# Expanding Access to Home Repair Programs for Homeowners with Heirs' Property


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**AUGUST 2026**


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Acknowledgments

This report was made possible through the generous support of **JPMorganChase**.

The author gratefully acknowledges the research contributions of the following individuals, who were J.D. students at The University of Texas School of Law during this project:

**Daniel A. Fishbein**
**Thomas Gebremichael**
**Nathaniel J. Morgan**

This report also benefited from the generosity of numerous home repair administrators, legal practitioners, housing professionals, and others who shared their time and expertise through review of draft materials, technical guidance, and assistance connecting the project team with home repair programs across the country. Special thanks to the following:

**Molly Barackman-Eder**
Director of Financial Capability, NeighborWorks America

**Darlene Bell-Alexander, Esq., LL.M.**
Founder, Law Office of Darlene Bell-Alexander, PLLC and Co-Founder, Bell-Alexander Enterprise for Land & Legacy

**Emma Carrasco**
Strategic Partnerships & Research Director, Coalition for Home Repair

**Roxane Crowley**
Supervising Attorney, Consumer Housing Unit, Philadelphia Legal Assistance

**Jacy Fisher**
Partner, Gregory Varner & Associates, P.C.

**Chris Garland**
Community Development Manager, National Community Stabilization Trust NCST

**Freyja Harris**
Chief Executive Officer, Coalition for Home Repair

**K. Scott Kohanowski**
General Counsel, Center for NYC Neighborhoods

**Sarah Bolling Mancini**
Managing Director of Advocacy, National Consumer Law Center

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# Contents

# Executive Summary

## Key Finding

### Homeowners with heirs' property face widespread barriers to accessing home repair assistance programs

Across the home repair assistance landscape, homeowners with heirs' property frequently encounter eligibility requirements that do not align with the realities of inherited co-ownership. These barriers appear across government, nonprofit, and philanthropic home repair programs nationwide, creating significant obstacles to accessing critical repair assistance.

## Why This Matters

Home repair assistance programs are often the only affordable sources of funding available to low-income homeowners seeking to address critical repair needs. These programs help families repair leaking roofs, replace failing electrical systems, improve accessibility for older adults and persons with disabilities, reduce disaster risks, and preserve aging homes.

For homeowners with heirs' property—homes inherited by family members, often without a will, transfer on death deed, or completed probate process—access to these programs can be especially important. Research shows that heirs' property is disproportionately associated with lower-income households, older homeowners, and older housing stock in poorer physical condition—all factors linked to greater repair needs. At the same time, homeowners with heirs' property often face barriers accessing conventional financing, making access to home repair assistance programs especially critical for addressing major repair needs.

When assistance is delayed or unavailable, the consequences can be significant. Critical repairs are postponed, housing conditions worsen, and families face greater challenges maintaining their homes, remaining in their communities, and preserving family wealth for future generations.

## About This Study

To better understand these barriers, we reviewed the eligibility requirements of home repair and related housing-improvement programs operated or funded by 59 local, state, and federal agencies and nonprofit organizations across 25 states and the District of Columbia. In addition to home repair programs, the programs reviewed included reconstruction, weatherization, accessibility modifications, lead-hazard reduction, flood mitigation, and other housing improvement initiatives for homeowners. We also interviewed more than 75 individuals working in the home repair sector—including program administrators, housing practitioners, attorneys, funders, and other experts—to better understand how these requirements operate in practice. Although the study included disaster-mitigation programs for homeowners, it did not examine post-disaster recovery programs, many of which operate under a distinct legal and funding framework.

## What We Found

### Although specific requirements vary across programs, our research identified five recurring categories of barriers:

- **Restrictive ownership-verification requirements**, including requirements for a deed in the applicant's name or other formal recorded ownership documentation.
- **Co-owner consent requirements**, including requirements that all owners authorize repairs even when nonresident heirs cannot be identified, located, or persuaded to participate.
- **Eligibility rules tied to nonresident heirs**, such as applying income, residency, or other eligibility requirements to owners who do not live in the home.
- **Restrictions on properties with multiple owners**, including limits on the number of allowable owners or requirements that all owners occupy the home.
- **Barriers in loan-financed repair programs**, including title-insurance requirements, liens on the entire property, and requirements that all owners execute the financing documents.

These barriers arise across a wide range of programs, including home repair, weatherization, accessibility-modification, lead-hazard reduction, and disaster-mitigation initiatives. The frequency with which programs encountered applicants with heirs' property varied considerably among the programs we interviewed. Some home repair programs reported that issues related to heirs' property affected a substantial share of applicants—with one program estimating that as many as 60 percent of applicants faced such challenges—while others encountered relatively few such cases. Nearly every home repair program we contacted, however, reported encountering applicants with heirs' property, and many described eligibility requirements that delayed, complicated, or prevented their access to assistance.

## Why These Barriers Persist

To better understand why these barriers persist, we examined both program requirements and the factors that shape them. Many barriers reflect legitimate programmatic concerns, including legal liability, protection of public investments, and compliance with funding requirements. Programs also reported that applications involving heirs' property often require additional time and effort to process because of ownership-verification and co-ownership issues.

At the same time, our research found that some barriers are more restrictive than necessary and persist because of misconceptions about legal requirements or lack of awareness of alternative approaches. Programs using federal funding frequently reported that requirements governing the funds prevented them from accepting alternative ownership documentation or serving homeowners without authorization from all heirs. Our review found that federal requirements are often more flexible than programs perceive, but the absence of clear guidance frequently leads programs to adopt conservative policies.

## A Path Forward

### Practical solutions exist to expand access to home repair assistance for homeowners with heirs' property.

Some home repair programs have successfully adopted flexible approaches that accommodate heirs' property while protecting program integrity and public investments. These examples demonstrate that barriers can be reduced without compromising core program objectives.

The recommendations in this report build on these successful approaches and provide a practical roadmap for expanding access to home repair assistance through programmatic reforms, targeted state-law changes, and clearer federal guidance. Together, these reforms would help ensure that homeowners with heirs' property can access the assistance needed to maintain safe and stable homes, preserve long-held family assets, and remain rooted in their communities.

# Key Recommendations

A Roadmap for Expanding Access to Home Repair Programs for Homeowners with Heirs' Property

## Program Design and Delivery Strategies

1. **Expand ownership-verification options** by accepting alternative forms of ownership documentation and clearly communicating acceptable forms of proof.

2. **Reduce barriers associated with co-ownership** by (1) allowing necessary repairs to proceed when consent is obtained from resident heirs and nonresident heirs cannot be located or decline to participate, and (2) determining income eligibility based on household members residing in the home rather than all owners.

3. **Adapt loan-security requirements** by reducing reliance on liens on the entire property and adopting alternative mechanisms to protect program investments.

4. **Integrate title-clearing assistance into home repair programs.**

5. **Connect homeowners to estate-planning resources** to help prevent future title problems.

6. **Create risk-mitigation mechanisms to address programs' financial and legal concerns** with serving homeowners with heirs' property, such as loan-loss reserves and guarantee programs.

## State Law Reforms

1. **Authorize resident heirs to consent to liens on the entire property for critical home repairs** financed through government-sponsored and nonprofit home repair programs.

2. **Recognize heirship affidavits as acceptable evidence of ownership** for homes inherited through intestate succession.

3. **Require publicly funded home repair programs to provide flexible pathways for homeowners with heirs' property** when some co-owners cannot be identified or located.

4. **Provide safe-harbor protections from liability for government agencies and nonprofit organizations** providing home repair assistance.

## Federal Policy Reforms

1. **Establish clear standards for serving homeowners with heirs' property in federally funded home repair programs,** including explicit guidance on acceptable ownership documentation and allowing assistance when nonresident heirs cannot be located or decline to participate.

2. **Provide Dedicated Federal Funding for Title-Clearing Legal Services and Estate Planning.**

# Introduction

This report examines barriers that homeowners with heirs' property encounter when seeking assistance from home repair programs. Home repair programs play a critical role in helping lower-income homeowners maintain safe and stable housing. Across the United States, these programs provide funding for a wide range of repairs and improvements, including roof replacements, electrical and plumbing repairs, accessibility modifications, weatherization measures, lead-hazard remediation, and disaster-mitigation projects. For households with limited incomes or barriers to conventional financing, home repair programs may be the only avenue for addressing significant repair needs.

For homeowners with heirs' property—homes inherited by family members, often without a will, transfer on death deed, or completed probate process—access to these programs can be especially important. **Because heirs' property owners are often unable to access conventional financing, home repair programs may represent one of the few opportunities available to address major repair needs.** Yet across the home repair assistance landscape, eligibility requirements frequently fail to accommodate the realities of inherited family ownership, creating barriers that delay, complicate, or prevent access to needed repair assistance. These barriers arise across a wide range of programs administered by local governments, state agencies, and nonprofit organizations.

Drawing on a review of home repair and related housing-improvement programs across the country, as well as interviews with program administrators, housing practitioners, attorneys, funders, and other experts, the report identifies common barriers to participation by homeowners with heirs' property, examines the legal and policy factors that contribute to those barriers, and highlights examples of programs that have adopted more flexible approaches.

**The following is the roadmap for the report:**

1 **Part 1**
**Background**
Background on heirs' property and the home repair assistance landscape

2 **Part 2**
**Barriers**
Barriers homeowners with heirs' property face when seeking repair assistance

3 **Part 3**
**Federal Funding**
Federal funding requirements and their implications for heirs' property

4 **Part 4**
**Recommendations**
Recommendations for programs, state policymakers, and federal agencies

