BLACK BELT STUDIES

# **Learning about the Land:** What Can Tax Appraisal Data Tell Us About Heirs' Properties?

***Shana Jones and J. Scott Pippin***

***Note:*** *This essay includes findings from "Identifying Potential Heirs' Properties in the Southeastern United States: A New GIS Methodology Utilizing Mass Appraisal Data," a report the authors co-authored with Dr. Cassandra Johnson Gaither, U.S. Department of Agriculture Forest Service, Southern Research Station. That report was supported by the Forest Service as part of a cooperative agreement between the agency and the Carl Vinson Institute of Government at the University of Georgia (15-CA-11330144-023).*

Although the number of uses for geographic information has exploded in recent years, resulting in what the National Geographic Society calls the Geospatial Revolution, facts about land and its ownership can be remarkably difficult to uncover. Figuring out who owns what can be a very tall order, even in the context of one parcel and one family. For local governments, policymakers, and researchers, having good information about real property ownership on a community, State, or regional scale can be even more challenging, often seemingly impossible.[1] These difficulties are exacerbated by the fact that, historically, data concerning land title did not exist in an available digital format. Gathering information about land titles required a trip to the "deed room" in a local county courthouse as well as a time-consuming and laborious title search experience.

Advances in the development and availability of digitized property data is changing the way people look at property, however. In this essay, we describe a recent research project we conducted in partnership with the U.S. Department of Agriculture Forest Service's Southern Research Station, designed to improve information about property ownership on a broad and regionally comprehensive scale. This project used Computer Assisted Mass Appraisal (CAMA) data to learn more about heirs' property from the growing body of digital property data. Appraising individual parcels on a case-by-case basis is an expensive and time-intensive process. Consequently, the use of mass appraisal methodologies and standardized procedures for valuing multiple parcels has grown over the past 30–40 years, especially as computer processing capacity has increased. Most jurisdictions today use fully automated mass appraisal processes to develop property tax assessments.

Our project focused on "heirs' properties," which generally refers to a specific yet widespread title issue where a landowner lacks "good title" and cannot demonstrate her ownership of the property with a recorded deed, and which

[1] Land Parcel Data: A Vision for the Future, *National Research Council*, National Academy of Sciences, xi, (2007) (observing that a nationally integrated set of land parcel databases remains out of reach despite significant technological advances). *National Spatial Data Infrastructure (NSDI) Report Card*, Coalition of Geospatial Organizations, 16–17 (2015).

*Author information:* Shana Jones, Planning and Environmental Services Unit Program Manager, Carl Vinson Institute of Government, University of Georgia, Athens, GA 30602; and J. Scott Pippin, Planning and Environmental Services Unit, Carl Vinson Institute of Government, University of Georgia, Athens, GA 30602.

*Citation for proceedings:* Gaither, Cassandra J.; Carpenter, Ann; Lloyd McCurty, Tracy; Toering, Sara, eds. 2019. Heirs' property and land fractionation: fostering stable ownership to prevent land loss and abandonment. June 15, 2017, Atlanta, GA. e-Gen. Tech. Rep. SRS-244. Asheville, NC: U.S. Department of Agriculture Forest Service, Southern Research Station. 105 p.

thus causes problems in managing and maintaining the property.[2] Heirs' properties create barriers for landowners to productively use their land and increases owners' vulnerability to land loss, while also creating potential issues of blight and decreasing property values for the surrounding community. While the problem is significant, estimating the prevalence of heirs' properties is very difficult. Typical efforts to estimate heirs' properties use volunteers with legal backgrounds to review tax parcel and land record data, a time-intensive and expensive process because much of the information contained on land titles is not digitized.[3] Our project built upon such "hands-on" approaches by using CAMA data as an alternative to automate and refine heirs' property identification. Using CAMA data also resulted in another advantage: it allowed the property data to be easily integrated with other digital data to provide a more complete analysis of the conditions surrounding heirs' property that had not been possible.[4] We overlaid socioeconomic and demographic data with parcel data found in the CAMA files to explore what these data sources could reveal about the heirs' property phenomenon. We found that these types of spatially oriented geographic data provide a relatively simple means to rapidly assess the potential extent of heirs' property in a jurisdiction.

