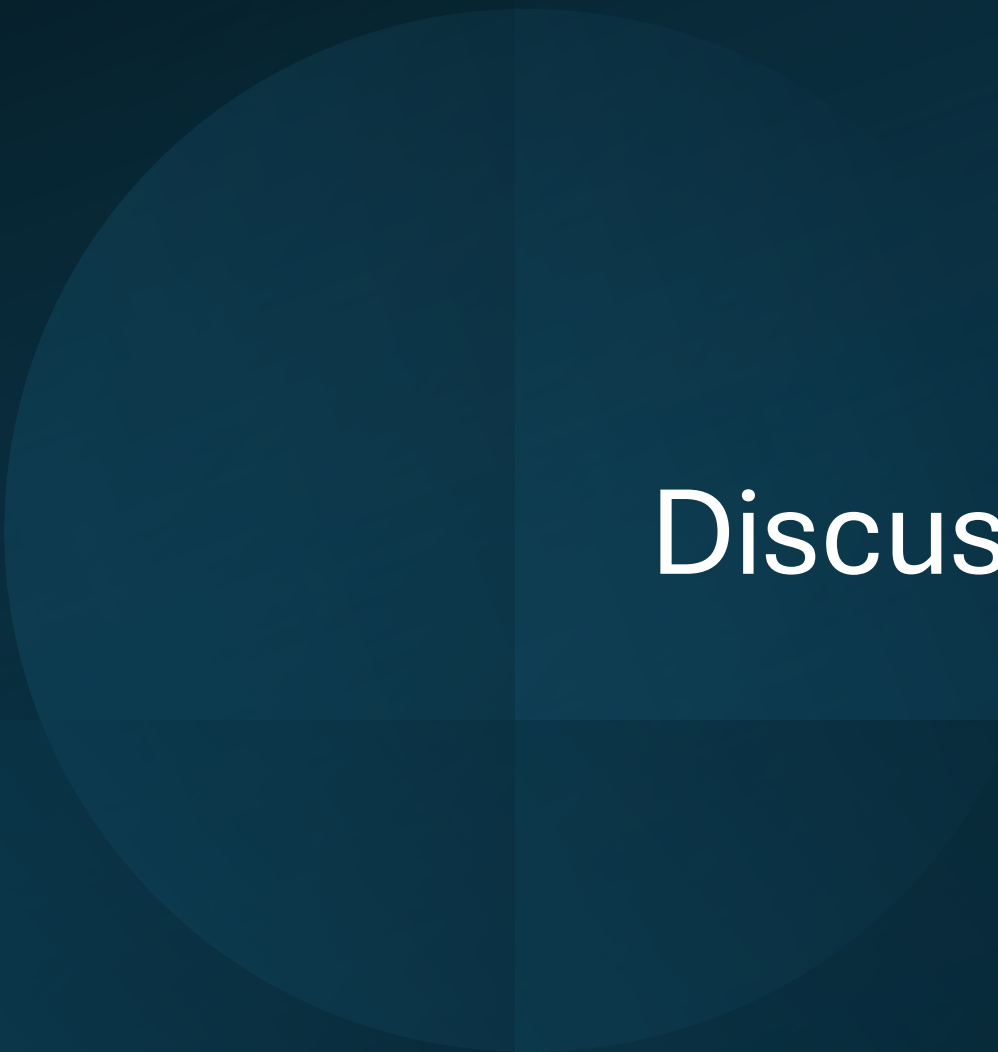
- Heir Aid
 - LISC Atlanta partners
- Second place winners in Microsoft's June 2025 hackathon
- AI-powered platform designed to support legal professionals, nonprofits, and communities in resolving heirs' property issues and protecting generational wealth.
- Built on Microsoft Azure's advanced AI and data services, Heir Aid
- Streamlines the identification, analysis, and resolution of complex title and tax challenges, particularly in under-resourced neighborhoods.
- https://www.youtube.com/watch?v=vefDO1_S9hY

Next Steps

Conference at WNEU Law School

What more do you want to know?

What can your organization contribute?



Discussion