



KEEPING YOUR FAMILY HOME:
ADDRESSING THE CHALLENGES OF
INHERITED PROPERTIES IN DETROIT

**DETROIT
FUTURE
CITY**

KEEPING YOUR FAMILY HOME: ADDRESSING THE CHALLENGES OF INHERITED PROPERTIES IN DETROIT

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KEY TERMS¹

Heirs' properties: Family-owned property inherited through generations or passed on to recipients without formal legal proceedings to prove ownership.ⁱ If there is no will, the property is passed on to family through "intestate succession," which can often result in ownership by multiple people (through a legal term known as "tenancy in common"). In other cases, the property is passed on through a will, but the property transfer never goes through or clears probate court to legally transfer the title.ⁱⁱ

Heirs: Individuals legally entitled to inherit property from a person who has died, either through a will, an estate plan, or through intestate succession laws.ⁱⁱⁱ

Will: A will is a legal document that describes how a person's assets, including real property, are to be managed and distributed after their passing.

Tenancy in common: A type of ownership where two or more people independently share ownership of a property.^{iv} Each owner has an equal right to use and occupy the entire property. If one of the co-owners passes away, their claim passes on to their heirs, rather than transferring to the other co-owners.

Intestate succession: State laws addressing the distribution of a property under various scenarios, such as when there is no valid will or estate plan that indicates the deceased's intended beneficiaries; when a will is found to be invalid; or when the property in question is not included in a will. These laws determine the sequence in which surviving heirs receive their share of the property asset.

Tangled title: As properties pass through multiple generations without a will, and more heirs are added, the title can become "tangled." The title is not cleared until the probate court process is completed and a new deed is recorded.

Clear title: When concerning real property, it refers to certain and uncontested legal ownership of the property^v, free of liens or disputes of ownership.

¹ These should not be considered the formal legal definitions of these terms.

Deed: A physical, legal document that transfers and proves the ownership of a piece of property. There are different types of deeds - such as a warranty deed, which guarantees clear title, and a quit claim deed, which does not make any guarantees that the property is owned free and clear. For properties in Detroit, the most recently recorded deed can be found at the Wayne County Register of Deeds.

Quiet title action: A legal process carried out to clear any claims on property or disputes of ownership that may cloud its chain of title. This claim is often used when there are ownership disputes. For Wayne County, these actions are filed at the Wayne County Circuit Court.

Probate: A legal process carried out to determine a will's legal validity and to handle the estate of a person who has passed away in the presence or absence of a will.^{vi} In Michigan, estate matters for the deceased are managed under the Estates and Protected Individuals Code (EPIC). When it comes to transferring ownership in Detroit, the Wayne County Probate Court may hold authority over these matters.



KEY TAKEAWAYS

What is an heirs' property?

An heirs' property is a family-owned property inherited through generations or passed on to recipients without formal legal proceedings to prove ownership.^{vii} If there is no will, the property is passed on to family through "intestate succession," which can often result in ownership by multiple people (through a legal term known as "tenancy in common"). In other cases, the property is passed on through a will, but the property transfer never goes through or clears probate court to legally transfer the title.^{viii}

5,525 heirs' properties

Detroit has at least 5,525 existing heirs' properties, where all the recorded, legal owners of the property are deceased. They are found in the highest concentration in the Boynton, Bagley, Airport Sub, and Schaefer 7/8 Lodge neighborhoods.

The 51 census tracts with the most heirs' properties account for 42% of all heirs' properties in the city.

Overall, these tracts have a higher Black population, homeownership rate, and home sales prices compared to other census tracts in the city where heirs' properties are located.

Worth over \$268 million

These 5,525 heirs' properties are collectively worth over \$268 million, indicating the potential for significant loss of wealth if the issue persists. There are 215 heirs' properties in census tracts that have a median home sale price of at least \$150,000 in 2021.

High potential future risk of heirs' properties is concentrated in a few neighborhoods.

Census tracts with the highest potential future risk for heirs' property are primarily concentrated on the near-west side. Some of the drivers for increased risk are the share of individuals over 65 years of age living alone and parcels with quit claim deeds filed.

SOLUTIONS



Resolve current heirs' properties

- **Increase the coordination and capacity of the system** to handle heirs' property cases from intake to resolution.
- **Connect heir to resources** through which they can obtain a clear title.



Prevent future heirs' properties

- **Increase outreach and education** on the importance of wills, trusts, and estate planning.
- **Expand capacity** for low-cost will and estate planning support through strategic partnerships.
- **Support and empower homeowners** in ensuring they have a clear title.
- **Create stable pathways for homes** without designated heirs.



Policy reform to address at systems level

- **Improve heirs' property probate process** to save time and associated costs.
- **Amend city policies** to accommodate residents who are facing heirs', situations.
- **Enact** the Uniform Partition of Heirs' Property Act.

INTRODUCTION

In the U.S., a home remains one of the most commonly owned assets and cornerstones for household wealth generation. Homes can offer families financial security while contributing to improved economic outcomes around employment, health, and education. In addition to being an economic asset, homes can provide stability and hold sentimental and historical significance. The importance of homeownership is particularly profound in Black communities, where the historical denial of real property ownership and the impact of tax foreclosure has been deeply and disproportionately felt.

As Detroit works to advance economic equity, create thriving resilient neighborhoods and grow the middle class, preserving and increasing homeownership, as well as building generational wealth, continues to be a critical component.

However, many homeowners do not have wills or estate plans that protect the transfer of homes to the next generation. According to a 2020 Gallup poll, only 46% of U.S. adults have wills that describe what should happen to their assets after their death. Of adults with wills, people of color make up only 28%.^{ix} When a homeowner passes away and there isn't a legal transfer of their property to an heir, it becomes an heirs' property. Resolving heirs' properties through legal processes can be complicated and costly for those inheriting them.

Fully understanding the magnitude of the heirs' properties problem in Detroit is a critical first step in informing both short-term interventions to remedy current heirs' properties, as well as the longer-term changes to existing policies aimed at preventing their occurrence in the future.

To better understand the full scope of heirs' properties in Detroit, this report:

1. Highlights challenges surrounding heirs' properties in Detroit.
2. Identifies the number of heirs' properties currently in the city where all recorded owners on a property deed are deceased.
3. Identifies areas of the city that may be most at risk of heirs' properties in the future based on select demographic and neighborhood factors associated with heirs' properties.
4. Presents recommendations to inform systems level solutions to addressing heirs' property.

This report intends to provide more information about the challenges and opportunities around inherited properties in Detroit. It does not, and is not intended to, constitute legal advice. Readers should contact an attorney for advice on specific legal matters.



Heirs' property

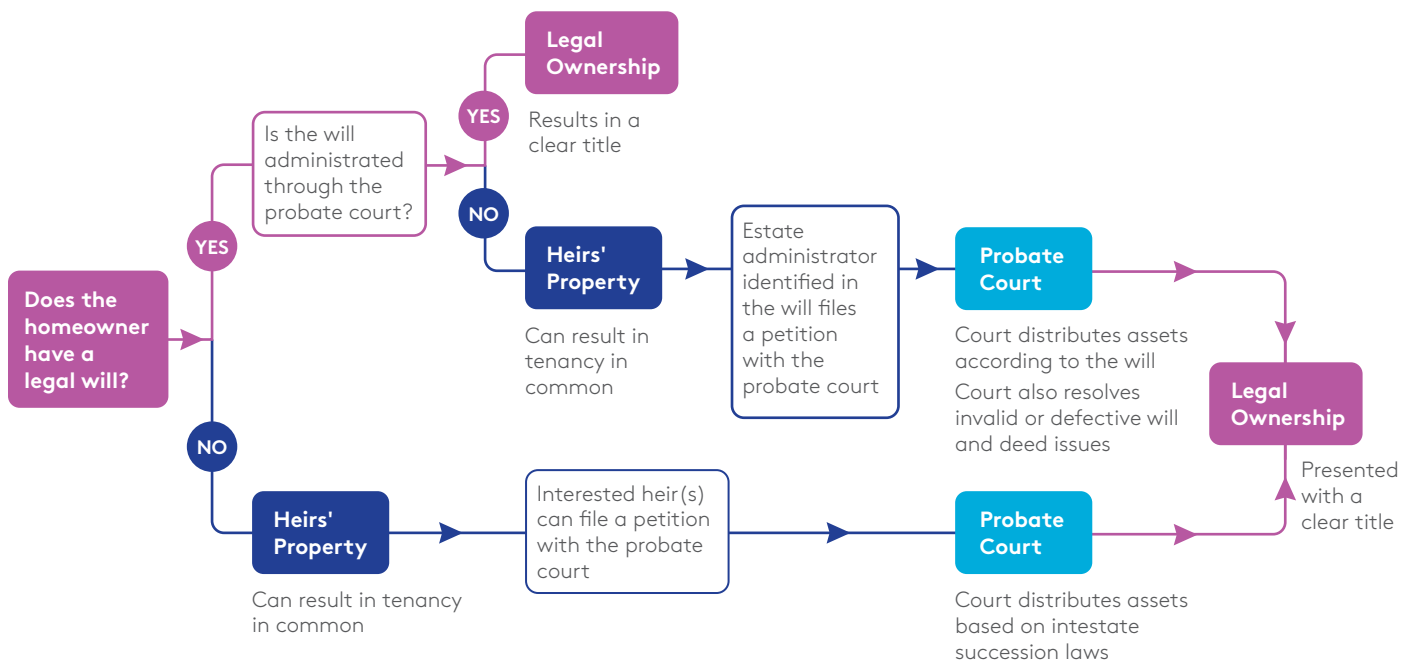
An heirs' property is a family-owned property inherited through generations or passed on to recipients without formal legal proceedings to prove ownership. Heirs may be paying taxes, living in, and maintaining the property, but - either known or unknown to them - they don't legally own it. When a homeowner passes away, there are two primary ways that a property can turn into an heirs' property.