Our findings from Georgia show the promise of this approach. We first used CAMA data to geospatially analyze five counties that included high numbers of individuals with demographic characteristics identified by researchers as likely to contain high numbers of heirs' properties. We then used indicators, modeled on groundbreaking work conducted by the nonprofit public interest group Georgia Appleseed and discussed in more detail below, within this dataset to identify properties more likely to be heirs' property.[5] Our analysis found, on average, 19 percent of all parcels in this five-county study area were potential heirs' property, totaling 34,463 acres and with an assessed value of approximately $766 million. While this amount is strikingly significant, the actual value is almost certainly greater, as assessed values for property are often lower than market values. We then compared these results with five additional counties in Georgia having fewer demographic characteristics indicating heirs' property ownership, compared to our initial study area. In these counties, an average of 14 percent of parcels were identified as potential heirs' properties, which was 5 percentage points lower than those from the initial test group. Even though a lower percentage of potential heirs' property parcels were identified in the comparison group of counties, however, the value of the properties was substantially higher, with a cumulative value of $1.38 billion. This is likely due to higher levels of development in these counties and higher property values. In short, a 10-county analysis revealed approximately $2.1 billion in assessed value of potential heirs' properties. This value represents a tremendous amount of potential wealth that is not utilized for wealth generation because owners cannot leverage these assets to access capital or qualify government funding assistance.

To our knowledge, moreover, we know of no other attempt to connect demographic indicators of heirs' property ownership with corresponding census and CAMA data in order to spatially analyze areas at the county level to assess likely heirs' properties. Notably, our initial analysis of 10 Georgia counties suggests that higher levels of educational attainment and lower poverty levels may be associated with lower levels of heirs' properties in areas with high numbers of a minority population—an often-

---

[2] As the term "heirs' property" suggests, title issues can arise when property is transferred, usually following an owner's death, in a way that creates multiple co-owners of the property who have co-equal use of the entire property. When title is transferred in this way, what is known as a "tenancy-in-common" is formed between those who inherit title to the property. However, the name recorded on the deed remains that of the deceased individual. Heirs' property is distinguished from other tenancy-in-common relationships in that those who possess real property through State laws of intestacy find they are "locked out" of the potential wealth and benefits that the property could provide for one crucial reason: they cannot prove they own it outright; that is, they cannot show "good title." Therefore, heirs' property is defined by the problems that ownership structure causes the owners. *See* Thomas W. Mitchell, *Reforming Property Law to Address Devastating Land Loss*, 66 Ala. L. Rev. 1, 9 (2014). Tenancy-in-common forms of ownership are legal. In a tenancy-in-common ownership structure, each owner owns all of the property equally, with each having equal rights of possession of it and responsibility for it. Absent some sort of management agreement, unanimous consent of all of the owners is required to make any decisions regarding the use or management of the property.

[3] Our project was modeled on research conducted by Dr. Janice Dyer, a then-PhD student studying rural sociology at Auburn University. *See* Janice F. Dyer et al., *Ownership Characteristics of Heir Property in a Black Belt County: A Quantitative Approach*, 24(2) Southern Rural Sociology 192, 201 (2009).

[4] For example, integrating CAMA data identifying potential heirs' properties with flooding data could reveal insights about vulnerable properties at risk from flood. Low income individuals often live in low-lying areas. *See* Shannon Van Zandt et al., *Mapping Social Vulnerability to Enhance Housing and Neighborhood Resilience*, 22 Housing Policy Debate 2012, 29–55.

[5] To improve understanding of the prevalence and value of heirs' properties, the nonprofit public interest group Georgia Appleseed developed a research methodology designed to "identify potential heirs property with a degree of reasonable certainty and estimate the acreage and fair market value of heirs property in Georgia." *See* Georgia Appleseed Center for Law and Justice, Heir Property in Georgia (February 6, 2015). This was accomplished by using volunteers to review tax parcel and land record data, modeled on research conducted by Dr. Janice Dyer, a then-PhD student studying rural sociology at Auburn University.

cited indicator of heirs' property ownership.[6] Certainly, a great deal of work remains to be done to verify and refine our methods. Our complete results for Georgia are found in tables 1 and 2 below.

## WHAT ARE CAMA DATA, AND WHAT ARE THEIR ADVANTAGES?

Although availability of geographic information has increased significantly over the past 20 years, land parcel data remain disaggregated and nonstandard in the United States. This is so despite the critical importance of such data to the local, State, and national economy. The information contained in deed records outlines the very rights, interests, and values of private property—and, indeed, serves as the foundation for the Nation's financial, legal, and real estate systems.