# PART 1
# Background

# Background

## What Is Heirs' Property?

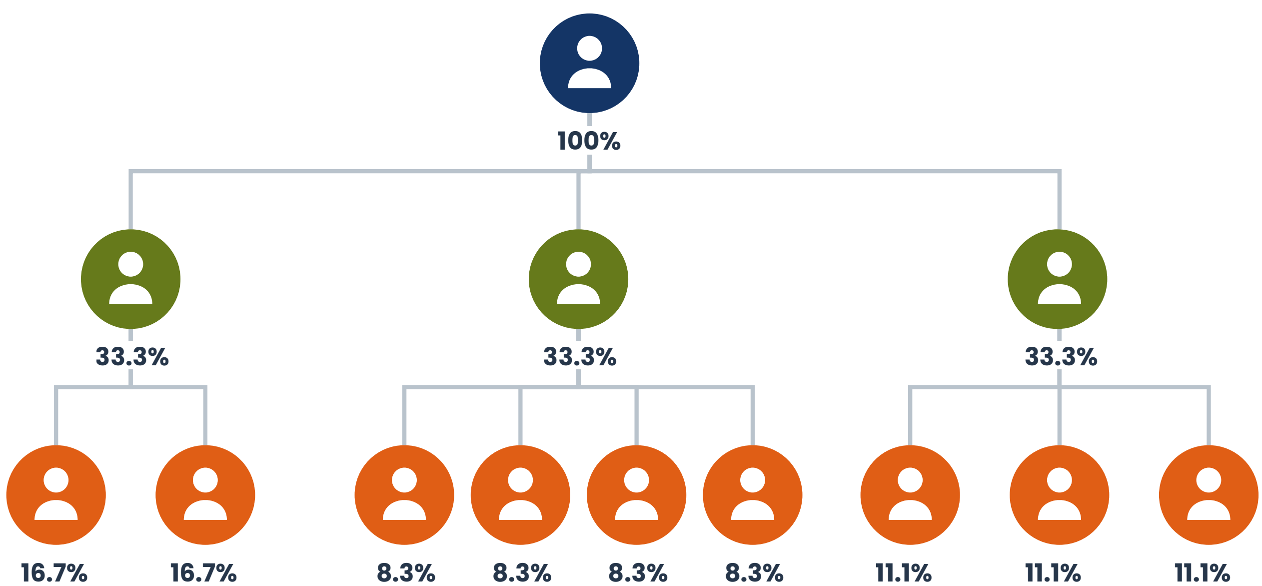
Heirs' property refers to property inherited by family members, often without a formal estate plan such as a probated will or transfer on death deed. When a homeowner dies without a formal estate plan, the property typically passes to family members under the state's intestacy laws, which set out which family members inherit the home. The heirs inherit ownership interests in the property as co-tenants, with each heir holding a fractional ownership interest.[1]

Over time, ownership interests may become increasingly fragmented as property passes from one generation to the next. As additional heirs inherit interests in the property, the number of family members co-owning the property can grow substantially, making it difficult to identify, locate, or obtain agreement from all the co-owners. Many heirs' properties also have clouded title because estate administration proceedings were never completed and the current ownership interests are not reflected in the land records.[2]

Although discussions of heirs' property have often focused on Black landownership in rural communities, particularly in the southeastern United States, more recent research has documented the prevalence of heirs' property among homeowners and residential properties across the country. Studies have found that heirs' property is not solely a rural phenomenon but is also prevalent in cities and metropolitan areas, where it accounts for more than 10 percent of residential properties in some neighborhoods.[3]

### Example of Heirs' Property

Family Tree Showing Ownership Interests in an Inherited Home Across Each Generation



**Homeowners with heirs' property often face a number of challenges maintaining and preserving their homes.** They can encounter barriers accessing mortgage refinancing and home improvement loans. They are often excluded from disaster assistance, property tax relief programs, and other resources.[4] Practitioners also report that homeowners with heirs' property can face difficulties obtaining or maintaining homeowners insurance because of ownership-related documentation requirements, leaving them without resources to repair damage from fires, storms, and other hazards. Over time, these barriers contribute to housing deterioration and the loss of family assets.[5]

Research has also found that heirs' property is heavily concentrated in economically disadvantaged neighborhoods and in neighborhoods with long histories of Black homeownership.[6] As a result, the challenges associated with heirs' property can have an outsized impact on Black families' ability to maintain their homes, preserve housing stability, and transfer wealth across generations. Addressing the challenges associated with heirs' property has therefore become an increasingly important component of efforts to reduce housing and wealth disparities.

## Why Home Repair Programs Matter

**2.9 Million**

**U.S. homeowner households live in moderately or severely inadequate housing**

*Source: Joint Center for Housing Studies of Harvard Univ., tabulations of HUD 2023 American Housing Survey.*

**Home repair programs play a critical role in helping low-income homeowners address essential repairs that protect residents' health and safety, preserve housing stability, and strengthen neighborhoods.** The need for this assistance across the United States is substantial: According to 2023 American Housing Survey data, nearly 2.9 million homeowner households live in moderately or severely inadequate housing, with repair needs disproportionately affecting lower-income households and households of color.[7]

For many lower-income homeowners, repair programs represent one of the few realistic sources of funding available to address significant repair needs. These programs help homeowners repair deteriorating roofs, replace failing electrical and plumbing systems, improve accessibility for older adults and persons with disabilities, remediate health and safety hazards, reduce energy costs, and strengthen homes against natural disasters. By enabling homeowners to address critical repairs before conditions worsen, these programs help families remain safely housed, preserve homeownership, support aging in place, and avoid the financial hardship that often accompanies deteriorating housing conditions.

**Housing scholars and practitioners recognize home repair as a housing preservation strategy rather than simply a homeowner assistance program.** By preserving existing affordable housing, repair programs reduce the likelihood that homes will be lost through condemnation or abandonment while helping homeowners remain safely housed and reducing the risk of displacement and, in some cases, homelessness. These investments also generate broader public benefits by strengthening neighborhoods, stabilizing property values, and reducing demands on local governments for code enforcement and other public interventions.[8]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## The Importance of Home Repair Programs for Homeowners with Heirs' Property

Ensuring that homeowners with heirs' property can access home repair programs is especially important because they often face both greater repair needs and fewer options for financing those repairs. Research has found that **inherited homes are more likely to be older and in poorer condition than other owner-occupied homes, increasing the need for repairs.**[9] At the same time, the clouded titles associated with many heirs' properties make it harder to access conventional financing. For some homeowners with heirs' property, home repair programs may therefore represent the only realistic means of addressing major repair needs.

The importance of repair assistance extends beyond addressing immediate housing conditions. Many heirs' property homes have served as family homes across multiple generations, providing stable housing and opportunities for homeownership over decades. Helping families complete needed repairs can **preserve these long-held homes, reduce the risk of displacement, and protect family assets** that might otherwise be lost through prolonged deterioration or avoidable housing distress.

**Ensuring that homeowners with heirs' property are not excluded from repair assistance programs also advances broader community goals**. Because heirs' property is often geographically concentrated, helping families maintain these homes can strengthen neighborhood stability, reduce the spillover effects of housing deterioration and housing loss, and lessen the public costs associated with code enforcement while reducing the longer-term risks of tax delinquency, tax foreclosure, and property abandonment. Because heirs' property is also disproportionately concentrated in historically Black neighborhoods, these benefits can also support broader efforts to reduce racial disparities in housing stability, homeownership, and intergenerational wealth.

## The Home Repair Program Landscape

Home repair assistance is delivered through a highly decentralized network of programs administered by local governments, state agencies, nonprofit organizations, and federal entities. Although these programs vary considerably in structure and funding, they generally support one or more of the following types of home repair and housing improvement activities:

- **Emergency repairs** needed to address health and safety hazards or prevent further property deterioration
- **Rehabilitation and preservation activities**, including major structural repairs and system replacements
- **Accessibility modifications** for older adults and persons with disabilities
- **Weatherization and energy-efficiency** improvement
- **Lead-hazard remediation** and other health-related housing interventions
- **Disaster-mitigation** and resilience improvements.

Programs provide repair assistance through grants, forgivable loans, low-interest loans, deferred-payment loans, direct construction services, or combinations of these approaches. Funding sources similarly vary and include federal grants, state appropriations, local government funding, philanthropic support, and private financing.

The diversity of the home repair assistance landscape is important to understanding the challenges discussed in this report and the range of policy and programmatic responses needed to address them. Because repair assistance is delivered through a large and diverse network of programs with different funding sources, administrative structures, and eligibility requirements, barriers affecting homeowners with heirs' property cannot be addressed through a single policy change or programmatic reform.

## Scope of Study

This report is based on a year-long study conducted in 2025 to better understand the barriers homeowners with heirs' property encounter when seeking assistance from home repair programs. As part of the study, we reviewed the eligibility requirements of home repair and related housing-improvement programs operated or funded by 59 local, state, and federal agencies and nonprofit organizations. Information about these programs was obtained through publicly available program materials, interviews with individuals familiar with the programs, or both, depending on the program. For some programs, our review relied solely on publicly available materials, which may not reflect any administrative discretion or case-by-case exceptions. Nonetheless, publicly stated eligibility requirements remain important because they influence whether homeowners decide to apply for assistance.

**By the Numbers**

**59**

Home Repair Programs and Agencies Reviewed

**75**

Interviews Conducted

**25 + DC**

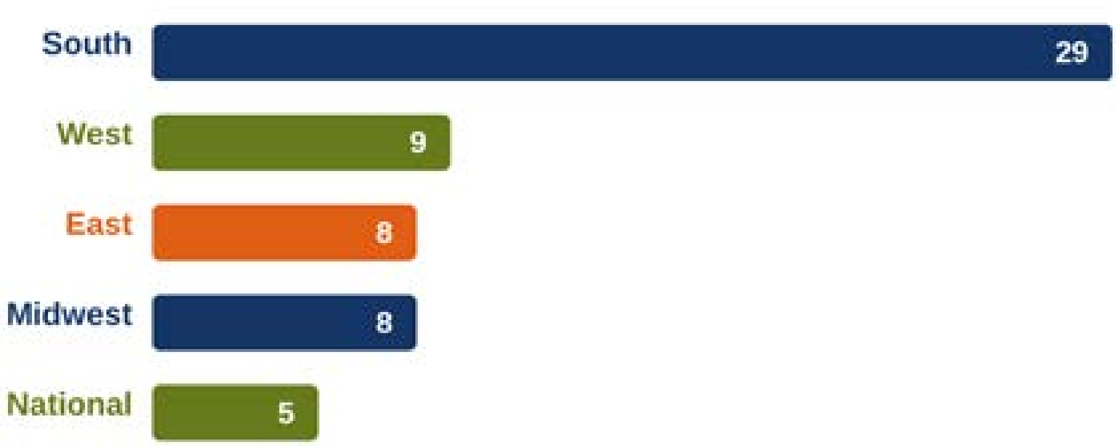
States Represented

As part of the study, we interviewed more than 75 individuals working in the home repair sector—including program administrators, housing practitioners, attorneys, funders, and other experts—to better understand how eligibility requirements operate in practice, the challenges programs encounter when serving homeowners with heirs' property, and the approaches some programs have adopted to address those challenges. Some interviews focused on specific programs included in our review, while others drew on participants' broader experience and expertise regarding barriers to serving homeowners with heirs' property and strategies for expanding access to assistance.

The programs reviewed reflected a broad cross-section of the home repair assistance landscape. The programs spanned 25 states and the District of Columbia, with greater representation in the South, where heirs' property is more prevalent overall. The programs included home repair, reconstruction, weatherization, accessibility-modification, lead-hazard reduction, flood mitigation, and other housing-improvement initiatives for homeowners. Together, they represented a wide range of geographic settings, funding structures, and program models. See Figure 1.

Although barriers facing homeowners with heirs' property in disaster recovery programs have received increasing attention in recent years,[10] this report focuses on

## FIGURE 1. Geographic Distribution of Home Repair Agencies Covered by the Study



non-disaster home repair and housing-improvement programs. Many of the barriers identified in disaster recovery programs also arise in traditional home repair programs, but these non-disaster programs have received comparatively little attention in the heirs' property literature.

