
Research Report Certification Form

Reporting Period Dates from 07/1/2017 to 02/01/2018

Principal Investigator(s): Monica A. Rainge

Research Study Title: Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region

Institution/Organization: Federation of Southern Cooperatives/ Land Assistance Fund

Address: 2769 Church Street, East Point, GA 30344

Telephone: (404) 765-0991 Fax Number: (404) 765-9178

Email: monicarainge@federation.coop Website: www.federation.coop

Principal Investigator Assurance:

I certify that the statements in this report are true, complete, and accurate to the best of my knowledge.

Monica A. Rainge

02/23/2018

Principal Investigator Signature

Date

Institutional/Organizational Assurance:

I certify that the statements in this report are true, complete, and accurate to the best of my knowledge.



2/23/2018

Signature of Administrative Official

Date

Name/Title: Cornelius Blanding, Executive Director

Address: 2769 Church Street, East Point, GA 30344

Telephone: (404) 765-0009 Fax Number: (404) 765-9178

Email: cornelius@federation.coop Website: www.federation.coop

Research Study Title: *Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region From 1969 to 2018: Re-Examining the Implementation and Effectiveness of Land Tenure Recommendations in the “Only Six Million Acres” and “The Impact of Heir Property on Black Land Tenure in the Southeastern Region of the United States” studies*

Name of Submitter: Monica A. Rainge, Esq., Principal Investigator; Director, Land Retention and Advocacy/Director of Regional Heirs Property Center, 2769 Church Street, East Point, Georgia, 30344; Phone: 404-765-0991, Fax: 404-765-9178; Email: monicarainge@federation.coop

Contact Information of Submitter: Federation of Southern Cooperatives/ Land Assistance Fund (FSC/LAF); 2769 Church Street, East Point, Georgia, 30344; Phone: 404-765-0991, Fax: 404-765-9178; Email: monicarainge@federation.coop.

Year Awarded: 2017

Total Amount Funded: \$49,500.00

Research Study Period: July 1, 2017 – February 1, 2018

Reporting Period: July 1, 2017 – February 1, 2018

Due Date of the Report: February 23, 2018

Submission Date: February 23, 2018

Organization to which Report is submitted To: Socially Disadvantaged Farmers and Ranchers Policy Research Center

Policy Research Analyst Name: Cassandra Hawkins Wilder

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	4
LIST OF TABLES.....	11
LIST OF FIGURES	12
INTRODUCTION.....	13
RESEARCH METHODOLOGY.....	17
DISCUSSION.....	19
RECOMMENDATIONS.....	32
CONCLUSION.....	36
APPENDIX A. INTERVIEW GUIDE	38
APPENDIX B. LAND LOSS SURVEY.....	41
APPENDIX C. FINAL FINANCIAL STATEMENT FORM.....	47
REFERENCES CITED.....	48

EXECUTIVE SUMMARY

INTRODUCTION

The primary goal of this study was to better describe the impact of heirs property on Black farm and land loss and recommend policies that could decelerate that loss and improve access to USDA programs for heirs property owners.

In 1980, the Federation of Southern Cooperatives/ Land Assistance Fund (“FSC/LAF” or “Federation”) was commissioned by Congress to conduct a study titled, “The Impact of Heir Property on Black Land Tenure in the Southeastern Region of the United States”. An earlier research document by the Black Economic Research Center titled, “Only Six Million Acres”, detailed the dramatic loss of black owned land from 1910 to 1969. The 1980 study resulted in 19 federal recommendations which were submitted to the USDA and Congress. Those 19 recommendations were intended to be used to create policies and regulations that would enable USDA to provide more services, especially loans, to heirs property owners.

Prior to these studies, no extensive research had been conducted on the subject of Black land tenure specifically as it relates to heirs property. Unfortunately, the recommendations were never given serious consideration by Congress nor the USDA. The loss of Black owned land continued almost unabated for nearly forty years and thousands of Black landowners and farmers were unable to secure the resources necessary to make their land an asset rather than a liability. This research project conducted an in-depth analysis of the 1980 study recommendations to ascertain which, in its current form, is relevant to today’s Black land tenure environment or could there be modifications. One objective of this analysis was to develop policies that could help USDA better allocate and disburse resources to Socially Disadvantaged Farmers and Ranchers (SDFR).

OBJECTIVES

The primary objective of this project was to develop a set of recommendations that could educate policy makers on the barriers associated with heirs property and present them with a set of policies that, if included in the 2018 Farm Bill, would help both the USDA and heirs property owners better navigate those barriers. An important anticipated outcome of this

research was to contribute to the empirical data that will provide the Socially Disadvantaged Farmers and Ranchers Policy Research Center with the information necessary to develop evidence based policies aimed at reversing the trend of Black land loss and increasing the number of Black farmers who (with clear title to land) can qualify for USDA and other programs and services.

METHODS

The data for this study were collected using a combination of ethnographic methods (roundtables and in-depth interviews) along with a descriptive survey for demographic data. The mixed method study focused on SDFR in four Black Belt states: South Carolina, Georgia, Alabama and Mississippi. A total of four roundtables, six in-depth interviews, and fifty descriptive surveys were conducted. The roundtables were conducted face-to-face in each state while the in-depth interviews were conducted via phone and email questionnaires. The descriptive surveys were conducted using field staff in each state. The experiences of the experts and the landowners were used as evidence in assisting the researcher to: (1) examine the implementation of the 19 original recommendations and identify obstacles that impeded the successful implementation of each recommendation and (2) develop new recommendations for the 2018 Farm Bill.