Given these land title data issues, one premise underlying our project is that local mass appraisal data have the potential to serve as a good source of information, as such data sources are digitally accessible and include many of the indicators associated with heirs' property identified by researchers such as parcel transfer dates, preferential tax status, and the presence of mobile homes. Mass appraisal is conducted by county appraisers and is "the process of valuing a universe of properties as of a given date using standard methodology, employing common data, and allowing for statistical testing."[7] The data used in the mass evaluation process are the CAMA data.[8] CAMA data are often integrated with other local GIS data so that the property features described in the data can be mapped.[9] This allows the appraisal model to take into account spatial data—such as water frontage—that affect property value.[10] Many local governments use CAMA data because taxes assessed on real property constitute a large portion of their revenue. Assessing and collecting these taxes require a great deal of information about the condition of properties within their jurisdictions to accurately appraise the value.[11]

## USING CAMA DATA TO IDENTIFY POTENTIAL HEIRS' PROPERTIES

Developing indicators of heirs' property using CAMA data was challenging because heirs' property ownership has generally been discussed in the academic literature as a characteristic of owners rather than the properties. In other words, researchers have focused on the characteristics of the *people* who find themselves owning heirs' property—i.e., race, income, educational attainment—instead of the general *property characteristics* of the heirs' property itself. Land parcel data generally do not include demographic information. This insight also reinforced the potential of our CAMA approach, as it provides an opportunity to expand the understanding of the characteristics of the heirs' properties themselves—their average size, housing type, average value, environmental makeup, etc.—that have more consistency and greater predictive value compared to attempting to analyze data about people and families. Property characteristics are much more fixed and persistent while the human component changes over time and with successive generations.

More research is needed to validate the characteristics of heirs' property parcels themselves as opposed to their owners. The indicators we selected for our CAMA analysis are factors that are intended to screen out properties that are *unlikely* to be heirs' property—properties that can be eliminated because we are confident that they have "good title" based on the parcel data available. Properties that remain are those most likely to be heirs' property, which we refer to as "potential heirs' property."[12] We identified three major indicators of heirs' property from digital parcel

---

[6] Much of the scholarship to date has focused on heirs' property as a primarily African-American phenomenon, often specifically as an outgrowth of Jim Crow-era segregation and disenfranchisement. *See, e.g.,* Unif. Partition of Heirs' prop. Act, Prefactory Note at 5 (2010) (citing scholarship on Black land loss); Janice F. Dyer et al., *Ownership Characteristics of Heir Property in a Black Belt County: A Quantitative Approach,* 24(2) Southern Rural Sociology 192, 201 (2009); Jess Gilbert et al., *The Loss and Persistence of Black-Owned Farms and Farmland: A Review of the Research Literature and its Implications*, 18(2) Southern Rural Sociology 1–30 (2002). Scholars have also documented non-commodifiable valuations of land and land ownership by African Americans including collective land tenure, economic self-sufficiency, ancestral homeplaces, and epicenters of cultural and spiritual expressions. *See* Phyliss Craig-Taylor, *Through a Colored Looking Glass: A View of Judicial Partition, Family Land Loss, and Rule Setting,* 78 Wash. U. L. Rev. 737 (2000); *Heir Property: Legal and Cultural Dimensions of Collective Landownership* (Alabama Agricultural Experiment Station May 2007).

[7] Uniform Standards of Professional Appraisal Practice, U-3 (2014–15).

[8] *Id.* at 307–08.

[9] David McIlhatton, Michael McCord, Peadar Davis, and Martin Haran. Ch. 15 *Geographic Information Systems and the Importance of Location: Integrating Property and Place for Better Informed Decision Making* at 340, in William J. McCluskey, Gary C. Cornia, and Lawrence C. Walters, A Primer on Property Tax: Administration and Policy (2013 Wiley-Blackwell).

[10] *Id.*

[11] Riël Franzen and William J. McCluskey, Ch. 2. *Value-Based Approaches to Property Evaluation* 59, in William J. McCluskey, Gary C. Cornia, and Lawrence C. Walters, A Primer on Property Tax: Administration and Policy (2013 Wiley-Blackwell).

[12] One avenue for continued research in this area will focus on on-the-ground case studies to establish a general number of heirs' properties among the potential heirs' properties. If a reliable rate can be established, the CAMA-based methods piloted here will have far greater predictive value.