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# PART 2
# Home Repair Assistance Barriers

# Home Repair Assistance Barriers

## Introduction

**Across the home repair assistance landscape, homeowners with heirs' property frequently encounter eligibility requirements that limit or prevent access to assistance.** These barriers appear in programs administered by local governments, state agencies, community nonprofit organizations, and national nonprofit organizations.[11] They arise across funding sources, geographic regions, and program types, including emergency repair programs, minor and major repair programs, accessibility-modification programs, weatherization programs, and disaster recovery and prevention initiatives.

This part focuses on barriers encountered in state, local, and nonprofit home repair programs. Although many of these programs rely on federal funding, the following discussion centers on the eligibility requirements and administrative practices adopted by the programs themselves. Part 3 separately examines federal home repair programs and the federal funding requirements that shape many state and local repair initiatives, and the Appendix includes a more in-depth discussion of these programs. Ownership issues associated with heirs' property may also create obstacles elsewhere in the home repair process, such as in the building permit process.[12] Those issues are beyond the primary focus of this report and warrant further research to better understand their prevalence and impact.

Photo courtesy of Austin Habitat for Humanity. Used with permission.

Although the specific requirements vary from program to program, most barriers stem from two common characteristics of heirs' property ownership: clouded title and co-ownership.

**Clouded title (also referred to as "tangled title"):** Many heirs' properties have clouded title because they were inherited through intestacy and no formal estate administration was completed. As a result, homeowners with heirs' property often lack the formal ownership documentation required by repair programs, such as a recorded deed in the heirs' names.

**Family co-ownership:** Because heirs' property is owned by multiple family members, some co-owners may not reside in the home or be actively involved in managing the property, and their whereabouts may even be unknown. This, in turn, creates challenges when programs require consent from all owners, limit the number of co-owners, or apply eligibility requirements to nonresident owners.

Our research found that these barriers are especially prevalent in loan-financed repair programs, which typically require a lien secured on all the co-owners' interests in the home and often require title insurance. Home repair programs using federal funding also tend to impose more stringent proof-of-ownership and co-owner consent requirements, even when the federal funding program allows for flexibility. Programs funded through philanthropic grants are generally more flexible, although still often have barriers for homeowners with heirs' property.

The following discussion examines these barriers in greater detail, beginning with proof-of-ownership barriers and then turning to barriers arising from the co-ownership structure of heirs' property. A final section examines the barriers in loan-financed repair programs.

## Proof-of-Ownership Barriers

Many home repair programs require applicants to provide **formal legal documentation of their ownership interest in the home**, creating a significant barrier for homeowners with heirs' property. Programs commonly require ownership to be documented through a deed in the applicant's name or probate records.

For many homeowners with heirs' property, these formal proof-of-ownership requirements can be difficult to satisfy. When a homeowner passes away without a probated will, or other formal estate-planning mechanism, ownership of the home passes to the homeowner's family members under the state's intestacy laws. The family members who inherit the home (the "heirs") typically have the right to reside in and maintain the home but often lack formal documentation of their ownership interest in the deed or court records. As a result, many heirs' property homeowners are excluded from repair assistance programs despite having legal ownership interests in their homes.

**Ownership-related barriers can also arise when home repair programs incorporate eligibility requirements from other programs or systems that themselves require formal ownership documentation.** For example, some repair programs condition eligibility on securing a property tax exemption or obtaining homeowners insurance. Ownership-related barriers may also arise elsewhere in the home repair process. Several interviewees noted that ownership-related requirements in local permitting processes can create additional obstacles for homeowners with heirs' property. The prevalence and scope of these barriers warrant further research.

### EXAMPLES OF PROOF-OF-OWNERSHIP BARRIERS

- **City of Dallas, Texas** — The Home Improvement & Preservation Program requires homeowners to have "clear title" to their home.[13]
- **City of Pompano Beach, Florida** — The Emergency Repair Program requires applicants to have a deed in their name as well as a homestead exemption.[14]
- **Kansas City, Missouri** — The Targeted Home Repair Program requires a recorded warranty deed or quitclaim deed.[15]

## Co-Ownership Barriers

A second major set of barriers in home repair programs arises from the **co-ownership structure of heirs' property**, sometimes referred to as fractionated ownership. When a home is inherited by more than one family member, each heir owns an interest in the property. Over time, these ownership interests can multiply across generations, resulting in many co-owners with fractionated shares in the same home.

Many home repair programs include eligibility requirements that exclude homeowners with heirs' property—even when the record title is in their names—through one or more of the following co-ownership-related barriers:

- requiring consent from all co-owners;
- disqualifying properties with multiple co-owners; and
- applying eligibility requirements to all co-owners, including those who do not live in the home.

Related barriers can also arise outside of repair programs, such as when local permitting rules require approval from all property owners before major repairs or reconstruction can proceed.

These eligibility requirements often do not align with the realities of heirs' property ownership.

## Home Repair Programs Requiring Consent from All Co-Owners

Many home repair programs require written consent from every property owner before assistance can be provided, including heirs who do not live in the home. For homeowners with heirs' property, this requirement can create a substantial barrier. If even one co-owner cannot be located, does not respond, or refuses to authorize the repairs, assistance may be denied even when the repairs are urgent and the resident heir otherwise satisfies the program's eligibility requirements.

### EXAMPLES OF CO-OWNERSHIP CONSENT BARRIERS

- **City of Houston, Texas** — The City's home repair programs, including its grant programs, require consent from all the heirs.[16]
- **Hillsborough County, Florida** — All property owners must consent to repairs, regardless of whether they reside in the home.[17]
- **Louisiana parishes** — Parish permitting offices vary substantially in how they process permit applications involving heirs' property. In some parishes, applicants are required to obtain consent from all heirs before a home reconstruction permit is issued, including heirs who are not listed on the recorded title and those who do not reside in the home.[18]

## Programs Disqualifying Properties with Multiple Co-Owners

Some home repair programs prohibit assistance when a property has more than a specified number of owners or require all co-owners to reside in the home. These restrictions effectively require homeowners with heirs' property to consolidate ownership interests before assistance can be provided, thereby disqualifying many heirs' property homeowners from assistance.

### EXAMPLES OF RESTRICTIONS ON CO-OWNERS

- **City of Dallas, Texas** — The Home Improvement & Preservation Program bars participation if there are more than two co-owners.[19]
- **Habitat for Humanity of Greater Los Angeles** — All owners on the title must occupy the home as their primary residence.[20]
- **State of Texas Housing for Texas Heroes Grant Program** — This state home repair, modification, and weatherization program for veterans and surviving spouses requires that the beneficiary of the assistance be "listed as the 100% owner" in the county property tax appraisal records.[21]

### Programs Applying Eligibility Requirements to Nonresident Co-Owners

Although less common than the other barriers listed above, some programs require every owner—including owners who do not live in the home—to meet the program's income or other eligibility criteria. This approach can disqualify an heirs' property household even when the heirs residing in the home meet all program requirements.

#### EXAMPLES OF ELIGIBILITY REQUIREMENTS EXTENDING TO NONRESIDENT CO-OWNERS

- **Siskiyou County, California** — All owners must certify they meet the program's household income eligibility requirements.[22]
- **City of Rio Rancho, New Mexico** — The City's CDBG–Critical Home Repair Assistance Program treats all owners as members of the household for income eligibility purposes, regardless of occupancy.[23]

## Barriers in Loan-Financed Repair Programs

Among home repair assistance programs, loan-financed programs are often the most difficult for homeowners with heirs' property to access. Regardless of whether assistance is provided through a traditional repayable loan or a forgivable loan, these programs typically require a lien on the property and often require title insurance or a title commitment. As a result, loan-financed programs often have far less flexibility than grant-funded programs in accommodating heirs' property households. For repayable loan programs, applicants must also have the financial ability to repay the loan, creating an additional barrier for many lower-income homeowners.

### Lien Requirements

Under the laws of most states, a lien that encumbers the entire property generally cannot be granted without the consent of all co-owners. As a result, homeowners with heirs' property are often unable to participate in loan-financed repair programs unless every heir can be identified, located, and persuaded to execute the loan and lien documents. For many heirs' property households—particularly those that have passed through multiple generations and become highly fractionated—obtaining unanimous consent is impractical or impossible.

In practice, these lien requirements can prevent otherwise eligible heirs' property homeowners from obtaining repair assistance. Even heirs who have lived in, maintained, and paid taxes on the home for decades cannot obtain assistance if they cannot secure unanimous consent from all co-owners, including distant heirs who cannot be located.

Loan-financed repair programs also commonly require property taxes to be current and the property to be free of other liens before assistance can be approved, in order to protect the priority of the program's lien. These requirements can disproportionately affect heirs' property households, which research has shown are more likely to experience property tax delinquency.[24]

## Title Insurance Requirements

Many loan-financed repair programs also require title insurance or a title commitment before recording a lien against the property. Title insurance requirements can significantly limit programs' flexibility in verifying ownership because title insurers typically require a high degree of certainty regarding ownership interests before issuing coverage. They can also substantially increase program costs, delay repairs while title issues are resolved, and divert limited program resources away from administrative capacity and direct home repair assistance.

### EXAMPLES OF LIEN AND TITLE INSURANCE REQUIREMENTS IN LOAN-FINANCED ASSISTANCE PROGRAMS

- **City of Austin, Texas** — The City's home repair loans provide assistance through forgivable loans and require both a title commitment and a lien on the entire property. For reconstruction loans, property taxes must also be current so the City's lien can be recorded in first position.[25]
- **City of Raleigh, North Carolina** — The Limited Repair and Home Revitalization programs, which provide assistance through zero-percent interest, forgivable loans, require homeowners to have a deed or other formal record ownership documentation and for all the co-owners to authorize the recording of a lien against the entire property.[26]
- **Baltimore County, Maryland** — The Single-Family Rehabilitation Loan Program requires all persons listed on the deed to agree to the loan terms and sign the closing documents. The County also requires that mortgage and property tax payments be current and that the property be free of other liens before assistance can be provided.[27]

# Why These Barriers Persist

Many of the eligibility requirements discussed above reflect legitimate program objectives, such as minimizing legal risk, ensuring compliance with funding requirements, and protecting public investments. Others persist because of institutional inertia, limited awareness of heirs' property issues, or mistaken assumptions about what state law or federal regulations require. Understanding why these barriers persist is essential to designing reforms that expand access for homeowners with heirs' property while maintaining program integrity.

Our research revealed several recurring reasons these barriers persist.

## 1. Fear of Legal Disputes

Concerns about potential legal disputes were among the most frequently cited reasons programs gave for imposing strict ownership documentation and consent requirements. If repairs are completed based on authorization from someone later determined not to hold a valid ownership interest—or if another heir objects—programs fear they could face legal challenges from non-consenting owners. Several programs reported prior experiences in which family members later challenged repair decisions or questioned whether proper authorization had been obtained, reinforcing concerns about potential liability. These concerns are especially acute when the repairs involve demolition of the existing structure. This concern was raised most often by government agencies, which generally appeared to take a more risk-averse approach to the disbursement of home repair funds.