1. In the absence of a will, or when the property is not included in the will:

If the owner of a home dies, and there is no will or estate plan, Michigan's intestate succession laws determine the sequence in which surviving heirs receive their share of the property. This can result in multiple heirs owning the property, who each have an undivided interest, known as "tenancy in common." As properties pass through multiple generations and more heirs are added, the title becomes "tangled" or its legal ownership becomes ambiguous. Hence, heirs' properties can also be referred to as "tangled titles" or "clouded titles." Resolving such situations typically requires intervention through the probate court² or quiet title action court.³

2. A will is not administered through the probate court or is declared invalid:

Though having a will is an important first step, it does not automatically transfer property to those listed in the will. The will's validity and administration is determined by the probate court. It is a necessary step to obtain a clear title, and a new property deed must then be filed to formally transfer ownership of the home. If a new deed isn't filed, the property can become an heirs' property.



² Probate court is responsible for making sure a will is executed correctly, all debts are paid and assets (such as a house) are distributed.

³ During the probate process, a quiet title claim can clarify any title issues that may arise, to move the probate process along.

The impact of heirs' property

Heirs' properties pose significant challenges to individuals, families, and communities. To an individual and their family, not only is there a risk of losing where they are currently living, but also the potential loss of family history and generational wealth. A person living in an heirs' property may not be aware that they do not legally own the home until they find themselves needing resources, or go to sell the house. Lack of a clear title (required for legal ownership) can make it difficult, or even impossible, for heirs to sell the property, borrow money against its equity, or obtain homeowner's insurance. It can also prevent heirs from accessing important city and county financial aid programs that can assist with home repairs, property tax payments, and preventing property tax foreclosure. Of note, without proof of legal ownership, a Detroit homeowner cannot access Detroit's Homeowner Property Tax Exemption (HOPE) program, which allows eligible low-income homeowners to be partially exempt from their current year's property taxes and prevent the loss of the property through tax foreclosure. Without access to these resources, homes may end up subject to tax foreclosure and sold at auction.

At the neighborhood level, if heirs cannot access resources to keep and maintain the home, or choose not to maintain the home because of issues over its ownership or the home ends up abandoned, the property may fall into disrepair or foreclosure. This can negatively impact neighborhoods by depressing home values, increasing crime, and contributing to disinvestment.

CHALLENGES SURROUNDING HEIRS' PROPERTIES IN DETROIT

There are many challenges facing those with heirs' properties. To gain deeper insight, Detroit Future City conducted a series of focus groups with Detroiters who have been impacted by heirs' properties, and performed interviews with organizations that are actively working to resolve them. These focus groups and interviews revealed the barriers faced by many residents in navigating this issue and some Detroit-specific circumstances that have uniquely affected homeowners and their heirs. Through these discussions, distinct themes emerged around awareness and education, legal services, financial resources, and housing market and neighborhood perceptions.

- **Lack of wills and awareness of property transfer laws:** Homeowners may be unfamiliar with property transfer laws and the legal consequences of not having a will. Some focus group participants felt that a will is needed only if you are wealthy and have significant personal assets, not recognizing their home is in fact an asset. There are also emotional barriers associated with death, making a will - necessary for determining who inherits the home - uncomfortable and thus undone. Lower-income homeowners also may not have access to estate-planning services because of the high upfront cost of getting legal support. Others mentioned the misconception that property ownership automatically transfers to the next of kin upon death, with no legal action needed. In other instances, individuals mistakenly believed that they were entitled beneficiaries under intestate succession laws.

” We don't think about our parents dying. They never talked about a will. It might be because we don't feel like we have anything, and we don't want to pay the price of what it could cost to draw up the will.”

– Focus group participant



We don't think of our homes as assets that we could pass on as generational wealth. We think of them as homes to pass on to our children and they can maintain it like we maintained it."

– Focus group participant

- **Awareness of property ownership status:** Individuals may be unaware that they are not legally the owner of a property and, if a will, a reverse mortgage, or unpaid property taxes exist, that could jeopardize ownership of their home. Someone may not realize an issue until they are trying to access resources, such as tax relief or help to maintain or keep their home, only to discover they aren't eligible because they aren't listed on the deed. If the home has been passed on many times without a will, heirs occupying the property may be unfamiliar with the complexity of their family tree and of the other heirs that may have claim to the property. This is significant, because under shared ownership, any person who also has a claim to the property (known as a "tenant-in-common") can force a partition of the property, leaving all heirs vulnerable.
- **Legal processes are complex and more support navigating them is needed:** A will serves as a document that explains the wishes of the deceased and is administered through the probate court. Execution of a will, and overall estate administration, is a complex and costly legal process that can be difficult to navigate without an attorney. Residents may also have unique circumstances that require legal guidance or an interface with personnel from the court. Since the pandemic, online court processes have made some aspects of the probate process simpler. However, for a certain subset of individuals, it has become an added barrier that needs to be overcome. Individuals without access to digital means or knowledge of online tools are at a disadvantage. Additionally, residents face challenges in being made aware of alternatives to probate that they may be eligible for. For instance, Detroit's share of low value housing stock is seen as unique ground for "small-estate filings," an easier and less expensive alternative to probate. As of 2023, an estate must be valued at \$27,000 or less to be considered for a small-estate filing.^x

- **Property taxes:** Some heirs may incorrectly believe that simply paying their property taxes establishes ownership. However, paying property taxes alone does not equate to ownership of property, which means heirs may be paying property taxes on a property they don't legally own. Heirs also may not be familiar with property tax increases that would apply to them when they take legal ownership, or the programs that exist to help offset taxes if they live in the home. When ownership does transfer, depending on the relationship to the deceased person, it can be considered an "uncapping" event that adjusts the property tax to the state equalized value (SEV) the following year. This has the potential to substantially increase one's property taxes. An additional challenge is the presence of outstanding back taxes on the property. These can often discourage heirs who do not live in the property from pursuing the legal transfer of its ownership. The City's HOPE program was developed to help offset the increase in property taxes through exemptions, while the Detroit Tax Relief Fund (DTRF) - operated by the Wayne Metro Community Action Agency and funded by the Gilbert Family Foundation - can further assist in paying down the back tax debt of eligible lower-income Detroit homeowners.^{xi} So far, over 9,000 homeowners have been supported by the DTRF program.^{xii} Nevertheless, more is needed to educate and guide residents on such programs that incentivize them to maintain ownership of their family home.



We pay into the system our entire lives, but we can't benefit from it."

- Focus group participant

- **Housing market and neighborhood perceptions:** Perceptions of both a home and its neighborhood can play a significant role in a family's determination on whether to resolve title issues and keep a home within the family. In many areas, Detroit continues to have a weak housing market that disproportionately affects its Black residents. Though there have been consistent improvements in the past decade, indicating an overall positive trend in both home values and sales, many homeowners who endured the market's lowest points may view their homes as liabilities or remain indifferent to them, instead of as an asset capable of building wealth. The current condition of the house and/or neighborhoods, as well as other potential neighborhood investments, are also contributing factors.



It is hard to get people to see value in neighborhoods that they don't see growing."

– Focus group participant

- **Cost of legal services:** The out-of-pocket costs incurred toward legal advice and filing cases is a deterrent for many low-income families. The cost of going through probate, inclusive of all fees, can be significant when marked against properties that are of relatively lower value but not deemed as "small estates." Depending on the property's assessed home value, families may or may not consider getting the title cleared of importance. Moreover, families are unaware of possibly being eligible for fee waivers and ways to access free legal aid. Depending on the complexity of the case, even with free legal aid, filing fees at the Wayne County Probate Court likely amount to upwards of \$200. Clearing a title also requires a resolution of claims and liens against the property, as well as a resolution of any inheritance issues. Many lower-income families do not have the financial means, or the time, to see this through.

CURRENT HEIRS' PROPERTY IN DETROIT

In order to design a solution, it is important to understand the scale of the issue in the city. To do this, tax assessor's data for properties in the city of Detroit were cross-referenced with death records to identify residential properties where all recorded owners are deceased.⁴ This number provides a baseline of the extent to the number of heirs' properties in Detroit, but is likely an undercount.

There are at least 5,525 residential heirs' properties in Detroit.

An analysis of the City of Detroit's Tax Assessor's data from 2023 found 5,525 properties in Detroit where all recorded owners died between 2014 and 2022.⁵ These would be considered confirmed heirs' properties. Based on the assessed home values in the assessor's data, a total of more than \$268 million⁶ is estimated to be tied up in these properties.



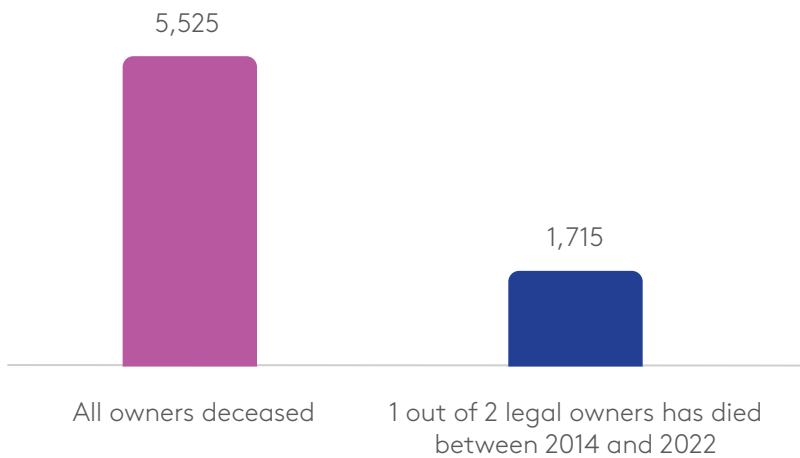
⁴ For more information on methodology, see the Appendix.

⁵ The analysis excludes residential properties with more than two recorded owners. Because of how the data are structured, parcels with residential condo units show multiple owners, and it is difficult to accurately determine the number of owners associated with any single unit within such parcels. Therefore, such complex parcels were filtered out from the analysis.