**Table 1—Results of 10-county heirs' property estimation analysis in Georgia**

| County | Population | Total parcel count | Number of potential heirs' property parcels | Percent of parcels with potential heirs' property | Value of potential heirs' property parcelsa | Acreage of potential heirs' property | County acreage | Percent of county acreage in potential heirs' property |
|---|---|---|---|---|---|---|---|---|
| Heirs' property cluster counties | | | | | | | | |
| Calhoun | 6,463 | 3,383 | 398 | 11.8 | $13,309,474 | 2,078 | 178,734 | 1.1 |
| Clay | 3,102 | 3,105 | 651 | 21.0 | $33,637,362 | 5,618 | 137,718 | 4.1 |
| Dougherty | 92,407 | 37,849 | 9,386 | 24.8 | $648,643,199 | 10,192 | 195,214 | 5.2 |
| Taliaferro | 1,693 | 2,261 | 375 | 16.6 | $2,363,320 | 2,941 | 121,276 | 2.4 |
| Telfair | 16,518 | 8,562 | 1,716 | 20.0 | $67,855,196 | 13,634 | 274,591 | 5.0 |
| **TOTAL** | | | | | **$765,808,551** | **34,463** | **907,533** | **3.8** |
| Comparison counties | | | | | | | | |
| Bibb | 153,905 | 68,861 | 7,466 | 10.8 | $523,207,628 | 9,374 | 137,988 | 6.8 |
| Clarke | 120,938 | 41,872 | 4,630 | 11.1 | $565,129,450 | 4,458 | 60,157 | 7.4 |
| Evans | 10,898 | 6,528 | 1,059 | 16.2 | $57,351,608 | 7,715 | 101,040 | 7.6 |
| Jasper | 13,432 | 10,034 | 1,316 | 13.1 | $64,317,222 | 3,275 | 257,542 | 1.3 |
| McIntosh | 14,214 | 12,858 | 2,433 | 18.9 | $173,136,902 | 13,298 | 242,560 | 5.5 |
| **TOTAL** | | | | | **$1,383,142,810** | **38,120** | **799,287** | **4.8** |
| **10-COUNTY TOTAL** | | | | | **$2,148,951,361** | **72,583** | 1,706,820 | 4.3 |

[a] Value is based on the tax-appraised value reported in the CAMA data.

**Table 2—County-level demographic indicators associated with heirs' property ownership**

| County | Population | Percent of population living in poverty | Per capita income | Percent of population with low education | Percent minority population | Percent of parcels with potential heirs' property |
|---|---|---|---|---|---|---|
| Heirs' property cluster counties | | | | | | |
| Calhoun | 6,463 | 28.8 | $12,452 | 31.7 | 66.4 | **11.8** |
| Clay | 3,102 | 34.2 | $13,353 | 24.9 | 62.7 | **21.0** |
| Dougherty | 92,407 | 28.9 | $19,210 | 19.3 | 71.1 | **24.8** |
| Taliaferro | 1,693 | 34.4 | $13,955 | 41.6 | 63.6 | **16.6** |
| Telfair | 16,518 | 31.3 | $13,420 | 31.1 | 48.9 | **20.0** |
| Comparison counties | | | | | | |
| Bibb | 153,905 | 22.4 | $21,436 | 18.8 | 57.9 | **10.8** |
| Clarke | 120,938 | 33.5 | $19,839 | 15.7 | 42.9 | **11.1** |
| Evans | 10,898 | 21.2 | $19,072 | 26.7 | 43.4 | **16.2** |
| Jasper | 13,432 | 19.1 | $20,263 | 21.9 | 27.4 | **13.1** |
| McIntosh | 14,214 | 16.6 | $20,964 | 21.7 | 39.2 | **18.9** |

records that screen out properties with good title and flag properties that are likely to be heirs' property:

- **Owned by "natural people"**—We eliminated all parcels titled in any way other than to a person by name, i.e., we eliminated businesses, governments, schools, churches, family trusts, and other organizations.[13]
- **Parcels with no preferential tax status**—Land use policies such as the conservation of agricultural, historic, or environmentally sensitive areas are often promoted through preferential taxation. Qualifying for preferential tax status requires a landowner to apply and make a claim regarding their title to the property. Thus parcels with preferential tax status are unlikely to be heirs' properties, and we eliminated all parcels indicating preferential tax status.
- **Parcels with older transfer date**—The longer it has been since a property has changed hands, the likelier it is that the property is an heirs' property. Put another way, an individual listed as the most recent owner on a parcel whose most recent transfer date is 1930 is unlikely to still be living today. For the purposes of our analysis, we anticipated that parcels that have not been transferred in more than 30 years have a substantially greater likelihood of being heirs' properties.