To limit this risk, many programs default to requiring formal proof of ownership and written consent from all heirs, even though state co-tenancy laws generally permit co-tenants to undertake necessary repairs without obtaining the consent of all other co-tenants. As a result, urgent repair needs often go unaddressed when an heir cannot be identified, located, or persuaded to participate.

## 2. Federal Funding Requirements and Perceived Compliance Risks

Because many home repair programs rely on federal funding, concerns about compliance frequently shape program eligibility policies. Many programs reported understanding federal requirements to mandate a recorded deed or other formal ownership documentation, as well as unanimous consent from all co-owners—requirements that can delay, complicate, or prevent homeowners with heirs' property from accessing assistance. Uncertainty about what federal rules actually require or permit can lead programs to adopt conservative eligibility policies to avoid audit findings, repayment obligations, or other compliance risks. As discussed further in Part 3, however, some of the restrictions programs attribute to federal requirements are not explicitly required by federal rules, and are instead silent or leave substantial discretion to program administrators.

## 3. Enforcement of Program Conditions

Programs that require a lien typically do so because a lien is the most familiar and reliable tool for securing the program's financial interest and enforcing a homeowner's compliance with program conditions, such as continued occupancy for a specified period. Because a lien creates a security interest in the home, it allows the program to recover funds if the home is sold prematurely or if other loan terms are violated. For programs that provide non-forgivable loans, the lien also secures repayment by giving the program a claim against the property if the borrower defaults. Programs that rely on borrowed capital may be especially reliant on liens since they bear greater financial risk if the loans are not repaid. While other enforcement mechanisms are available, liens that encumber the entire property remain the default approach.

## 4. Concerns About Misuse of Funds

Some programs expressed a concern that approving repairs without a recorded deed in the applicant's name could result in assistance benefiting individuals who do not actually own or reside in the home. Programs also expressed concerns that publicly funded repairs could increase the value of a property in ways that primarily benefit nonresident owners, particularly when those owners may not meet the program's income or other eligibility requirements. Although alternative forms of documentation—such as property tax bills, utility records, and affidavits of heirship—can help establish both occupancy and ownership interests, these concerns often lead programs to rely on stricter documentation standards that exclude many otherwise eligible homeowners with heirs' property.

## 5. Prioritization Pressures and Limited Program Capacity

Home repair programs often operate with limited funding, small staffs, and long waiting lists. As a result, programs often prioritize applications that can be processed quickly and with minimal administrative complexity. Homes with tangled or fractionated title frequently require additional time to verify ownership, identify co-owners, obtain documentation, or resolve eligibility questions. These applications are therefore often viewed as more complex or higher risk, leading programs—intentionally or not—to deprioritize heirs' property households even when the repair needs are acute.

## 6. Institutional Inertia and Lack of Awareness

Finally, some exclusionary requirements persist simply because they are rooted in longstanding program practices. Some programs were unfamiliar with the prevalence of heirs' property in their service areas or unaware of how existing requirements could be modified to reduce barriers for heirs' property households. In other instances, requirements remain unchanged because they reflect how the program has always operated, even when those rules no longer align with current needs, legal realities, or emerging best practices.

More broadly, home repair programs often assess risk from a narrow programmatic perspective. Because they frequently operate in isolation from other city functions—such as code enforcement, public health, and neighborhood stabilization—programs may focus primarily on minimizing legal, financial, or compliance risks within the repair program itself. As a result, they may overlook the broader and often more costly consequences of not delivering repair assistance, including continued property deterioration, increased code enforcement activity, displacement pressures, and eventual property abandonment, with harmful spillover impacts on neighbors and communities. In many cases, the long-term costs of not providing assistance may outweigh the risks associated with adopting more flexible approaches.

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# PART 3
# Federal Funding Requirements and Access Barriers for Homeowners with Heirs' Property

# Federal Funding Requirements and Access Barriers for Homeowners with Heirs' Property

## Introduction

Federal funding plays a central role in the home repair assistance landscape, supporting a substantial share of programs administered by state agencies, local governments, and nonprofit organizations. Multiple federal agencies—including the Department of Housing and Urban Development (HUD), the Department of Agriculture (USDA), and the Department of Energy (DOE)—provide funding for home repair, rehabilitation, weatherization, and related housing improvement activities. Each funding source carries its own statutory, regulatory, and administrative requirements governing program eligibility, property ownership documentation, and the use of funds.

Because these federal requirements shape the design and implementation of many state and local repair programs, they can significantly influence whether homeowners with heirs' property are able to access assistance. Examining how federal funding programs address heirs' property is therefore essential to understanding barriers to participation and identifying opportunities for policy reform.

To assess how federal funding requirements affect homeowners living on heirs' property, this study examined the major federal programs that support owner-occupied home repair, rehabilitation, weatherization, and housing modification activities. We reviewed the statutes, regulations, agency guidance, and program materials governing these funding sources to evaluate whether program rules and administrative requirements limit access to assistance for homeowners who lack formal record ownership documentation or when some of the heirs do not reside in the home. Figure 2 identifies the federal programs included in this review.

Photo courtesy of Neighborhood Housing Services of Baltimore. Used with permission.

## FIGURE 2. Major Federal Funding Sources and Programs for Home Repairs

**HUD**
**Housing & Urban Development**
HOME · CDBG · Lead Hazard Reduction Grant

**USDA**
**U.S. Dept. of Agriculture**
Housing Preservation Grant (HPG) · Section 504 Home Repair Program

**VA**
**U.S. Dept. of Veterans Affairs**
Home Improvements & Structural Alterations (HISA)

**FHA**
**Federal Housing Administration**
Title I Property Improvement Program

**DOE**
**U.S. Dept. of Energy**
Weatherization Assistance Program (WAP)

# Federal Program Approaches to Heirs' Property

### The federal programs reviewed fall along a spectrum in how they address heirs' property.

Some programs expressly accommodate homeowners who own fractionated interests in a home and lack a deed or other formal record ownership documentation, while others remain largely silent on these issues and leave key implementation decisions to state and local administrators. A smaller number of programs incorporate traditional lending and lien requirements that can create substantial barriers for homeowners with heirs' property. Figure 3 summarizes the approaches reflected in the federal programs reviewed.

## Figure 3. Federal Program Approaches to Heirs' Property

| Ownership Generally Not Required | Explicit Accommodations for Heirs' Property | Flexibility but Limited Guidance; Local Implementation Varies | Explicit Title & Lien Barriers |
|---|---|---|---|
| DOE Weatherization Assistance Program<br>VA Home Improvements & Structural Alterations (HISA) | USDA Section 504 Home Repair Program<br>USDA Housing Preservation Grant (HPG) | HUD HOME<br>HUD CDBG<br>HUD Lead Hazard Reduction Grants | FHA Title I Property Improvement Program |

## Programs Where Ownership Is Not Central to Eligibility

In the **DOE Weatherization Assistance Program** and **VA Home Improvements and Structural Alterations (HISA) Program**, ownership structure plays a less significant role in determining eligibility because rental properties may also qualify for assistance. Eligibility for these programs is driven primarily by factors such as income, veteran status, or disability-related need rather than ownership status, reducing the likelihood that heirs' property issues will create barriers to participation.

## Programs with Explicit Accommodations for Heirs' Property

The **USDA Housing Preservation Grant Program** and **Section 504 Home Repair Program** provide some of the clearest examples of federal home repair programs that expressly accommodate homeowners with heirs' property. Both programs authorize alternative forms of ownership documentation when a recorded deed is unavailable and include provisions addressing situations involving multiple owners or fractionated ownership interests. The programs also provide flexibility regarding co-owner participation, allowing assistance in certain circumstances even when not all owners are able to execute loan or security documents. Relevant regulatory excerpts are provided in the Appendix. These provisions demonstrate that federal agencies can provide clear guidance enabling homeowners with clouded title and fractionated ownership interests to access assistance through approaches the agencies have determined are consistent with program safeguards.

## Programs Providing Flexibility but Limited Guidance

**HUD's HOME Investment Partnerships Program, Community Development Block Grant (CDBG) Program,** and **Lead Hazard Reduction Grant Program** occupy a middle ground. Because these support a substantial share of state and local home repair programs, and hazard remediation activities for low-income homeowners, their treatment of heirs' property has important implications for access to assistance.

These programs do not expressly require formal record ownership documentation or categorically exclude homeowners with nonresident co-owners. Nor do they provide comprehensive guidance regarding acceptable ownership documentation, treatment of fractionated ownership interests, and circumstances in which assistance may be provided when some co-owners do not reside in the home. The Appendix summarizes the relevant statutes, regulations, and agency guidance for each program that we identified.

In several important respects, these rules and guidelines provide grantees with flexibility to serve homeowners with heirs' property. For example, neither the HOME nor CDBG regulations prescribe the forms of ownership documentation that grantees must accept to establish homeowner eligibility. HUD has also acknowledged that the CDBG regulations "are silent on acceptable forms of ownership or how CDBG funds are secured" and directs grantees to establish their own policies and procedures defining acceptable ownership while ensuring compliance with federal requirements.[28] As a result, grantees should have substantial discretion to determine what documentation is sufficient to establish homeowner eligibility.

HUD has also clarified that CDBG income eligibility is based on the occupants of the housing unit rather than all property owners.[29] The HOME regulations similarly tie income eligibility to the occupants of the housing unit.[30] At the same time, neither program provides clear direction regarding treatment of fractionated ownership interests or whether assistance may proceed when some co-owners cannot be located or do not participate.

In the absence of more specific federal guidance, state and local administrators utilizing CDBG or HOME funds retain substantial discretion in developing eligibility policies affecting homeowners with heirs' property. Many home repair program administrators reported uncertainty, however, about whether alternative ownership documentation or other flexible approaches would satisfy HUD requirements. To minimize perceived legal and compliance risks, they often relied on traditional real estate practices, such as requiring a recorded deed or signatures from all owners. This combination of discretion and uncertainty has contributed to considerable variation in how programs funded under the same federal authority treat homeowners with heirs' property.

### Programs with Explicit Clear Title and Lien Barriers

FHA's Title I Property Improvement Program relies on traditional lending practices that require legally enforceable security interests in the property. Site-built home improvement loans exceeding $7,500 require a recorded lien on the improved property that must be executed by all owners holding fee simple title. Consequently, homeowners living on heirs' property will be ineligible for these loans when one or more heirs cannot be located or refuse to execute the lien.