⁶ The Michigan Constitution requires properties to be uniformly assessed at 50% of the usual selling price. This estimate represents the assessed value of a property multiplied by two. However, the actual value, in reality, is likely higher.

Additionally, there are 1,715 properties that have at least one recorded owner who died between 2014 and 2022. If the other listed owner is still alive and hasn't already passed away before 2014, these properties are at risk of becoming heirs' properties if there are no wills or estate planning in place.

Residential properties in 2023 where one or all recorded owners are deceased

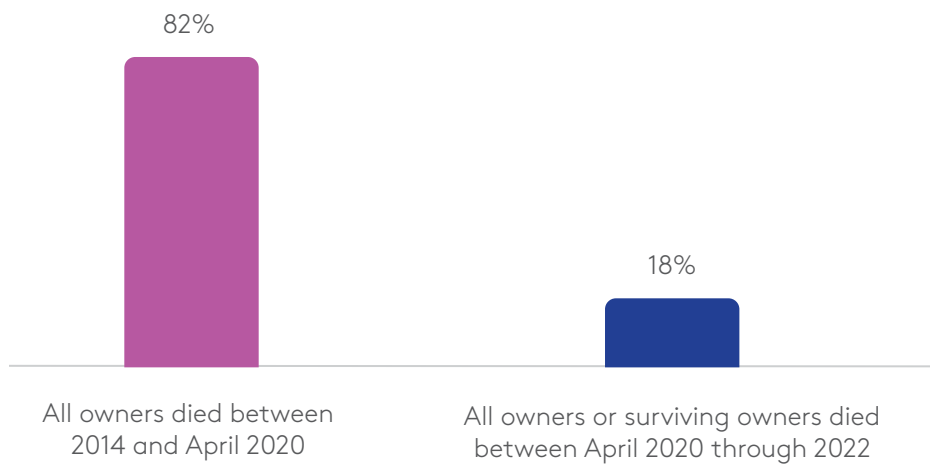


Source: Data Driven Detroit analysis of City of Detroit Office of the Assessor's parcel data and Melissa Direct's Deceased Suppression Service

The majority of owners passed between 2014 and April 2020.

Among the heirs' properties where all legal owners are deceased, 82% (4,530 properties) saw all owners pass away between 2014 and April 2020⁷, and 18% (995 properties) had all or the remaining owners pass away between April 2020 through 2022. For these properties where all or the remaining owners passed between April 2020 through 2022, it is possible that these properties are still going through the probate process.

Heirs' properties in Detroit, by timeframe of death



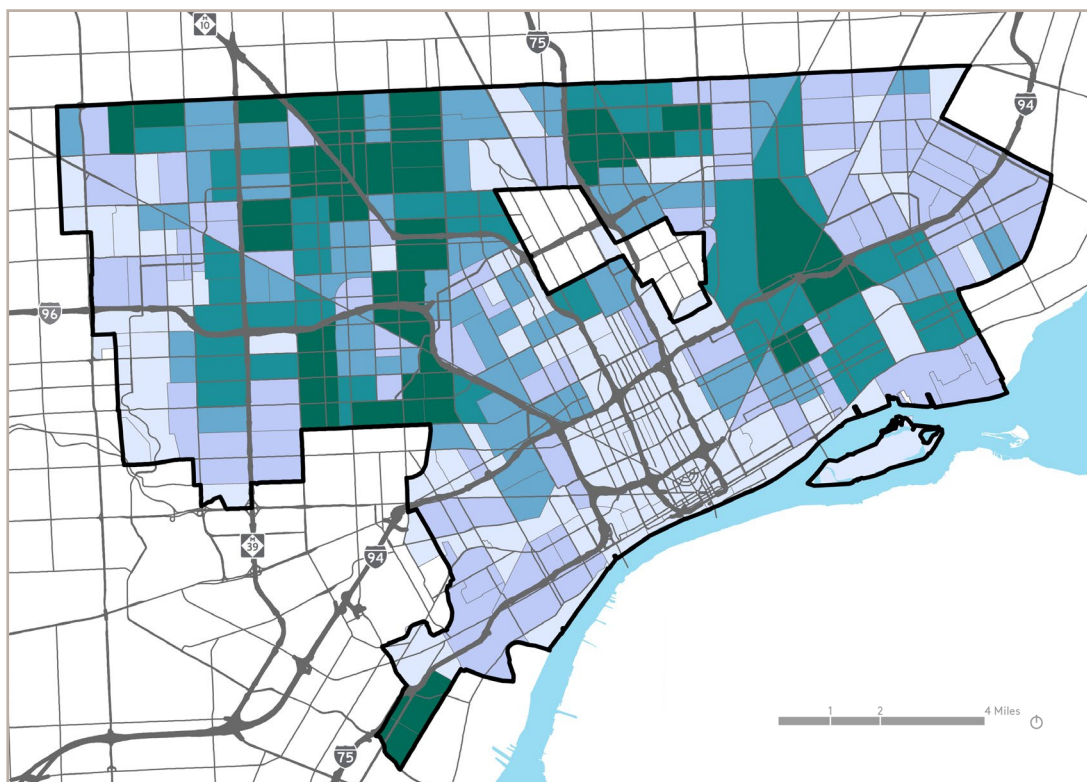
Source: Data Driven Detroit analysis of City of Detroit Office of the Assessor's Parcels data and Melissa Direct's Deceased Suppression Service

⁷ April 2020 serves as a natural break point in the death record service due to the pandemic. A timeframe of about three years, from April 2020 through 2022, also allows adequate time for heirs to obtain a clear title after the owner's death, beyond which the property can be considered as being "tangled."

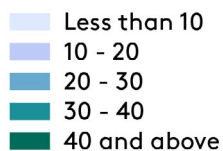
Currently, 35 Detroit census tracts have more than 40 properties facing heirs' situations.

These 35 tracts account for almost 13% of the city's total tracts, with clusters on both the west and east sides. The tracts with the highest number of heirs' properties include the neighborhoods⁸ of Schaefer 7/8 Lodge, Schulze and Bagley on the west side and Airport Sub, Hawthorne Park and Cadillac Heights on the east, among others. The Boynton neighborhood in Southwest Detroit also shows a high number of heirs' properties.

Map 1: Number of heirs' properties in each tract



Count of properties in each tract where all owners are deceased



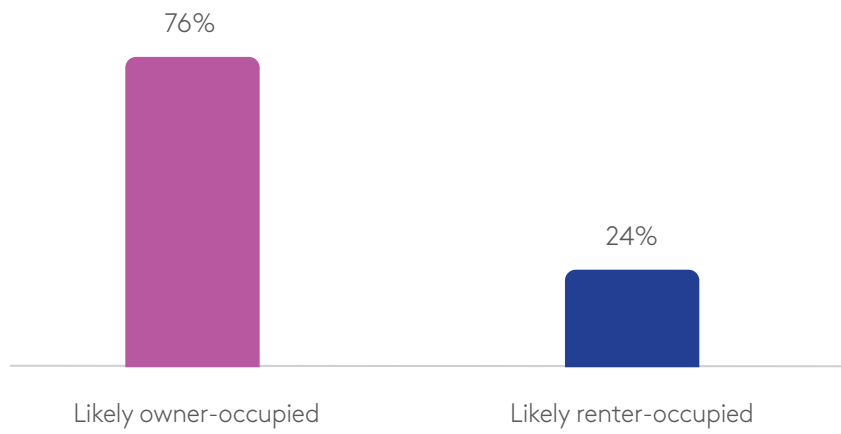
Source: Data Driven Detroit analysis of City of Detroit Office of the Assessor's Parcels data and Melissa Direct's Deceased Suppression Service

⁸ Census tract boundaries do not always align with neighborhood boundaries. These reference the current (non-historic) neighborhood boundaries as compiled by City of Detroit Department of Neighborhoods staff in concert with community groups. Data are current as of 2022.

The majority of heirs' properties impact likely homeowners, but nearly one-quarter of them are likely occupied by renters.

Of the 5,525 known heirs' properties in the city, 76% (4,217 properties) were likely occupied by homeowners, with the remaining 24% (1,308 properties) likely being used as rental properties.⁹

Heirs' properties in Detroit, by tenure



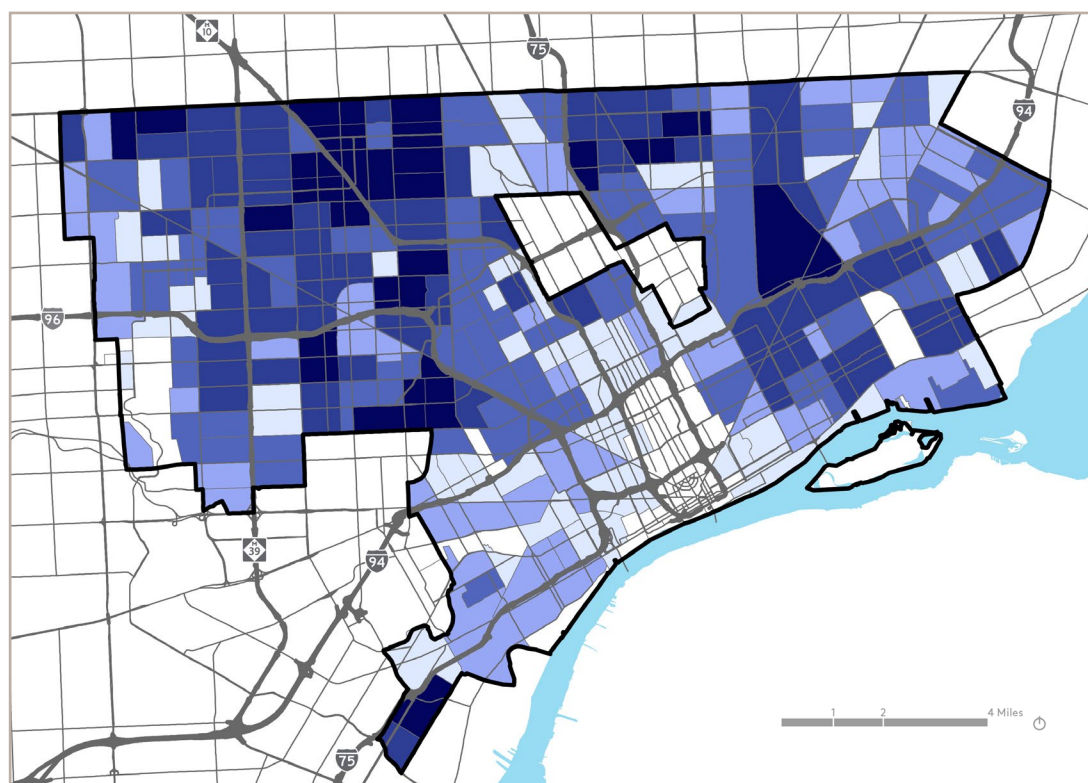
Source: Data Driven Detroit analysis of landlord typologies

⁹ For more information on methodology, see the Appendix.