Additional property characteristics in the CAMA data may identify potential heirs' property more directly. For instance, taxing authorities may know that the property is likely to be an heirs' property because the CAMA data may show "estate of" or "heirs of" in the owner name or otherwise note this kind of personal knowledge about the property. Other notations of "et al." or "etc." in the owner name may also indicate an heirs' property. Unfortunately, these notations are not commonly used by appraisers, and conducting research to identify heirs' property owners is not part of standardized appraisal practice. As such, where they do exist they likely do not capture all of the heirs' property in a community, and because CAMA datasets are maintained locally, there is no uniformity as to whether these characteristics are noted even where communities use the same data format.

The following characteristics—what we term "positive factors"—are often correlated with potential heirs' properties, but they were not directly used in the screening analysis because their inclusion in CAMA data is not uniform across jurisdictions. Research suggests that high rates of mobile (and vacant) homes are indicative of heirs' property.[14] This factor may stem from the fact that bank financing may not be available due to the lack of good title to the land, and mobile homes can often be financed without any collateral beyond the home itself. When multiple mobile homes are indicated to be present on a parcel, such information added weight to properties identified as potential heirs' properties during our screening. Additionally, research suggests that tax assessor data indicating that the purported owner of a property receives tax notices at an out-of-State mailing address is indicative of heirs' property.[15] Having two different mailing addresses increases the likelihood of an absentee owner of the property, particularly in jurisdictions that do not have a large number of second homes.

## CONCLUSIONS AND FUTURE RESEARCH

CAMA data can potentially be used to quickly assess the potential number of heirs' property parcels. Their use can help develop a more comprehensive picture of the concentrations of heirs' property in the identified jurisdictions or geographies than was previously feasible due to the time and expense of manual methods used in previous efforts to identify heirs' property. This methodology is relatively uniform and replicable, at least among communities that use similar CAMA data formats, allowing one to compare numbers of heirs' properties across jurisdictions, providing a basis for testing assumptions about heirs' properties. It also allows us to begin to understand how characteristics of the property—as opposed to the owner—may indicate increased likelihood of heirs' property ownership.

Additional work is needed to realize the potential value of CAMA data in assessing the extent and impact of the heirs' property phenomenon. This project demonstrated the practicality of using CAMA to perform spatial assessments of heirs' property, but to date we lack sufficient data to serve as a control to evaluate the effectiveness of different CAMA-based methodologies. To further develop this process and effectively deploy it to help communities understand the impacts of heirs' property and to develop plans and solutions, these control data need to be developed.

[13] Although it is possible that organizations such as churches or businesses may have title issues or even be located on heirs' property, for the purposes of this analysis, we are excluding such parcels to focus on developing an assessment that captures the likelihood of individual property owners having heirs' properties.

[14] Janice F. Dyer, *Statutory Impacts of Heir Properties: An Examination of Appellate and Macon County Court Cases*, Paper presented at the 66th Annual Professional Agricultural Workers Conference, Tuskegee University (Dec. 2008).

[15] Dyer, *Ownership Characteristics, supra* note 4 at 202; Georgia Appleseed Center for Law and Justice, Unlocking Heir Property Ownership: Assessing the Impact on Low and Mid-Income Georgians and Their Communities, 10 (2013).

Verifying this methodology with a control dataset would provide a tremendous value to heirs' property researchers, advocates for heirs' property reforms, and legal and technical assistance providers. Using geospatially referenced data allows for new connections and visualizations of diverse data sources, making it possible to reveal new insights and more easily develop new data that can be used to assess the extent of this problem and analyze efforts to address this situation. Great potential likely exists, for example, in connecting our analysis to historic and projected population trends, as both declining and changing demographics appear to be possible indicators of heirs' property. Similarly, this type of heirs' property analysis integrated with certain programmatic data could help those working to resolve this issue and potentially better address affordable housing issues, natural resource conservation, and land loss. Such potential data sources could include housing data from the U.S. Department of Housing and Urban Development (HUD), claims data from the Federal Emergency Management Agency (FEMA), applications for assistance from the U.S. Department of Agriculture (USDA), data from the Environmental Protection Agency (EPA), mortgage data, and other types of data collected by Federal and State agencies.

In short, a great deal of data exists that could tell us more about heirs' property. While every parcel, family, and community will have different and distinct stories to tell, the availability of digitized property data is increasing in a way that has great potential to deepen our understanding of the heirs' property phenomenon more generally. Learning more about the land and its ownership is possible at scales that may not have been feasible until now.