## Summary

The examples discussed above illustrate that barriers faced by homeowners living on heirs' property are not inevitable. Some federal programs expressly accommodate clouded title and fractionated ownership, while others provide limited guidance, are flexible, or rely on conventional ownership requirements. These differences demonstrate that access barriers often stem not from heirs' property itself, but from the way program rules and administrative practices address ownership and documentation issues. The Appendix provides a more detailed review of the statutes, regulations, and agency guidance governing six of the federal programs included in this analysis.

# PART 4
# A Roadmap for Reform

# A Roadmap for Reform

## Introduction

**Many opportunities exist to expand access to home repair assistance for homeowners with heirs' property.** Throughout our research, we identified numerous examples of programs and agencies that have expanded access for homeowners with heirs' property by adopting more flexible approaches to ownership verification, co-owner consent, title clearing, and loan security. These examples demonstrate that many barriers facing homeowners with heirs' property are not inherent to home repair programs and can be reduced through thoughtful policy and program design. Rather than applying a one-size-fits-all approach, programs can tailor their requirements to the nature of the assistance being provided—for example, where repairs are needed to preserve safe, habitable housing.

Some of these reforms can be implemented directly by home repair programs, while others require or could be easier to implement with changes to state laws or federal policies. The recommendations below are organized around these three levels of reform: program design and delivery strategies, state law reforms, and federal policy reforms.

## Program Design and Delivery Strategies

**State and local home repair programs have numerous opportunities to expand access to homeowners with heirs' property through changes to program policies and delivery strategies.** By examining how their current policies operate in practice, programs can make targeted adjustments that significantly expand access while maintaining program integrity.

### 1. Expand Ownership Verification Options and Clearly Communicate Them

Ownership verification requirements can be modified to accommodate heirs' property ownership by accepting a broader range of documents, including affidavits, tax records, utility bills, and other evidence demonstrating an applicant's ownership interest and connection to the property. Expanding the range of acceptable ownership documents is one of the most effective ways to expand access for homeowners with heirs' property who lack traditional title documents.

Several federal programs provide useful models. FEMA allows applicants to establish ownership by providing a single qualifying document from a broad list of acceptable records, including property tax receipts, affidavits of heirship, and receipts for major repairs completed within the previous five years.[31] When no qualifying documents are available, FEMA may accept a written self-declaration statement "as a last resort."[32] The USDA Housing Preservation Grant Program and Section 504 Home Repair Program, discussed in Part 3, similarly permit alternative ownership documentation, demonstrating that flexible ownership verification frameworks can operate effectively at scale.

Several state and local programs have adopted similar, more flexible approaches to ownership verification that better reflect the realities of heirs' property ownership. Examples from Philadelphia, New York City, Houston, and Fort Worth illustrate a range of strategies for documenting ownership interests when a recorded deed is unavailable.

## EXAMPLES OF FLEXIBLE OWNERSHIP VERIFICATION POLICIES

- **Affidavits of Heirship**. The Cities of Houston[33] and Fort Worth[34] accept recorded affidavits of heirship as proof of ownership for their home repair programs. These affidavits document inheritance rights under Texas intestacy law and have long been accepted in Texas title insurance practice as evidence of ownership when property passes through intestate succession.[35] The State of Louisiana's CD-BG-Disaster Recovery programs have also accepted the filing of an affidavit as ownership verification and provide an affidavit form.[36]

- **Letters of Merit**. The City of Philadelphia's Basic Systems Repair Program accepts a "letter of merit" from a legal aid agency when an applicant cannot provide a deed or other formal proof of title. The letter verifies that, based on the attorney's review, the applicant has an ownership interest in the property and that the legal aid agency will assist the applicant in obtaining record title.

- **Heirship Deeds**. In New York, practitioners use heirship deeds to document intestate ownership interests in the land records. These recorded documents, which function similarly to affidavits of heirship used in other jurisdictions, can serve as proof of ownership for home repair programs. Practitioners prepare heirship deeds using documentary evidence (such as birth and death certificates) and two affidavits from disinterested parties regarding the decedent's family structure. Partial heirship deeds are recorded when some heirs cannot be identified or located.[37]

- **Broad and Flexible Range of Documents**. The Restoration Team, a nonprofit organization in Houston providing home repairs and accessibility modifications, reviews a broad range of documents on a case-by-case basis to help establish ownership when a deed in the applicant's name is unavailable. Examples of documents considered include tax records, utility bills, insurance statements, government-issued mail, and affidavits of ownership.[38]

Flexible ownership verification policies provide little benefit if applicants are unaware of them. **Clear communication regarding acceptable forms of ownership documentation** and available exceptions can help ensure that eligible homeowners do not abandon the application process based on the mistaken belief that they are ineligible.

Information about alternative ownership documentation and available exceptions could be prominently displayed on program websites, application materials, intake forms, and outreach materials. Making these policies transparent can reduce confusion, increase participation, and improve access for otherwise eligible homeowners.

Programs should also evaluate whether eligibility requirements tied to other programs or systems, such as property tax exemptions or homeowners insurance, are necessary to achieve program objectives. Ownership-documentation requirements imposed by those programs or systems may unnecessarily exclude otherwise eligible homeowners with heirs' property.

## 2. Reduce Barriers Associated with Co-Ownership

Programs can reduce barriers associated with co-ownership by adopting policies that better align with inherited family ownership. Opportunities include eliminating caps on the number of allowable co-owners, allowing certain repairs to proceed without participation from every heir, and basing eligibility determinations on resident heirs rather than all owners.

### 2.1. Eliminate Caps on the Number of Allowable Co-Owners

Programs that cap the number of allowable co-owners limit access for homeowners with heirs' property. Eliminating numerical limits ensures that the presence of multiple heirs does not serve as an automatic disqualification when the resident heir meets the program's other eligibility criteria.

### 2.2. Allow Necessary Repairs to Proceed When Nonresident Heirs Cannot Be Located or Decline to Participate

Home repair programs can reduce barriers associated with co-owner consent by allowing applications for necessary repairs to proceed when consent is obtained from resident heirs and other heirs either cannot be located after reasonable efforts or affirmatively decline to participate.

Because heirs who inherit property generally own the property as co-tenants, the rules governing co-tenancy provide a useful framework for addressing co-owner consent issues. Although the specific rights of co-tenants vary by state, this approach is consistent with the general principle of state co-tenancy law that permits co-tenants to undertake repairs necessary to preserve or protect property even when all co-owners do not participate. Limiting this approach to necessary repairs—such as those needed to address health and safety hazards, prevent further property deterioration, or maintain habitability—helps ensure that it is narrowly tailored to circumstances in which delaying repairs could jeopardize the condition, safety, or livability of the home.

### EXAMPLE OF A FLEXIBLE CO-OWNER CONSENT POLICY

- **Neighborhood Housing Services of Baltimore's** home repair grant program does not require authorization from all heirs for an applicant to receive grant funding. However, if the applicant is seeking financial assistance in the form of a loan, authorization from all heirs is required.[39]

### 2.3. Base Eligibility Determinations on Resident Heirs Rather Than All Heirs with an Ownership Interest

Income, residency, and other eligibility requirements can be evaluated based on the resident heirs of the home rather than all heirs with an ownership interest in the property. Focusing eligibility determinations on the persons residing in the home aligns program administration with the purpose of home repair assistance and helps ensure that otherwise eligible households can access needed repairs.

## 3. Adapt Loan Security Requirements

For home repair programs that provide assistance through loans, the following approaches offer practical alternatives for protecting program investments and ensuring compliance without requiring a lien on the full property in cases where a property does not have full marketable title or heirs cannot be located. These alternatives balance programs' legitimate concerns about safeguarding public investments with the goal of expanding access to repair assistance for homeowners who cannot satisfy traditional lien requirements because of title issues or fractionated ownership.

### 3.1. Eliminate Lien Requirements for Lower-Dollar Assistance

For modest repair programs—particularly those under a certain cost threshold—programs can deliver assistance without placing a lien on the property. With less funding at risk, programs can take a more balanced approach to weighing compliance concerns against access for homeowners with heirs' property.

### 3.2. Place a Lien Only on the Owner-Occupant's Interest

When a repair program requires a lien to protect its investment, programs can consider limiting it to the owner-occupant's fractional interest rather than encumbering the entire property. A fractional-interest lien creates a cloud on title that allows programs to enforce loan conditions and helps protect their investment. Although such liens may be foreclosed where appropriate, their practical value often lies in preserving the program's interest by providing notice to future purchasers and lenders, and facilitating repayment if the property is later sold or refinanced. Several title insurance attorneys consulted for this report indicated that insurers in their states are allowed to insure liens on fractional interests and viewed this as a viable approach for lending in a home repair program. Because the availability and implementation of this approach may vary based on state law, programs should consult with local counsel when designing loan programs.

### USDA SECTION 504: A MODEL FOR LENDING ON FRACTIONAL-INTEREST LIENS

The USDA Section 504 regulations permit home repair loans to be secured by less than 100 percent of a property's ownership interests when obtaining mortgage liens from all co-owners is impractical or one or more co-owners cannot be located, provided that no more than 50 percent of the ownership interests remain unencumbered. The loan amount may not exceed the value of the ownership interests securing the loan.[40]

## 3.3. Use UCC-1 Fixture Filings

Another option is to secure a program's investment through a UCC-1 fixture filing—a financing statement recorded in the local real property records. A fixture filing generally creates a security interest in personal property attached to real property—such as an HVAC system, roof, or accessibility modification—rather than in the real property itself. The filing places a notice of the program's security interest in the property records, where it is typically identified during a sale, refinance, or foreclosure, helping protect the program's ability to enforce its interest in the financed improvement.

Fixture filings are commonly used in other financing contexts, such as solar panel installations. Because a fixture filing secures an interest in the financed improvement rather than the real property itself, it may provide a practical alternative for programs seeking to safeguard their investment without placing a lien on the home, particularly where obtaining unanimous co-owner consent is difficult. This approach is particularly well suited to forgivable loans because fixture filings do not permit foreclosure on the real property itself.

Because the availability, scope, and requirements for fixture filings vary by state, programs should consult legal counsel to determine whether this approach is available and appropriate under their state law. In many states, fixture filings remain effective for five years and may be continued for successive five-year periods by filing a continuation statement before the financing lapses. Programs should account for the administrative responsibility of tracking filing deadlines and paying the applicable filing or recording fees.

## UCC-1 FIXTURE FILINGS AS AN ALTERNATIVE TO LIEN FILINGS

**The Center for New York City Neighborhoods**, through its subsidiary, Sustainable Neighborhoods, used fixture filings to secure approximately 17,000 forgivable loans through New York's Homeowners Assistance Fund. The loans helped homeowners facing financial hardship during the COVID-19 pandemic and became repayable if the property was sold prior to the end of the five-year loan term.[41]

### 3.4. Eliminate Title Insurance Requirements

Programs—particularly those offering lower-dollar or forgivable loans—can eliminate title insurance requirements where appropriate. Doing so can reduce program costs and administrative burdens, expedite repairs, and expand access for homeowners with heirs' property.