The distribution of owner-occupied heirs' properties across the city follows closely with the distribution of current heirs' properties in the city. There are 25 census tracts with 35 or more heirs' properties that are likely owner-occupied.

Though the share of heirs' properties likely being used as rentals is low, renters residing in these properties face a different type of risk compared to families of the deceased owners who inherit and live in such properties. Broadly, the renter might not be aware of risks to their housing stability, and, in rent-to-own situations, they face the potential loss of the property if the deed transfer is incorrect or not documented with the register of deeds. In rent-to-own situations, the renter may acquire a tangled title, possibly having multiple heirs, when the owner fails to transfer a clean title even after the rent-to-own payments are completed.

Map 2: Likely owner-occupied heirs' properties



Number of likely owner-occupied heirs' properties

- Less than 7
- 7 to 11
- 12 to 19
- 20 to 34
- 35 and greater

Source: Data Driven Detroit analysis of landlord typologies

CHARACTERISTICS OF NEIGHBORHOODS WITH HEIRS' PROPERTIES

To better understand the characteristics of the areas with high numbers of heirs' properties, census tracts are sorted into five equal groups (quintiles) based on the number of heirs' properties, ranging from lowest, in the first quintile, to highest, in the fifth quintile.¹⁰

Census tracts in the fifth quintile group (the tracts with the most heirs' properties) account for 42% of all heirs' properties found in the city. Of the five groups, this quintile has the highest average homeownership rate and average home sale price. This group also has the highest median share of the Black¹¹ population. Surprisingly, these tracts have the lowest share of population below poverty, vacancy rate, and population without a high school diploma. The average household income in these tracts is lower than the citywide average income of \$52,254¹² in 2022. These neighborhoods might not be the first to come to mind concerning heirs' property, but these higher rates are likely reflective of the fact that these were historically stable middle-class areas marked by significant rates of homeownership. Presently, they are still comprised of middle-class households, some over multiple generations, and properties have maintained their perceived value over time. Having experienced limited property tax foreclosure and changes in ownership, some of these homes may continue to be passed down but without the formal legal transfer, resulting in them becoming heirs' properties.

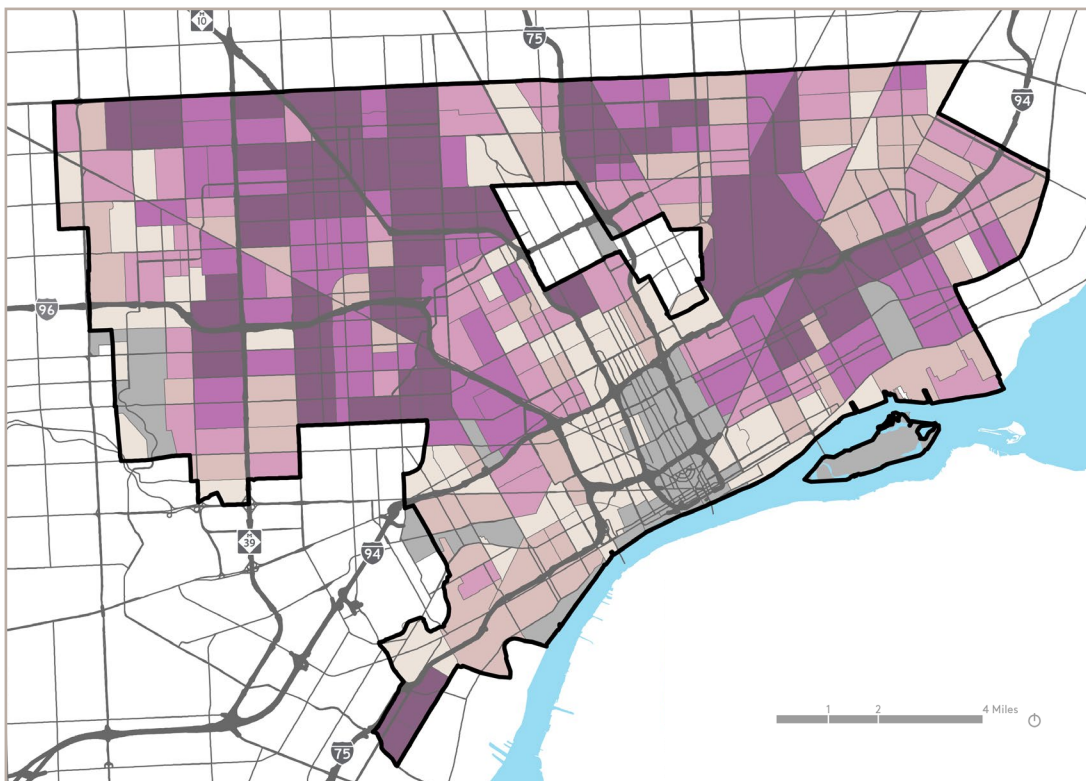
¹⁰ The analysis excludes tracts with no current heirs' properties and tracts with fewer than 10 housing units.

¹¹ Non-Hispanic

¹² This figure represents the average household income, not the median. In 2022, the city's average household income exceeded the median by approximately \$16,000. This difference is likely influenced by specific census tracts that have much higher incomes compared to the rest.

In comparison, tracts falling in the first quintile have the fewest heirs' properties. This group has the lowest average rate of homeownership, but their average home sale price is relatively higher. These tracts also have the lowest share of Black population but a higher share of the population without a high school diploma.

Map 3: Heirs' properties in each tract, by quintile



Heirs' properties in each tract, by quintile

Source: Detroit Future City

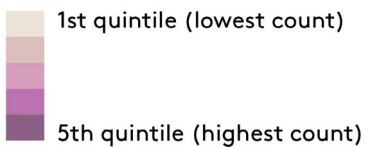



Table 1: Characteristics of current heirs' property neighborhoods in Detroit by quintiles



Census tract by quintiles	Share of heirs' properties	Heirs' properties as a share of residential properties ¹³	Combined foreclosures as a share of residential properties ¹⁴	Average household income	Average homeownership rate	Average home sales price	Vacancy rate (median)	Share below poverty (median)	Share of Black population (median)	Share not completed high school (median)
1 st (lowest)	5%	1.2%	2.2%	\$48,625	34%	\$136,461	21%	33%	79%	18%
2 nd	11%	1.6%	2.7%	\$47,730	49%	\$60,432	25%	33%	89%	18%
3 rd	17%	2.1%	2.8%	\$49,849	54%	\$65,635	28%	35%	87%	16%
4 th	25%	3.0%	3.1%	\$48,402	54%	\$44,836	25%	34%	93%	17%
5 th (highest)	42%	3.8%	2.4%	\$48,561	58%	\$182,967	21%	29%	94%	13%

¹³ The analysis excludes residential properties with more than two recorded owners.

¹⁴ "Combined foreclosures" references foreclosed homes sold at auction in 2021 and 2022, and all foreclosed homes in 2023. The analysis excludes residential properties with more than two recorded owners.

FUTURE POTENTIAL RISK FOR HEIRS' PROPERTIES

Any home that has not gone through an estate-planning process is at risk of becoming an heirs' property.

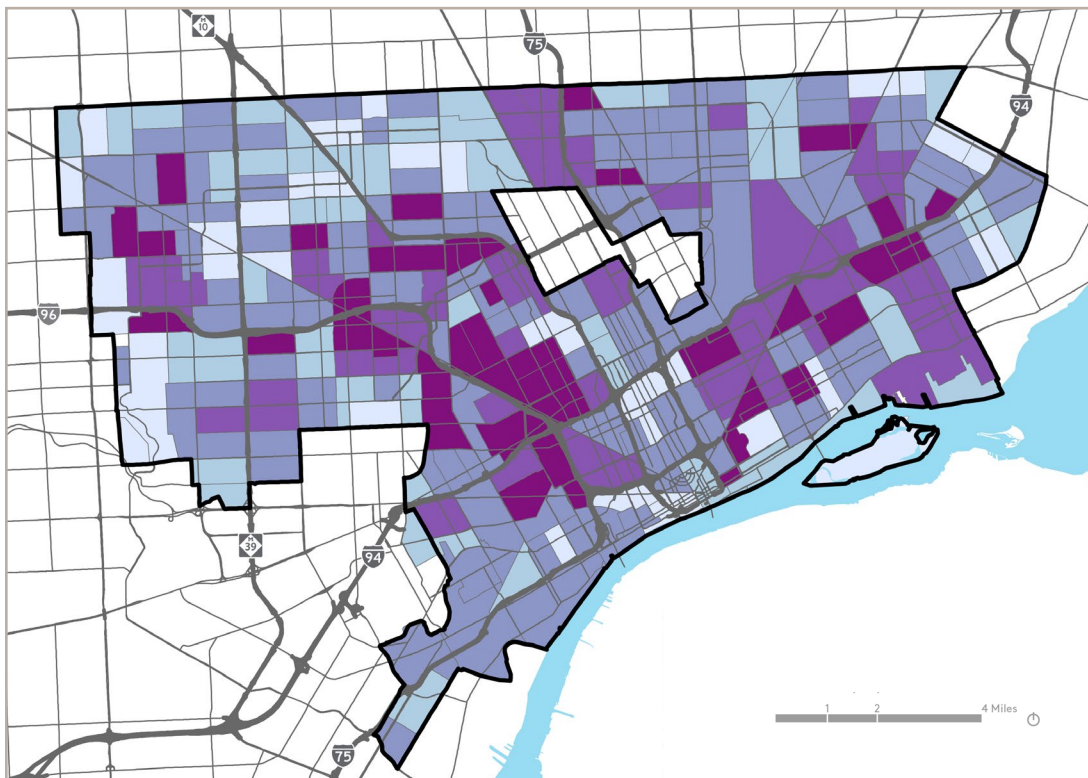
There are four variables that can be combined to create a cumulative index of future potential risk for heirs' properties. Three indicators are considered that likely increase the risk: the share of individuals over 65 years of age and living alone, the share of quitclaim deeds relative to total parcels, and the share of vacant parcels. The fourth indicator, the share of estate-planning deeds relative to total parcels, potentially decreases the associated risk. The map on the next page classifies how each census tract in Detroit compares to other census tracts in the city in terms of potential future risk. This risk index, however, is not predictive in nature and is not indicative of actual future heirs' property outcomes in the tracts.



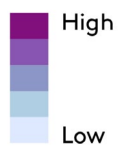
High potential future risk of heirs' properties is concentrated in a few neighborhoods.

Based on these characteristics, there are 40 census tracts that show a high potential future risk of becoming heirs' properties, with a concentration in near-west Detroit. Seven of these high potential future risk tracts are also areas currently with a high number of heirs' properties. Though technically any property is at risk of becoming an heirs' property, this map can be another resource to help inform outreach strategies for addressing heirs' properties.

Map 4: Potential future risk of heirs' properties in Detroit



Potential future risk of heirs' property



Source: Data Driven Detroit analysis of City of Detroit Office of the Assessor's Property Sales and Parcels data, and ACS 5-year estimates

Table 5: Top 10 census tracts with high potential future risk of heirs' properties in Detroit

Census Tract	Neighborhood ¹⁵
5141	Part of West End/East Canfield
3150.02	Part of Dexter-Linwood
5367	Part of Bethune Community
5442	Part of Brightmoor/Riverdale
5279	Part of Midwest
5169	Part of Lafayette Park
5334	Petoskey-Otsego
5142	Part of Gratiot-Grand, Pingree Park, Gratiot Woods
5343	Part of Grand River-I-96, Barton-McFarland
5309	Part of Nardin Park

“ At the end of the process, it’s a sigh of relief. You left a legal legacy.”
 – Focus group participant

¹⁵ Census tract boundaries do not always align with neighborhood boundaries. These reference the current (non-historic) neighborhood boundaries as compiled by Department of Neighborhoods staff in concert with community groups. Data current as of 2022.

SOLUTIONS

As efforts to understand, quantify, and remedy title issues and heirs' properties are gaining momentum nationally, programmatic and legislative solutions must recognize this issue as one that potentially affects every homeowner. However, specific supports are essential for those who do not have the capacity or access to resources. Programs, capacity building, and reforms can reduce the systemic barriers that exist for Detroiters maintaining ownership of their family homes, retaining generational wealth, and limiting the number of homes becoming heirs' properties in the future.

This section outlines potential solutions to address the challenges of heirs' properties in Detroit, citing models from other cities, and perspectives gleaned from interviews and focus groups. Solutions are explored under three categories: resolution of current heirs' properties, prevention of future heirs' incidences, and policy reform. The implementation of these strategies can engage a diverse range of community and economic development stakeholders at various scales, from targeted outreach to developing infrastructure, support services and funding.



Resolve current heirs' properties



Prevent future heirs' properties



Policy reform to address at systems level



Resolve current heirs' properties

- **Increase the coordination and capacity of the system to handle heirs' property cases from intake to resolution:** The creation of a coordinated network of organizations and personnel can expand the availability of resources and allow for the efficient management of caseloads. The coordinated network should include nonprofits, the Detroit Land Bank Authority, community advocates, attorneys, estate planners, and government staff working collectively to address the different aspects of heirs' issues, from providing legal help, to education and housing support. For example, the Detroit Housing Network is an alliance of public, private, and philanthropic community agencies that provide residents access to essential housing services, including housing counseling and educational workshops.^{xiii,xiv} On the other end of this network, it is also imperative to expand the capacity of the probate court to handle the volume of cases that a city-wide remediation effort would generate.

Additionally, steady funding is an important aspect of capacity building and sustained efforts. The network should be supported through financial investments, especially to increase the number of attorneys working on rectifying heirs' properties. These efforts should be coupled with providing financial assistance to cover the cost of legal fees and probate court fees for lower-income residents.

National example:

In Jacksonville, Florida, the Local Initiatives Support Corporation (LISC) created a coalition of nonprofits, including legal aid and community development organizations, to provide assistance to families with heirs' properties. Through partnerships, LISC identifies heirs' properties, provides legal support for probate litigation, and engages in community education. Its work is also sponsored through significant capital investment from financial institutions, foundations, and the city. As of early 2023, in about two years of operation, LISC has preserved \$3.7 million in housing market value by remediating 55 properties.^{xv}

Detroit resources

In Detroit, initiatives by nonprofits, legal aid organizations and the city range from simple title searches and advocacy, to providing home repair grants and more complex legal assistance for those with property tax or probate issues.

- As part of the Michigan Advocacy program, Michigan Legal Help provides access to the legal system for those who need it the most through direct legal help, advocacy, and tools on a variety of topics.^{xvi}
- Michigan Legal Services, a nonprofit legal services organization, offers probate assistance pro bono to eligible Detroiters that are referred through the Tax Foreclosure Prevention Project.
- Lakeshore Legal Aid is another legal nonprofit working in this space, providing pro bono services for estate planning and probate.
- On Detroit's east side, The Villages CDC, MACC Development and Wayne Metro Community Action Agency developed the "Keep It In the Family" program, which provides housing stabilization grants geared toward legacy Detroiters, senior citizens, and families with children. It provides \$2,500 to qualifying lower-income residents for title checks, legal assistance, and home repairs.^{xvii}

With these initiatives already underway in Detroit, there is an opportunity to build on their learnings and solutions, and to push for a proactive, concerted, city-wide effort.

- **Connect heirs to resources through which they can obtain a clear title:** When applicants are at risk of tax foreclosure or denied benefits because they lack a clear title, connecting them to housing resources and legal aid clinics that can provide assistance with probate processes can be crucial for resolving their title issues. There is also a need for this framework of support to respond more proactively and offer resources sooner, rather than when families reach a financial crisis and are made aware of an heirs' situation only when they can least afford to do so. This proactive support can also extend to covering costs associated with title searches, case filings, and for family mediation in case of a dispute.

National examples:

The "Home for Generations" program, developed by the Washtenaw County treasurer and probate judge, provides targeted, pro bono assistance to families facing property tax delinquency that also have unclear ownership. As of 2021, two years since its inception, this partnership completed 10 ownership/estate settlements, transferring \$1.3 million in property wealth.^{xviii}

In Dallas, the "Title Assistance and Property Assistance" pilot program, also known as the "S.A.V.E. Your House" program (Secure, Assist, Verify, Empower), serves a similar purpose. It helps cover many of the legal costs associated with filing deeds, affidavits, probate processes, and mediation.^{xix}

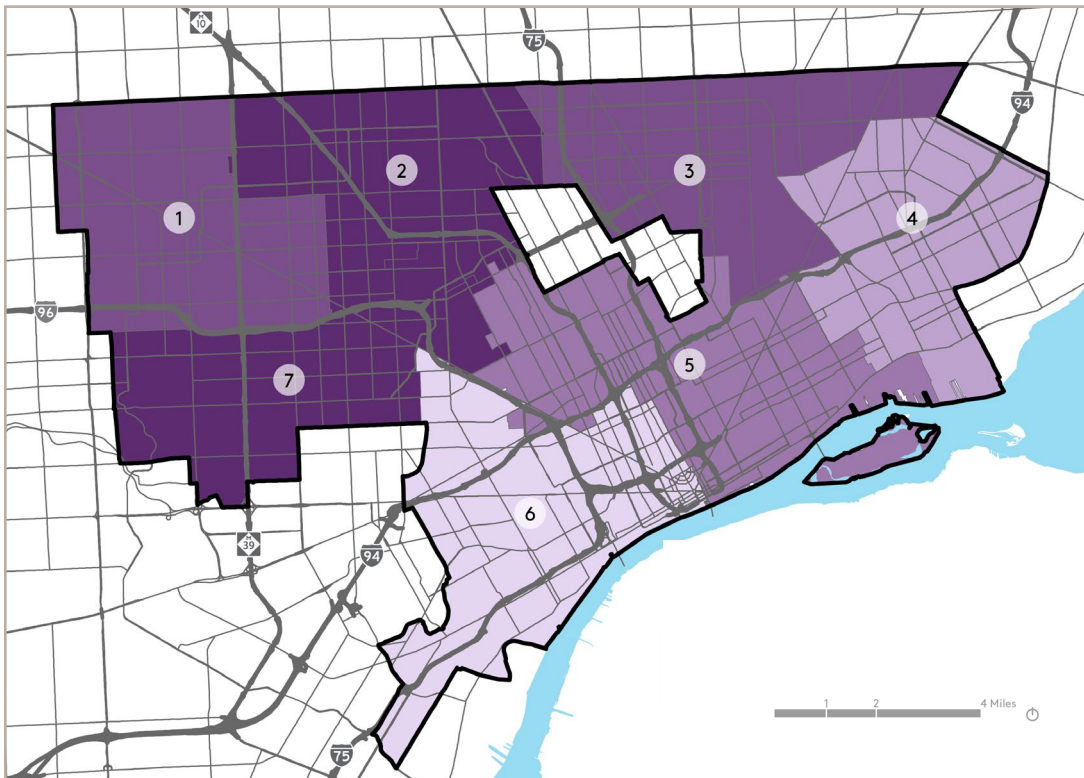
In another instance, the City of Philadelphia has instituted the "Tangled Title Fund" for lower-income families seeking clear titles to their homes. Families are eligible for up to \$4,000 to cover administrative, legal, and other costs that may arise in resolving a homeownership issue.^{xx}

- **Focused interventions:** Detroit faces numerous housing challenges, including the complex issue of heirs' properties. Though many of these are deeply entrenched and difficult to quickly resolve, a tangible objective is untangling the titles of these 5,525 properties. This is an achievable milestone toward starting a more comprehensive citywide initiative. By focusing interventions in census tracts with a higher prevalence of heirs' properties, this issue can be strategically addressed.