### 3.5. Reduce Barriers Associated with Property Tax Delinquency

Programs can adopt more flexible policies regarding property delinquency for lower-dollar repair assistance and for repairs addressing health and safety hazards. Rather than treating tax delinquency as an automatic disqualification, programs can allow assistance to proceed when the benefits of preserving safe, habitable housing outweigh the risks associated with the delinquency.

## 4. Integrate Title-Clearing Assistance into Home Repair Programs

Integrating title-clearing support into home repair programs can help homeowners resolve title issues that would otherwise block access to repairs. This support could include funding for legal aid organizations or other attorneys that provide free title-clearing services. Dedicated funding for title clearing legal services is critical given the limited capacity of existing providers.

Photo courtesy of Austin Habitat for Humanity. Used with permission.

### EXAMPLES OF HOME REPAIR PROGRAMS DELIVERING TITLE-CLEARING ASSISTANCE

- **Philadelphia** has developed a coordinated title-clearing ecosystem that combines municipal programs, nonprofit legal services, and financial assistance. The City operates a Title Clearance Unit through the Register of Wills,[42] funds the Tangled Title Fund to help low-income homeowners cover legal and administrative costs associated with clearing title,[43] and funds legal aid organizations to assist residents with title issues. Together, these efforts help homeowners resolve title barriers that would otherwise prevent access to home repair programs and other housing resources.

- **The Texas General Land Office**, following Hurricanes Dolly and Ike, awarded $500,000 in federal disaster recovery funds to support the Texas Title Homeownership Opportunity Project at the University of Texas School of Law.
The project provided title-clearing legal services to low-income homeowners unable to access rebuilding assistance because of title issues
.

## 5. Support Estate Planning

Repair programs can also help prevent future heirs' property challenges by connecting homeowners receiving home repair assistance to estate-planning resources. Home repair programs are a natural touchpoint for helping homeowners prepare for the transfer of their property by providing referrals or access to free or low-cost succession-planning services, such as estate-planning counseling, simple wills, transfer on death deeds (where authorized), and other estate-planning tools. By helping homeowners establish a clear plan for transferring ownership, repair programs can reduce the likelihood that repaired homes will become heirs' property, strengthen housing stability for the next generation, and protect the long-term impact of their investment in the home.

## 6. Create Risk-Mitigation Mechanisms

States, local governments, philanthropic organizations, and financial institutions could establish loan-loss reserve funds, guarantee programs, legal defense funds, or other risk pools that reduce the financial and legal risks associated with serving homeowners with heirs' property and other informal ownership structures. These mechanisms could provide a backstop for losses arising from loan defaults, title disputes, inability to enforce program conditions, litigation from non-participating heirs, or other risks associated with delivering assistance to properties with clouded title or fractionated ownership.

By reducing the risks borne by individual programs, these tools could encourage broader participation in home repair programs and expand access to assistance for homeowners who would otherwise be excluded because of ownership-related barriers.

# State Law Reforms

While many barriers facing homeowners with heirs' property can be addressed through programmatic reforms, some stem directly from state property laws governing co-ownership and documentation of ownership interests acquired through intestate succession. State legislatures can expand access to home repair assistance by modernizing these legal frameworks and creating clearer pathways for homeowners with heirs' property to qualify for and receive assistance.

The reforms discussed below focus on four areas: authority to consent to repair liens without unanimous consent, recognition of heirship affidavits, accommodation of missing or unlocatable heirs, and liability protections for organizations providing assistance.

## 1. Authorize Resident Heirs to Consent to Liens on the Entire Property for Critical Home Repairs.

State legislatures can remove one of the most significant barriers homeowners with heirs' property face in accessing loan-based home repair assistance by authorizing qualifying resident heirs to consent to liens that encumber the entire property, including the interests of nonresident co-owners, without obtaining unanimous consent. This authority could apply to critical home repairs financed through government-sponsored or nonprofit-administered home repair programs.

Critical repairs could include those necessary to address health and safety hazards, prevent further property deterioration, or maintain habitability. Limiting the authority to these repairs and to government-sponsored or nonprofit-administered programs would help guard against potential misuse while allowing essential repairs to proceed when unanimous consent is impractical.

Policymakers considering such reforms would need to address several design questions, including:

- **Length of occupancy**: Should the heir-occupant be required to have lived in the home for a minimum period?
- **Scope of eligible repairs**: What types of repairs or improvements may be financed?
- **Demonstrated responsibility**: Should the heir-occupant be required to show responsibility for taxes, insurance, or maintenance of the property?
- **Notice requirements**: Should nonresident heirs receive notice before a lien is granted?

### EXAMPLE OF A STATE LAW AUTHORIZING A RESIDENT CO-OWNER TO GRANT A LIEN FOR HOME REPAIRS

**Texas** law allows a co-owner who resides in a home to authorize a lien on the property for necessary repairs or improvements on behalf of all co-owners.[44] To qualify, the resident co-owner must satisfy several statutory requirements, including occupying the property for more than five years, holding a residence homestead exemption, and paying the property taxes for the preceding five years without delinquency or contribution from the other co-owners. Despite its potential, the statute appears to be underutilized. None of the Texas-based repair programs interviewed for this report were familiar with the provision, suggesting that it has seen little practical application. This example demonstrates that creating new legal authority is only the first step; meaningful implementation also requires awareness, training, and practical guidance for the organizations responsible for administering repair programs.

## 2. Recognize Heirship Affidavits as Evidence of Ownership

Heirship affidavits—also known as declarations of heirship or affidavits of descent—are sworn statements identifying the heirs who inherited real property and are recorded in the local land records. Their purpose is to document the transfer of ownership through intestate succession and establish a chain of title without requiring formal probate.

Home repair programs may accept heirship affidavits as proof of ownership even without statutory reform. However, clear state-law authorization would provide stronger legal footing for program administrators, lenders, and title insurers relying on these documents and could encourage broader adoption of flexible ownership verification practices.

Several states—including Texas,[45] Ohio,[46] Tennessee,[47] Louisiana,[48] and Kentucky[49]—have enacted laws recognizing heirship affidavits as a tool for documenting inherited ownership interests acquired through intestate succession. Although the scope of these statutes varies, statutory recognition has helped support broader reliance on heirship affidavits in other contexts, including title insurance underwriting, real estate transactions, and some home repair programs. For example, Georgia and Texas title insurance standards recognize heirship affidavits as a means of establishing marketable title when property has passed through intestate succession.[50] Under the Texas model, the affidavit is a sworn, notarized document signed by two disinterested witnesses with personal knowledge of the decedent's family history, providing additional assurance regarding the applicant's ownership interest.

States could also evaluate whether ownership-documentation requirements imposed by related systems—including property tax exemptions and homeowners insurance—create unnecessary barriers for homeowners with heirs' property. Where appropriate, states could require those systems to recognize statutorily authorized affidavits of heirship as acceptable evidence of ownership.

## 3. Accommodate Heirs' Property When Co-Owners Cannot Be Identified or Located

State legislatures can reduce barriers to home repair assistance by establishing clear statutory standards requiring publicly funded home repair programs to provide flexible pathways for homeowners with heirs' property when some co-owners cannot be identified or located after reasonable efforts. The standards could require programs to establish procedures for documenting efforts to locate missing heirs and to process applications when those efforts have been unsuccessful.

### EXAMPLES OF STATE LAWS ADDRESSING MISSING OR UNLOCATABLE HEIRS

- **Texas** law requires the agency administering certain federal disaster assistance programs to accept alternative ownership documentation and process applications when all the potential owners have either consented or one or more potential owners could not be located after reasonable efforts. Applicants must submit an affidavit supporting their ownership claim along with documentation demonstrating that they exercised ownership over the property at the time of the disaster.[51]
- **Louisiana** law allows public entities administering disaster recovery programs to provide home repair and rebuilding assistance without requiring participation from all co-owners. When no written co-ownership agreement exists, public entities may conclusively presume that a co-owner who has possessed the property for more than one year is the property's managing co-owner. As managing co-owner, the heir may exercise various powers on behalf of the co-owners, including repairing the property, receiving disaster recovery funds, and executing mortgages on the property not exceeding the cost of the needed repairs.[52]

## 4. Establish Safe Harbors from Liability for Government Agencies and Nonprofit Organizations Providing Home Repair Assistance

State legislatures can reduce barriers to serving homeowners with heirs' property by providing liability protections for government agencies and nonprofit organizations that administer home repair assistance in good-faith reliance on statutory procedures governing heirs' property. Safe-harbor protections could apply when an entity relies on authorized ownership documentation, a resident heir's statutory authority to authorize repairs or grant a lien, or representations regarding the identity and location of heirs, provided the entity has complied with applicable legal requirements. These protections could also be extended to local building permit officials, contractors, and utility providers who play a key role in the home repair process.

Such protections would reduce legal uncertainty and encourage broader participation in home repair programs by limiting exposure to claims by nonparticipating heirs. Safe-harbor provisions could be conditioned on good-faith compliance with statutory notice, documentation (including statutorily authorized heirship affidavits), and due-diligence requirements.

### EXAMPLE OF A STATUTORY SAFE HARBOR FOR GOVERNMENT AGENCIES

Texas law provides liability protection for the Texas Department of Housing and Community Affairs when it administers federal disaster assistance pursuant to the law's flexible ownership-verification procedures. The law states that the agency "is not liable to any claimed owner of an interest in real property for administering financial assistance as permitted by this section."[53] Although this report does not focus on post-disaster recovery programs, this example illustrates a legislative approach that could be adapted more broadly to reduce home repair programs' liability concerns when adopting more flexible ownership-verification requirements.

## Federal Policy Reforms

Because home repair and related housing-improvement assistance is delivered through thousands of federally funded programs across the country, federal policies have a significant impact on whether homeowners with heirs' property can access assistance. Although our review found that most federal funding sources generally do not require formal record ownership documentation or unanimous consent from all heirs, as discussed in Part 3, federal guidance is often incomplete or silent on these issues. In the absence of clear direction and training, many programs adopt more restrictive ownership and consent requirements than federal law requires, limiting access for otherwise eligible homeowners with heirs' property.

Federal agencies can take several steps to reduce these barriers and expand access to home repair assistance for homeowners with heirs' property:

### 1. Adopt Clear Federal Standards Supporting Access for Homeowners with Heirs' Property

Federal agencies that fund home repair and related housing-improvement activities can expand access by adopting clear guidance recognizing the eligibility of homeowners with heirs' property. At a minimum, federal guidance could clarify explicitly that:

- Heirs' property and other forms of fractionated ownership are eligible for program participation.
- Homeowners with heirs' property may qualify for assistance even when they do not hold a deed or other formal record ownership documentation.
- Programs may accept a broad range of ownership documentation, including affidavits of heirship, property tax records, utility bills, insurance records, and probate records.
- Income and other eligibility requirements are based on the applicant's household and do not include nonresident heirs.
- Assistance may be provided when one or more nonresident heirs cannot be located after reasonable efforts or they decline to participate.