Heirs' properties at risk of tax foreclosure

The map below shows the count of residential properties within each City Council district where all recorded owners are deceased, and notices of tax foreclosure were served by the Wayne County treasurer in 2023. Without the payment of delinquent property taxes, these properties will face foreclosure in 2024. There are a total of 496 such properties in Detroit, accounting for 9% of the city's current heirs' properties. Typically, these homes with delinquent taxes are likely to be owned by lower-income homeowners who could apply for HOPE property tax exemptions but do not have the deed in their name to do so. By prioritizing interventions in these areas, heirs' property remediation efforts can have the most immediate impact.

Map 5: Number of heirs' properties in the city facing imminent risk of tax foreclosure in 2024, by City Council districts



Number of heirs' properties currently facing risk of tax foreclosure, by City Council districts

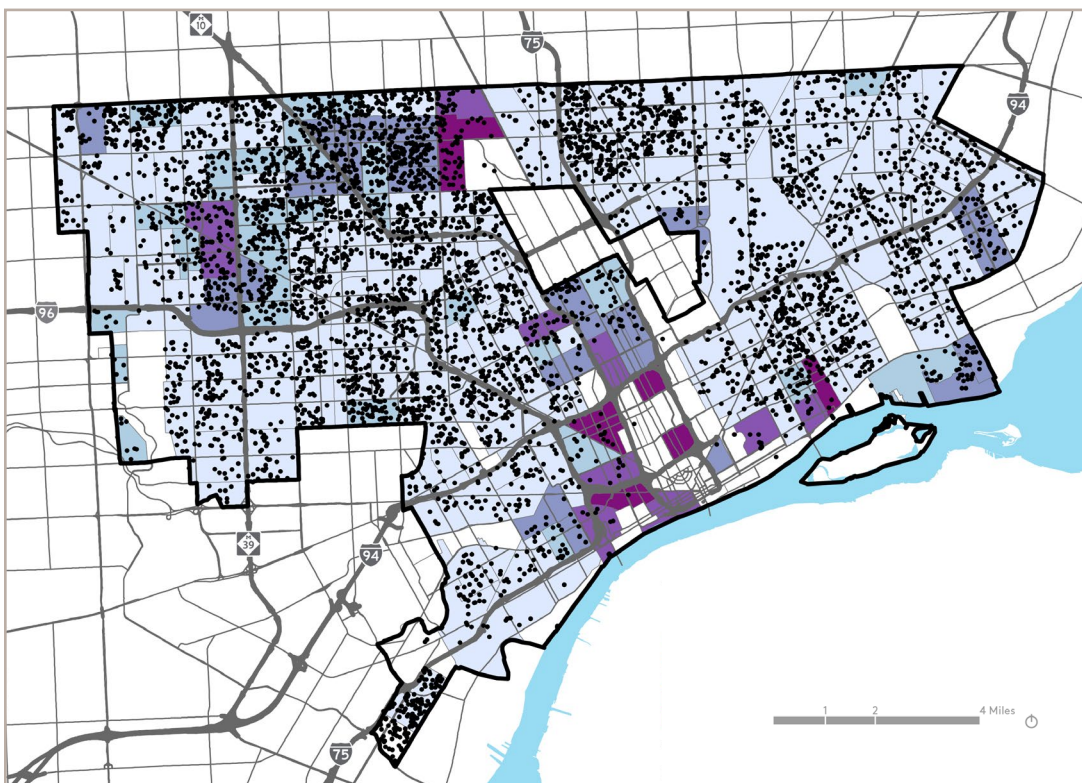
- Less than 40
- 40 - 54
- 55 - 64
- 65 - 74
- 75 and greater

Source: Data Driven Detroit analysis of Wayne County Treasurer tax foreclosure data

Heirs' properties with higher values

Twenty-seven tracts have a median home sales price of at least \$150,000, with a total of 215 heirs' properties. These tracts represent areas in the city characterized by thriving markets that inherently attract a higher level of interest and desirability. Preserving properties in tracts with higher home values potentially has the greatest opportunity to build wealth and avoid neighborhood decline.

Map 6: Median total sales price 2020-2021, overlaid with the current heirs' properties in the city¹⁶



Total sales: Median sales price (2020-2021)

Source: Analysis of Wayne County Register of Deeds data

- Less than \$50,000
- \$50,000 to \$75,000
- \$75,000 to \$150,000
- \$150,000 to \$250,000
- \$250,000 and greater

¹⁶ This map excludes census tracts with fewer than 10 total sales in 2020-2021.

Tailored to specific neighborhood characteristics

Additionally, the intersection of current heirs' situations with specific demographic and housing conditions in census tracts presents an opportunity to tailor interventions to distinct needs within tracts. For instance, outreach around wills, estate planning, and property transfer laws can be given precedence in areas with higher rates of homeownership, and lower incomes and educational achievement levels.

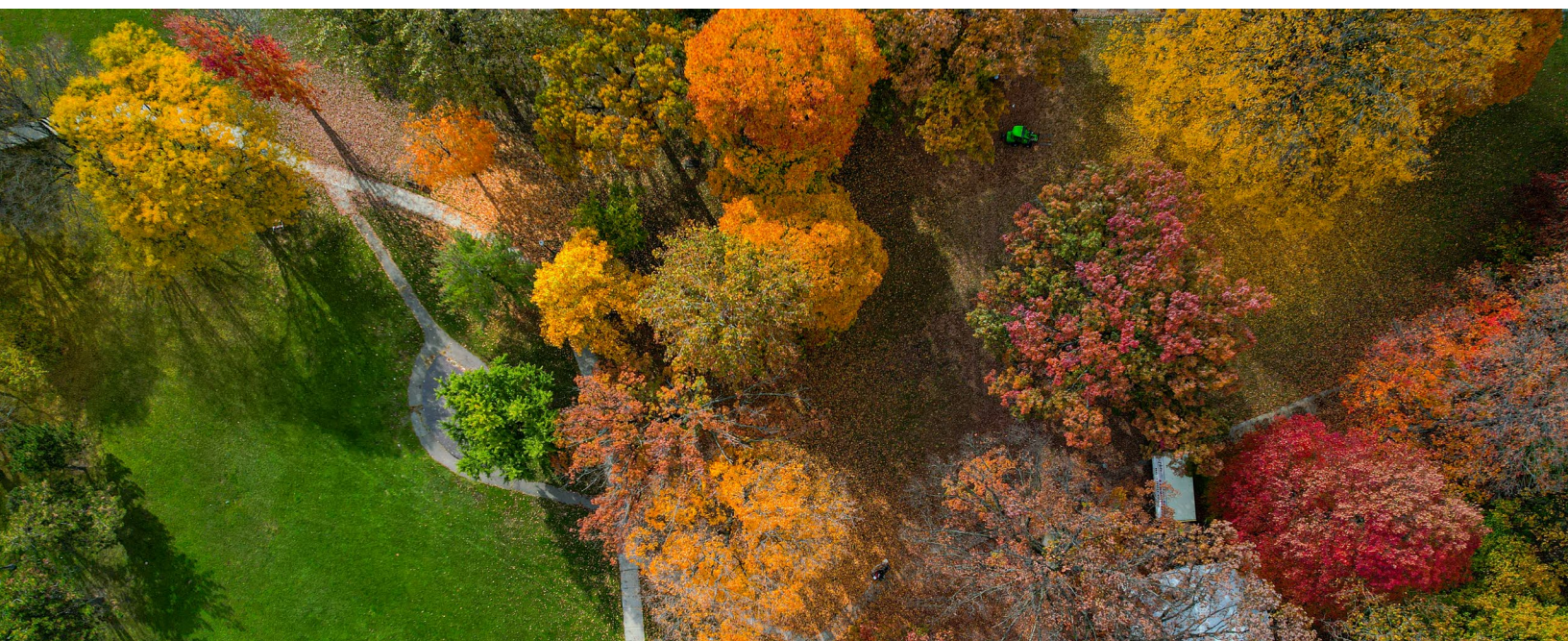
What can homeowners do to prevent their home from becoming an heirs' property?

- Prepare a will or undergo an estate-planning process. Estate-planning tools such as life estates or joint tenancy with rights of survivorship can help bypass probate and clarify property ownership. Some of these tools are not without risks, which should be considered carefully.
- Periodically review and update legal documents, such as wills, trusts, or beneficiary designations to ensure they accurately reflect intentions and current circumstances.
- Proactively use title search services to understand the ownership status of the property. Address any existing title issues promptly, and consider title insurance.
- Understand and document your family tree and be aware of heirship rights .
- Maintain clear and updated records of property ownership or occupancy that establish the connection to the property.
- Consult an attorney to learn of your rights and for specific matters relating to ownership of property.



Prevent future heirs' situations

- **Increase outreach and education on the importance of wills and estate planning:** Public awareness campaigns on heirs' properties and the importance of wills and estate planning could include counseling about the issue and its consequences. Removing stigma associated with wills, unclear ownership, and property loss would bring families the help they need but are not seeking and create a stronger community. The role of trusted community partners (nonprofits, community development organizations, youth, and senior centers, churches, etc.) is especially important in developing culturally specific approaches when communicating and educating about these issues. Furthermore, the City's existing programs and processes serve as natural touch points and provide the opportunity to connect with and inform residents. Information on property transfer laws and pro bono clinics can be provided when a household applies for HOPE property tax exemptions, or along with tax foreclosure notices. Information on warranty deeds, maintaining homeownership, wills and estate planning can be provided through housing counseling agencies at resource fairs or when someone buys a home. Such community education drives will help secure future generations against property loss through heirs and title issues.



- **Expand capacity for low-cost will and estate-planning support through strategic partnerships:** The creation and expansion of legal clinics offering low-cost services for drafting wills, and assisting with estate planning and property transfer would go a long way in preventing homes from becoming heirs' properties. Establishing partnerships with law schools, paralegals, legal aid organizations, and the county bar association can facilitate extended coverage for legal services through the city.

National example:

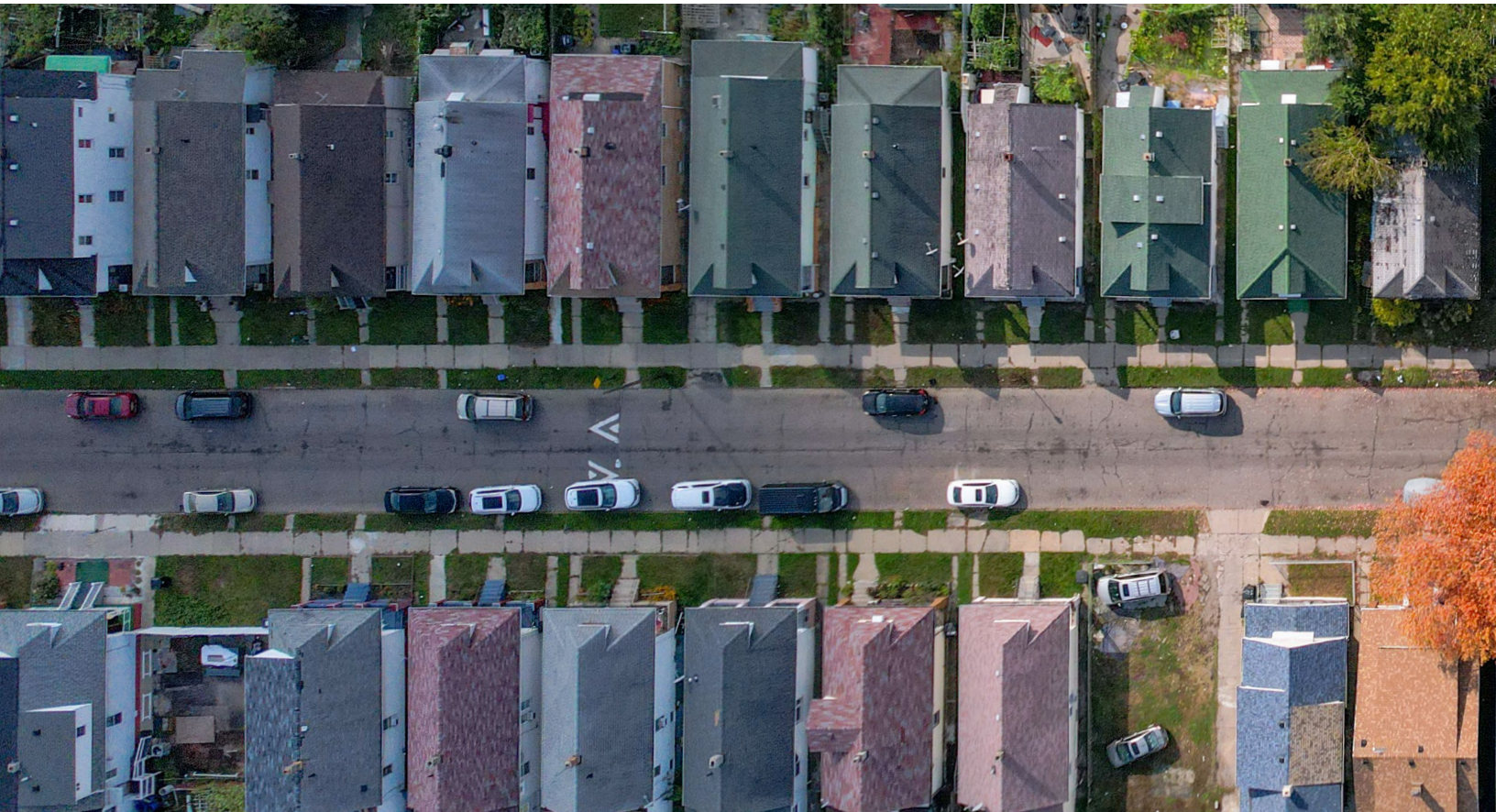
In Washtenaw County, attorneys with the county bar association are organized to offer free legal advice regarding basic probate matters.^{xxi} Family mediators are also looped in to offer pro bono services.^{xxii}

In addition, community volunteers and nonprofits can combine their resources, including expertise, staff, technology, and infrastructure to facilitate this network. These partnerships can also help develop user-friendly and legally compliant resources and toolkits that guide individuals through the will creation and estate planning process. A steady source of funding would also play an integral role in streamlining processes, training, and increasing the number of personnel involved. Such a network, backed by financial institutions or city funding, would make such legal services accessible and affordable to a majority of residents.

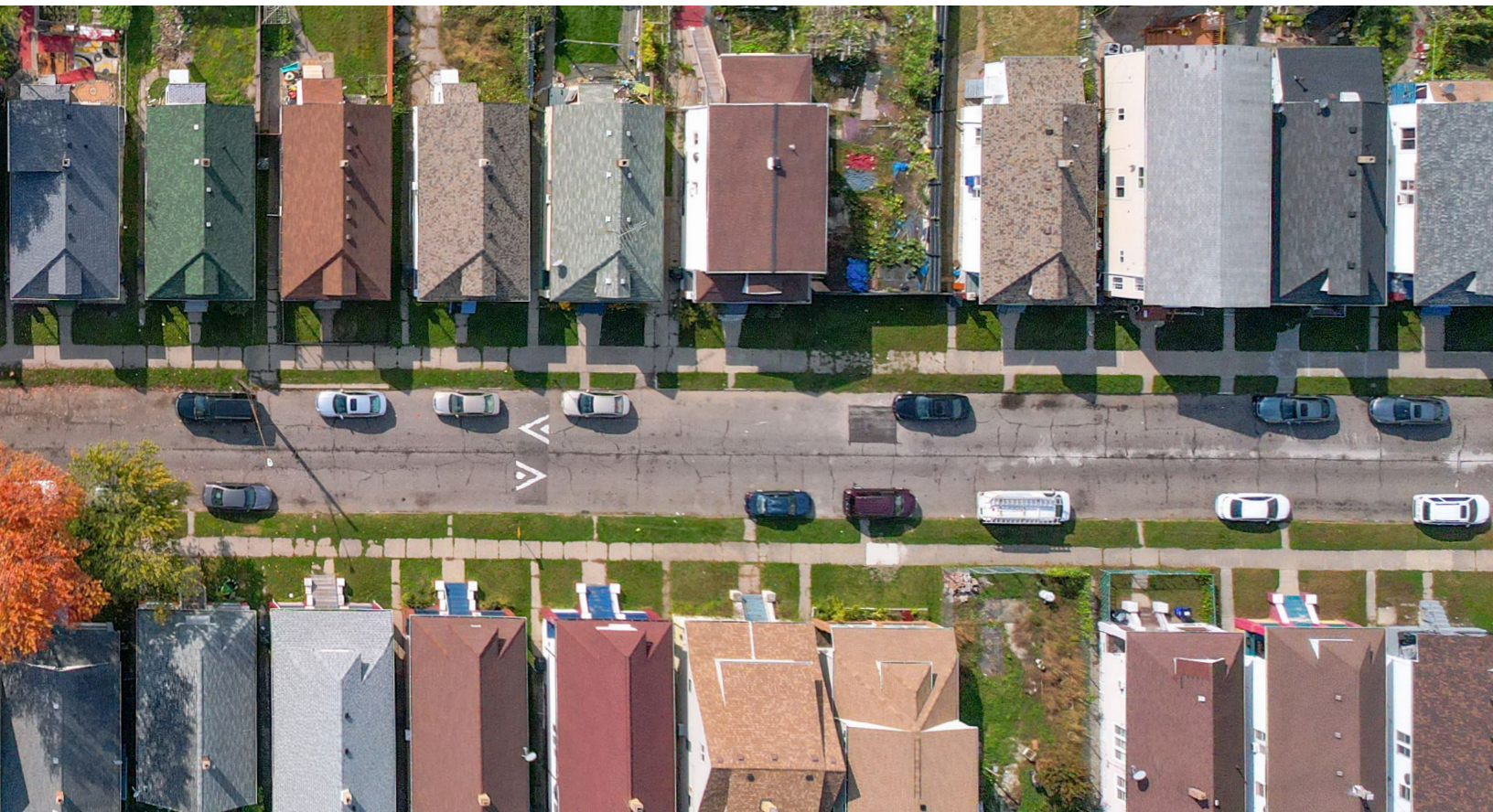
National example:

In South Carolina, where heirs' properties are often found in rural areas, the Center for Heirs' Property Preservation has partnered with the U.S. Department of Agriculture and the U.S. Forest Service, among others,^{xxiii} to receive federal funding for conservation of property and open space. This funding also extends to community outreach and legal services for residents of 22 counties.^{xxiv}

- **Support and empower homeowners in ensuring they have a clear title:** Mechanisms can be put in place to ensure homeowners have a clear title and can prove their ownership status, or alternatively, are empowered to address and rectify title issues. Property transactions should include mandatory or facilitated title searches to uncover any disputes, liens, or title defects. Title insurance should also be encouraged during property transactions to safeguard against title fraud and title issues that may arise after purchase. A city-sponsored title-verification program can be developed to assist homeowners with the above, including rectifying errors in the public record regarding titles and deeds. This program can also grant certifications that verify clear titles for properties that can assure potential buyers about the property's status. In the same vein, the accuracy and accessibility of public property records should be improved and streamlined to ensure all deeds get recorded timely, and that there is consistency between the property transfer affidavits filed with the city and deed records with the county. Standardizing property transaction processes and documentation requirements can also ensure transparency when recording ownership transfers. Additionally, housing counselors can guide homeowners on maintaining documentation that can prove their claim to the property. For instance, paperwork that can show proof of living in the home, or receipts related to home repairs or property taxes.