Federal agencies could also adopt implementation guidance for state and local programs administering federally funded repair assistance. Wherever possible, this guidance should include specific examples of acceptable ownership documentation and program practices rather than relying solely on broad statements of administrative discretion. Providing these implementation tools would reduce uncertainty, promote greater consistency across programs, and help ensure that homeowners with heirs' property are not excluded based on misconceptions about federal requirements.

These recommendations build on approaches that already exist within the federal home repair assistance landscape. As discussed in the Appendix, several federal programs and agency guidance documents already recognize alternative ownership documentation, provide flexibility for homeowners with fractionated ownership interests, and permit assistance in circumstances where not all owners participate.

Among the federal programs reviewed for this report, the USDA Housing Preservation Grants (HPG) Program provides one of the clearest models for accommodating homeowners with heirs' property. The program regulations expressly permit alternative ownership documentation and assistance to homeowners with fractionated ownership interests, including situations where not all owners occupy the property. The Appendix includes the relevant regulatory language. These clear standards reduce uncertainty for local program administrators and promote more consistent treatment of homeowners with heirs' property.

HUD has also issued guidance supporting flexible ownership verification in the Community Development Block Grant–Disaster Recovery (CDBG-DR) program. The guidance advises grantees that proof-of-ownership requirements are largely a matter of local program design and encourages grantees to identify different forms of ownership documentation that allow households to provide proof of ownership, such as tax receipts, home insurance records, utility bills, or self-certifications.[54] Although this guidance applies only to CBDG-DR and is not incorporated into program regulations, it demonstrates in the disaster-recovery context that the federal government has already recognized the need for flexible ownership-verification practices when serving households with heirs' property and other nontraditional ownership structures.

Among the federally funded home repair programs interviewed for this report, those using USDA funding reported the greatest flexibility in serving homeowners with heirs' property.

### EXAMPLE OF A USDA-FUNDED PROGRAM SERVING HOMEOWNERS WITH HEIRS' PROPERTY THROUGH ALTERNATIVE FORMS OF OWNERSHIP DOCUMENTATION

- **Alabama Rural Ministry (ARM)**, based in Auburn, Alabama, serves a substantial number of homeowners with heirs' property through USDA-funded home repair programs. Consistent with USDA's flexible ownership verification requirements, ARM accepts alternative forms of ownership documentation, including tax records, utility bills, and letters from neighbors, helping homeowners qualify for assistance when a recorded deed is unavailable.[55]

## 2. Provide Dedicated Federal Funding for Title-Clearing Legal Services and Estate Planning

Although many homeowners with heirs' property can be served through more flexible ownership-verification policies, some will continue to require legal assistance to resolve ownership issues that prevent access to home repair assistance. Dedicated federal funding would substantially expand the limited capacity of legal services organizations to provide estate administration, title clearing, and related legal services, helping ensure that homeowners who require legal assistance can access home repair programs and preserve their homes.

# Conclusion

The examples discussed throughout this report demonstrate that more flexible approaches to serving homeowners with heirs' property are both possible and already in use across a range of home repair programs. Although no single reform will address every barrier, the recommendations outlined in this report provide practical options for reducing obstacles that frequently prevent homeowners with heirs' property from accessing needed repair assistance.

Taken together, these reforms would help expand access to home repair programs, support housing preservation efforts, and promote greater stability for families living in inherited homes.

# APPENDIX: Review of Federal Program Requirements Affecting Homeowners with Heirs' Property

This appendix provides a detailed review of the statutes, regulations, and agency guidance governing most of the federal programs discussed in Part 3. The discussion focuses on program requirements relating to proof of ownership, treatment of fractionated ownership interests, co-owner consent, and other issues that may affect homeowners with heirs' property. The programs discussed below were selected because they provide illustrative examples of the range of federal approaches identified in Part 3, from programs that expressly accommodate heirs' property to programs that impose significant ownership-related barriers.

## Programs with Explicit Accommodations for Heirs' Property

### USDA Housing Preservation Grant (HPG) Program

The U.S. Department of Agriculture's Housing Preservation Grant (HPG) program provides some of the clearest federal guidance supporting access to assistance for homeowners with heirs' property. The program provides funding to eligible entities—including nonprofits, local governments, state agencies, and tribes—to repair, rehabilitate, or replace homes in rural areas occupied by low- and very low-income households. The HPG regulations provide entities with "considerable latitude" in the design and administration of their HPG program.[56]

**Proof of ownership.** HPG regulations expressly authorize flexible forms of ownership documentation when a recorded deed is unavailable. Acceptable evidence includes:

- "Any legal instrument, whether or not recorded, which is commonly considered evidence of ownership."[57]
- Evidence demonstrating that the applicant is identified as the owner of the property by the local taxing authority and is responsible for payment of the property taxes.[58]
- Affidavits from community members attesting that the applicant has occupied the home as the apparent owner for at least ten years and is generally believed to be the owner.[59]

**Fractional ownership and co-owner consent**. HPG regulations expressly permit assistance to homeowners holding an "undivided or divided" ownership interest when not all owners occupy the property, provided the occupant has lived in the home for at least one year and there is no reason to believe the improvements will jeopardize the occupant's ownership or occupancy.[60] For loan assistance, co-owners are expected to execute security instruments "to the extent possible," indicating that assistance may proceed even when signatures cannot be obtained from all heirs.[61]

### USDA Section 504 Home Repair Program

The USDA Section 504 Home Repair Program also contains provisions specifically relevant to heirs' property.

**Proof of ownership**. The regulations authorize the use of "alternative evidence of ownership," including local tax records and affidavits by "others in the community stating that the applicant has occupied the property as the apparent owner for a period of not less than 10 years, and is generally believed to be the owner."[62]

**Fractional ownership and co-owner consent**. The regulations contain a specific section addressing undivided ownership interests, which is the type of ownership that heirs hold as tenants in common. For unsecured loans and grants, repayment agreements may be executed by co-owners who occupy or intend to occupy the dwelling.[63] For secured loans, when one or more co-owners cannot be located or there are so many co-owners that obtaining mortgages from all owners is impractical, the mortgage may attach to less than 100 percent of the ownership interests, provided the unsecured interests do not exceed 50 percent of the total ownership interests. In such cases, the loan amount may not exceed the value of the ownership interests securing the loan.[64] Exclusion of co-owners' interests requires approval from the state's 504 director.[65]

## Programs Providing Flexibility but Limited Guidance

### HOME Investment Partnerships Program (HOME)

The HOME Investment Partnerships Program provides some guidance relevant to heirs' property but leaves important questions unresolved.

**Income eligibility.** In determining whether an applicant meets HOME's income restrictions for housing rehabilitation activities, the regulations state that participating jurisdictions must calculate income based on the occupants of the dwelling.[66]

**Ownership interests.** For HOME-funded rehabilitation activities, ownership generally must satisfy the program's definition of "homeownership," which includes fee simple title and certain equivalent ownership interests approved by HUD.[67] Individuals who inherit property through intestate succession typically hold a fee simple ownership interest under applicable state law. The regulations also contain a separate provision permitting assistance to certain inherited property with multiple owners, including situations in which not all heirs reside in the home.[68] However, that provision applies only to a narrow category of preservation activities involving housing previously assisted with HOME funds and does not address traditional home repair and rehabilitation activities.

**Proof of ownership.** The HOME regulations provide participating jurisdictions with substantial flexibility in designing rehabilitation assistance programs for renters and homeowners and generally leave the terms and conditions of assistance to local discretion. The regulations do not prescribe the forms of ownership documentation that participating jurisdictions must accept to support affordable homeownership through rehabilitation activities.[69]

## Community Development Block Grant (CDBG) Program

The Community Development Block Grant (CDBG) program provides limited regulatory guidance regarding heirs' property.

**Proof of ownership.** CDBG regulations do not identify acceptable forms of ownership documentation. HUD guidance acknowledges that the regulations are silent on acceptable ownership documentation and advises grantees to establish their own policies.[70]

**Ownership interests.** HUD guidance illustrates the flexibility built into the program by explaining that the CDBG regulations are "silent on the definition of homeownership" and directing each grantee to define ownership in its Consolidated Plan and policies and procedures.[71] HUD has similarly advised that grantees may determine whether rehabilitation assistance may be provided for property held in a trust.[72] HUD guidance also confirms that grantees have discretion to structure repair assistance as either a grant or loan.[73]

**Income calculations.** HUD has clarified that income eligibility is based on occupants of the housing unit, suggesting that nonresident heirs need not be included in household income calculations.[74]

**Remaining gaps.** Neither the regulations nor HUD guidance clearly address how grantees should treat heirs' property when some co-owners cannot be located or do not participate in the program. As a result, state and local programs must develop their own policies regarding co-owner consent and the treatment of heirs' property in situations involving unlocatable or nonparticipating heirs.

### HUD Lead Hazard Reduction Grant Program

The Lead Hazard Reduction Grant Program provides funding to state and local governments and other eligible entities to identify and control lead-based paint hazards in privately owned housing.

**Proof of ownership.** The regulations and guidance reviewed do not identify specific forms of ownership documentation that grantees must accept. Instead, the regulations leave ownership documentation and verification requirements largely to the discretion of state and local program administrators. This discretion can result in local ownership requirements that create barriers for homeowners with heirs› property. For example, the District of Columbia's Lead Reduction Program requires owner-occupants to submit a recorded property deed as part of the application process.[75]

**Treatment of heirs' property.** Neither the regulations nor the guidance reviewed expressly address heirs' property, fractionated ownership interests, or situations in which some co-owners cannot be located or do not consent to the work. As a result, co-owner consent and other eligibility criteria that can exclude homeowners with heirs' property are largely left to the policies adopted by local program administrators.

## Programs with Significant Ownership-Related Barriers

### FHA Title I Property Improvement Program

The FHA Title I Property Improvement Program insures private loans used to finance home improvements.

**Lien requirements.** For site-built home improvement loans exceeding $7,500, the regulations require a recorded lien on the improved property. The lien must be executed by all owners holding fee simple title to the property.[76]

**Consequences for homeowners with heirs' property.** Because all owners must execute the lien, homeowners with heirs' property are ineligible for Title I financing when one or more heirs cannot be located or refuse to sign the required loan documents.

# Endnotes

1 For a primer on heirs' property, see Heather K. Way, *Heirs' Property: Acting to Preserve Wealth* (Asset Funders Network, 2024).

2 As used in this report, "clouded title" refers primarily to situations in which the public land records do not accurately reflect the current ownership interests in the property because ownership passed through intestate succession without completion of the necessary estate administration proceedings. The term "clouded title" is also used more broadly in real property law to describe title affected by other defects, liens, encumbrances, or competing claims that may impair marketability.