- **Ensure stability for homes without designated heirs:** For properties where homeowners have passed away, and there are no intended heirs for the property, or if individuals do not have a chosen recipient for the home, it is crucial to explore avenues that prevent these properties from facing heirs' issues, potentially leading to neighborhood decline through foreclosure or extended vacancy after the homeowner passes away. One viable approach involves transferring ownership to select nonprofits or community development organizations that have the resources to maintain or rent these homes. In other cases, the city or Detroit Land Bank Authority can acquire these properties to strategically sell to responsible buyers. Alternatively, partnerships could also be explored between public and private entities that can pool resources and funding needed to tackle challenges associated with these properties. Input from residents and community members can inform the best use of such properties, while legal solutions could look into finding suitable resolutions, such as transferring ownership to a trust, or creating agreements with community stakeholders. Broadly, outreach to such homeowners could focus on the importance of estate planning and the potential consequences of not designating heirs, including support around building collaborations with organizations that they would like to pass on their property to.





Policy reform to address at systems level

- **Improve the heirs' property probate process to save time and associated costs:** Setting up best practices, enhancing procedural clarity, and simplifying the paperwork involved for title-clearing and probate would reduce existing barriers. Exploring the feasibility of establishing separate dockets dedicated to quiet title actions, probate actions, small estates, and emergency filings could substantially streamline the overall process. Creating a standardized, form-driven docket tailored for heirs' properties created within the last decade can also expedite the process. Facilitating mediation, arbitration, and settlement discussions before disputes escalate into lengthy court battles can accelerate case resolutions. Courts can further expedite proceedings by potentially increasing staff capacity and collaborating with legal professionals. Additionally, optimizing the court's online system to be more accessible and user-friendly would encourage broader participation and success of use.



- **Amend city policies to accommodate residents who are facing heirs' situations:** Eligibility for city programs can be expanded by allowing heirs to provisionally participate by demonstrating sufficient, alternate proof of ownership while title issues are being remedied.

National examples:

The Federal Emergency Management Agency (FEMA) now offers added flexibility in this regard, and applicants can show proof of “occupancy” instead of “ownership.” FEMA has expanded its acceptable document list to include utility bills, identification cards, letters from public officials, recent receipts from major repairs, or even a self-declarative statement.^{xxv}

Philadelphia’s Revenue Department provides an opportunity for heirs to demonstrate ownership by presenting the recorded owner’s death certificate and an applicant’s birth certificate where the recorded owner is listed as a parent. Homeowners are then granted a three-year window to resolve their tangled title.^{xxvi}

Mechanisms can also be developed to inform and allow low- and moderate-income residents to get a warranty deed when purchasing a property. A warranty deed offers the most protections to the buyer regarding the property’s title. Homeowners can also be offered opportunities to get the title cleared during the intake process for assistance programs. In Detroit, the “Make It Home” program was launched in 2017 by the United Community Housing Coalition in partnership with the Rocket Community Fund and the City of Detroit. The program provides tenants living in foreclosed properties the opportunity to purchase the home before it is sold at the annual Wayne County tax foreclosure auction.^{xxvii} So far, the program has allowed over 1,500 families to own their home.^{xxviii} This program presents an opening for intervention, wherein homeowners can secure a warranty deed to the property, or be offered estate-planning services.

- **Enact the Uniform Partition of Heirs' Property Act:** The Uniform Partition of Heirs Property Act (UPHPA) is a legal framework that aims to provide a fair and equitable approach to resolving forced partition actions by protecting the rights of tenants in common. It promotes transactions at fair market value and prevents the destabilizing effect of auctions.^{xxix} As of 2023, 23 states have enacted versions of the UPHPA, while seven states have introduced it in their state legislatures.^{xxx} Its successful enactment in Michigan could potentially secure Detroit homes, which have witnessed high volumes of foreclosure and subsequent changes in ownership through auctions and forced sales in the last decade.



CONCLUSION

As Detroit's homeownership rate and housing market continue to improve, this report provides context to the often overlooked and complicated issue of heirs' properties that threatens homeownership and keeps residents from retaining generational wealth. The ability to accumulate wealth through homeownership is vital for individual and family prosperity, neighborhood stability, and a robust housing market, all contributing to an economically equitable city.

This report sheds light on the current landscape of heirs' properties in Detroit, revealing areas of the city at heightened potential risk of heirs' properties in the future. The analysis offers the most granular look so far at such properties in the city. As of 2023, there are at least 5,525 heirs' properties in the city, where all recorded owners are deceased, translating to a potential combined wealth loss of \$268 million. Notably, about 14% of census tracts also face a high potential risk in the future.

This data provide context and a pivotal starting point for stakeholders to influence and tailor targeted services, design pertinent financial products and shape policies toward fostering family wealth accumulation. These initiatives can be poised to mitigate the economic repercussions of heirs' properties, too, paving the way for a more stable housing ecosystem in Detroit. As such, this report urges concerted and strategic interventions to address heirs' property issues, thereby empowering communities, fortifying family legacies, and bolstering the economic vitality of Detroit.

” ...Recognizing that passing down property is one of the best ways you can give your heirs a head start into wealth building, especially if the property is paid for, it's really an unbelievable head start that you're giving to your family.”

– Omari Hall, a Detroiter who inherited his home from his parents

APPENDIX

Data

This report uses three datasets related to residential property transactions in the city.

- **Two public datasets from the City of Detroit Office of the Assessor:**
The parcels and property sales dataset are accessed through the City's Open Data Portal. The parcels dataset includes the number of record owners for every residential parcel in the city and assesses the value of properties in the city to accurately levy property taxes. The property sales dataset records the type of instrument used for a particular property transaction in Detroit.
- **A proprietary dataset from the Wayne County Register of Deeds (ROD):**
The ROD data track property transactions in Wayne County and provides information on the type of deed used for a particular sales transaction.

The research also employs the **Deceased Suppression Service (DSS) provided by Melissa Direct**, a proprietary database of death records compiled from the Social Security Administration's records and other sources. In addition to the above, demographic, households and housing data were retrieved through the **U.S. Census Bureau's American Community Survey**, and information on tax foreclosure notices was obtained from the **Wayne County Treasurer's Office**.

Interviews and focus groups

Interviews were conducted with a variety of stakeholders working with heirs' properties, both locally and nationally, including legal aid organizations, nonprofits, real estate developers, and city officials. The goal was to broadly understand the efforts being undertaken through their organizations to tackle and reduce heirs' property outcomes. The interviews lent insight on issues that were Detroit-specific and helped identify potential solutions under programming and policy that could be translatable to Detroit. There was also a set of focus groups that were designed to identify and interview community members who have experience with heirs' properties. Residents were engaged through partnerships with HOPE Village Revitalization and the Villages CDC, among other channels. The intention was to hear their personal stories, learn from their experience with the court system, to uncover challenges faced by them, and to identify opportunities for best practices and improvements to the system.

Analyzing the current extent of heirs' properties in the city

All unique combinations of Detroit property owners and addresses from the Detroit assessor's parcels data were matched with the Deceased Suppression Service (DSS) data from 2014 through 2022 to retrieve a list of owners who are deceased, as well as their timeframe of death. When using the DSS, this nine-year stretch helps identify properties that are facing title issues - where the owner of record has passed away between 2014 and April 2020, and those that may possibly be in probate - where the owner of record has passed away between April 2020 through 2022. April 2020 serves as a natural break point, primarily due to the COVID-19 pandemic, but also because a timeframe of about three years, from April 2020 through 2022, allows adequate time for heirs to obtain a clear title after the owner's death, beyond which the property can be considered as "tangled." Additionally, this list of properties is cross-referenced with Detroit Future City's 2022 study^{xxxi} in partnership with Data Driven Detroit on the city's rental landscape to distinguish between owner- and renter-occupied properties.

Understanding future potential risk in the city

A census tract-level cumulative risk index is created to identify tracts that face the highest risk of heirs' properties in the future. Factors that reduce the likelihood of a property being designated as an heirs' property are indicative of the property having passed through a foreclosure redemption process or having recorded a transaction related to estate planning or probate. Alternatively, factors that increase risk are likely characteristics of select demographic trends and transfers completed without title work that would potentially create complications long term, as well as external neighborhood stressors pointing toward weakening market interest. As such, four indicators are considered to develop the index:

- Share of individuals over 65 years of age and living alone (increases risk)
- Share of estate-planning deeds, relative to total parcels (decreases risk)
- Share of quitclaim deeds, relative to total parcels (increases risk)
- Share of vacant parcels (increases risk)

The cumulative index is calculated by standardizing the values of each indicator through z-score normalization. This measures how many standard deviations each value is from the mean of the group. Because the normalized values are both positive and negative, they are converted into percentiles to create the final index.

Data and methods caveats

- The calculated estimate of current heirs' properties in the city is likely an undercount. Property ownership is volatile in Detroit, and it is challenging to confirm whether a property is facing an heirs' situation without knowing whether the owner of record has gone through an estate-planning process. Moreover, though the DSS captures data from 2014 through 2022, it is also possible that a property owner may have passed away prior to 2014.
- Latency in updates to the Detroit assessor's parcels file has the potential for some properties to be falsely identified as heirs' properties even though they may have passed through probate or other legal procedures of clearing a title. This is particularly true for more recent years.

ENDNOTES

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