3 Noah J. Durst & Heather K. Way, "Heirs' Property in Urban America: A Case Study of Inherited Homeownership in the Dallas-Fort Worth Metroplex," *Urban Affairs Review* (published online Mar. 23, 2026).

4 Nketiah "Ink" Berko & Sarah Bolling Mancini, *Heirs' Property: Keeping It in the Family* (National Consumer Law Center, 2024); Heather K. Way & Ruthie Goldstein, "Heir Property Owners and Federal Disaster Aid Programs: Opportunities for a More Equitable Recovery When Disaster Strikes," 30 *J. Affordable Hous. & Cmty. Dev*. L. 467 (2022).

5 Amalie Zinn, "What Is Heirs' Property, and Why Does It Matter for Equitable Homeownership?" Urban Institute, Dec. 13, 2023; Andrea Bopp Stark & Odette Williamson, *Property Tax Foreclosures on Heirs' Property: The Devastating Consequences and Recommendations for Prevention* (National Consumer Law Center, 2023); Heather K. Way, *The Intersection of Residential Heirs' Property and Property Tax Foreclosure* (Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Nov., 2024).

6 Noah J. Durst & Heather K. Way, "Heirs' Property in Urban America: A Case Study of Inherited Homeownership in the Dallas-Fort Worth Metroplex," *Urban Affairs Review* (published online Mar. 23, 2026). See also Vinita Wagh & Juan Sandoval, *Keeping Your Family Home: Addressing the Challenges of Inherited Properties in Detroit* (Detroit: Detroit Future City Center for Equity, Engagement, and Research, 2024); Garrett Hincken, *How "Tangled Titles" Affect Philadelphia* (The Pew Charitable Trusts, 2021).

7 For a deeper discussion of the home repair needs landscape in the United States, see Carlos Martín, Alan Mallach, Todd Swanstrom, Austin Harrison, & Sophia Wedeen, *Catalyzing a Movement to Produce Greater Public, Private, and Civil Resources to Improve Housing Conditions Through Home Repair Programs* (Joint Center for Housing Studies of Harvard University, Aug. 2024).

8 Jess Wunsch & Martha Galvez, "Strengthening Local Home Repair Systems: Lessons from 14 U.S. Cities and Counties," Housing Solutions Lab (June 29, 2026); Center for Community Progress, "How Vacant and Abandoned Buildings Affect Communities," Apr. 4, 2023.

9 Michael Neal, Amalie Zinn, & John Walsh, "Inherited Homes Are Most Likely to Be Poor Quality, Compounding Racial Wealth and Housing Gaps," *Urban Wire* (Urban Institute, Oct. 17, 2024); Noah J. Durst & Heather K. Way, "Heirs' Property in Urban America: A Case Study of Inherited Homeownership in the Dallas-Fort Worth Metroplex," *Urban Affairs Review* (published online Mar. 23, 2026).

10 For prior studies on this topic, see Heather K. Way & Ruthie Goldstein, "Heir Property Owners and Federal Disaster Aid Programs: Opportunities for a More Equitable Recovery When Disaster Strikes," 30 *J. Affordable Hous. & Cmty. Dev*. L. 467 (2022); Nketiah Berko & Alys Cohen, "Fractured and Forgotten: Challenging Exclusionary Titling and Co-Ownership Requirements That Displace 'Heirs Property' Disaster Survivors," 34 *N.Y.U. Envtl. L.J.* (forthcoming 2026); Lesley Albritton & Jesse Williams, "Disasters Do Discriminate: Black Land Tenure and Disaster Relief Programs," 29 *J. Affordable Hous. & Cmty. Dev.* L. 421 (2021).

11 Unless otherwise noted, the examples discussed in this report are based on publicly available program materials, including program guidelines, application materials, and agency websites. Some programs may provide exceptions or exercise discretion in individual cases that are not

reflected in their published materials.

12 For example, The City of Los Angeles building permit site states that a recorded grant deed is required as proof of ownership. City of Los Angeles, Department of Building & Safety, Homeowner Step-by-Step, "Proof of Ownership" (accessed June 2026).

13 City of Dallas, "Home Improvement & Preservation Program," City of Dallas (accessed June 2026).

14 City of Pompano Beach, "Emergency Repair Program" (accessed June 2026).

15 City of Kansas City, Missouri, "Home Repair Services and Programs" (accessed June 2026).

16 Interview with Cedrick LaSane, Assistant Director, Single Family Division, City of Houston Housing and Community Development Department, Mar. 7, 2024.

17 Hillsborough County, Florida, "Owner-Occupied Rehabilitation Program" (accessed June 2026).

18 Email from Elizabeth A. Hammant, Lead Attorney, Disaster Title Clearing Project, Southeast Louisiana Legal Services, June 29, 2026.

19 City of Dallas, "Home Improvement & Preservation Program," City of Dallas (accessed June 2026).

20 Habitat for Humanity of Greater Los Angeles, "Home Repair Program" (accessed June 2026).

21 Texas Veterans Commission, "Housing for Texas Heroes Program," Appendix 2 to Annex B, 2025–26 Program Materials, at 4 (accessed June 2026).

22 County of Siskiyou, California, Program Guidelines, § 20.0, at 25 (accessed June 2026).

23 City of Rio Rancho, CDBG Critical Home Repair Assistance Program Guidelines (accessed June 2026).

24 Heather K. Way, *The Intersection of Residential Heirs' Property and Property Tax Foreclosure* (U.S. Department of Housing and Urban Development, Office of Policy Development and Research, Nov. 2024).

25 Interview with Susan Watkins, Ursula Henderson, Kari Davis, and Pam Skoglund, Austin Housing Department, City of Austin, Feb. 13, 2025.

26 Interview with Leigh Ann Hobgood, Home Preservation Coordinator, City of Raleigh Housing and Community Development Department, Apr. 3, 2025.

27 Baltimore County, "Single-Family Rehabilitation Loan Program" (accessed June 2026).

28 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," Response to FAQ ID 2236 (May 2015) (accessed June 2026).

29 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," Response to FAQ ID 2204 (Sept. 4, 2020) (accessed June 2026).

30 24 C.F.R. § 92.254(c)(2) ("In determining the income eligibility of the family, the participating jurisdiction must include the income of all persons living in the housing.").

31 Federal Emergency Management Agency (FEMA), "Verifying Home Ownership or Occupancy" (accessed June 2026).

32 *Id.*

33 City of Houston Housing and Community Development Department, "Home Repair Program Guidelines," at 11 (accessed June 2026). The City of Houston's home repair program materials, however, do not clearly inform homeowners that an affidavit is accepted as an exception to the program's requirement for a deed to be listed in the homeowner's name. City of Houston Housing and Community Development Department, "Home Repair Overview" (accessed June 2026).

34 Interview with Kacey Bess, Director, and Letitia Brown Moore, Assistant Director, Neighborhood Services Department, City of Fort Worth, Mar. 25, 2025.

35 Texas Title Examination Standards, Standard 11.70 (Affidavits of Heirship). The standard provides that, absent contrary information, title examiners may rely on affidavits of heirship to establish a dece-

dent's family history and identify heirs. The accompanying commentary notes that affidavits of heirship are commonly used when family history and heirship are not otherwise documented and are generally accepted in Texas title practice.

36 *See, e.g.*, State of Louisiana Office of Community Development–Disaster Recovery, , Version 4.3.1 (Jan 14, 2026), 30. The affidavit in Louisiana is called an Affidavit of Death, Domicile and Heirship.

37 Email from K. Scott Kohanowski, General Counsel, Center for NYC Neighborhoods, Dec. 11, 2025. *See also* City Bar Justice Center and Center for NYC Neighborhoods, *Estate Planning for the Preservation of Intergenerational Wealth and Affordable Homeownership*: *Best Practices Guide for New York Advocates* (2026), at 5.

38 Email from David Castillo, Director of Client Services & Volunteer Management, The Restoration Team, June 12, 2026.

39 Email from Cassandra Robb, Homeownership Preservation Director, Neighborhood Housing Services of Baltimore, July 7, 2026.

40 7 C.F.R. § 3550.107(d).

41 City Bar Justice Center and Center for NYC Neighborhoods, *Estate Planning for the Preservation of Intergenerational Wealth and Affordable Homeownership*: *Best Practices Guide for New York Advocates* (2026), at 22; email from K. Scott Kohanowski, General Counsel, Center for NYC Neighborhoods, Dec. 11, 2025.

42 City of Philadelphia, "Get Help with Clearing Your Home's Title" (accessed June 2026).

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46 Ohio Rev. Code § 317.22.

47 Tenn. Code § 30-2-712.

48 La. Code Civ. Proc. art. 2821.

49 Ky. Rev. Stat. § 382.120.

50 State Bar of Georgia, Georgia Title Standards § 13.4 (May 2024); Texas Title Examination Standards, Standard 11.70.

51 Tex. Prop. Code ch. 65.

52 La. Code Civ. Proc. art. 3422.1.

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54 U.S. Department of Housing and Urban Development, "Community Development Block Grant–Disaster Recovery FAQs Collection," "Question: Does CDBG-DR have a requirement that an application of CDBG-DR funds must prove ownership of a property to be assisted? Further, what kind of documentation should grantees require to show ownership?" (accessed June 2026).

55 Email from Rev. Col. (Ret.) Lisa Pierce, Alabama Rural Ministry, June 11, 2026.

56 7 C.F.R. § 1944.652(b).

57 7 C.F.R. § 1944.661(c)(1).

58 7 C.F.R. § 1944.661(c)(2).

59 7 C.F.R. § 1944.661(c)(3).

60 7 C.F.R. § 1944.661(b)(2).

61 7 C.F.R. § 1944.661(b)(2)(iii).

62 7 C.F.R. § 3550.107(g).

63 7 C.F.R. § 3550.107(d)(1).

64 7 C.F.R. § 3550.107(d)(2).

65 U.S. Department of Agriculture, Rural Development, HB-1-3550: Direct Single Family Housing Loans and Grants Handbook (rev. May 2025), ch. 12, § 12.5 & Exh. 12-1; ch. 5, § 5.11, at 5-25.

66 24 C.F.R. § 92.254(c)(2).

67 24 C.F.R. § 92.254(d).

68 24 C.F.R. § 92.254(d).

69 24 C.F.R. § 92.205.

70 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," FAQ ID 2236 (May 11 2015).

71 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," Response to FAQ ID 2244 (May 11, 2015).

72 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," Response to FAQ ID 2236 (May 11, 2015).

73 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," Response to FAQ ID 3594 (March 27, 2019).

74 U.S. Department of Housing and Urban Development, "CDBG Entitlement FAQs," Response to FAQ ID 2204 (May 11, 2015).

75 District of Columbia Department of Energy and Environment, "Lead Reduction Program" (accessed June 2026).

76 24 C.F.R. § 201.24(a)(1)(i).