DISCUSSION

Land is by far one of the greatest and most valuable assets Black farmers possess. Black farmland ownership, which peaked in 1910 at 15 million acres, has decreased to less than 3 million acres today. The causes of underutilization and loss of rural black land are numerous and complex, but none is more notable than heirs property. *Heirs Property* is created when a landowner dies without a will, or other form of estate planning.

The impact of heirs property on the loss of black farmland has always been one of the most critical problems confronting the Federation of Southern Cooperatives/ Land Assistance Fund and other rural-based organizations interested in Black economic and social advancement in the Black Belt Region. This preliminary research re-examined the 19 federal recommendations from 1969 to 2017 and determined what impact, if any, they have had on land

loss trends among Black farmers and landowners in the Black Belt Region of South Carolina, Georgia, Alabama and Mississippi.

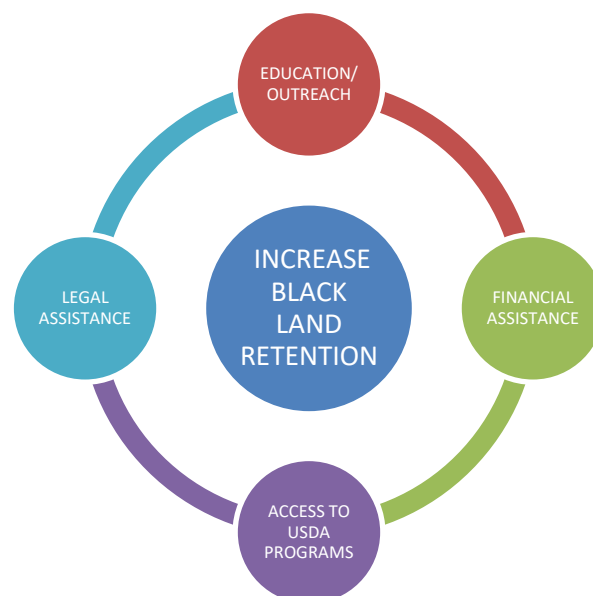
CONCLUSION

The findings of this study revealed that the main factor in land loss was family disagreement and limited knowledge and understanding of the complexities of heirs property. The findings also revealed that contributing factors include partition sales, lack of probate proceedings/transfer of title, retirement/death of farmer/landowner, and tax sales. Most of these have not been adequately addressed in past or current federal policy. The success of Black landowners and farmers, particularly heirs property owners, must be supported by policies that enhance equitable access to education, legal services, financial resources as well as technical and outreach assistance that focuses on estate planning and sustainable land utilization.

Most of the 19 recommendations have never been implemented; the reasons are many and include the lack of adequate data on the problem, political barriers, and a lack of resources to promote a more coordinated policy development and advocacy effort by stakeholders – especially community-based organizations.

Based upon the findings of this study, our overall policy recommendations fall into one of the following four categories: (A) Education & Outreach, (B) Legal Assistance, (C) Financial Assistance for Heir Property Owners and (D) USDA Program Access and Eligibility.

Figure 1. Four Categories of Black Land Retention Recommendations



FARM BILL 2018 RECOMMENDATIONS

All 19 recommendations contained in the 1980 study, in addition to information gathered from the surveys and roundtables were analyzed by staff and experts. Virtually all recommendations were found to be still relevant today, however most required some modifications to reflect today's political, social and economic environment. Careful analysis revealed that some recommendations required long term solutions (beyond the 2018 Farm Bill) while others required a more diverse approach by a variety of stakeholders.

All are important and essential to reversing the trend of Black land loss by enabling heirs property owners to participate in USDA programs. However, the following seven (7) recommendations could be addressed in the 2018 Farm Bill:

A. EDUCATION & OUTREACH

- Current Situation: There is no uniform and coordinated effort by USDA to provided outreach and technical assistance to Socially Disadvantage Farmers and Ranchers with heirs property. Several USDA agencies do provide grants that include assistance to heir property owners, however they are underfunded and for the most part do not comprehensively address heirs property. One interviewee stated that “ *black heirs property owners lack information, are isolated from each other... and have little communication among themselves, as such they are easy targets for land speculators ...*

RECOMMENDATION 1: FSC, RMA, FSA, and RD should establish an Heirs Property Outreach, Education and Technical Assistance Grant. The program should be funded at \$5,000,000 annually over the life of the 2018 Farm Bill.

- Current Situation: Most private and public land related service providers do not have a working knowledge and understanding of heirs property and its impact on families and communities. There has been no federal policy to address this issue, however RMA and NRCS do provide limited funding to CBO's and Land Grant Universities to provide outreach and education to both landowners and service

providers on the problems and possible solutions associated with heirs property;
One interviewee expressed the need for “*more funding ... to provide research and outreach...*”

RECOMMENDATION 2: The Federation has developed a Regional Heirs Property and Mediation Center and Tuskegee University has built on its partnership with the Federation to establish an accredited course on heirs property at the University. The USDA should support this partnership by providing it a grant of \$5,000,000 over the life of the 2018 Farm Bill. The goal would be for Tuskegee University and the Federation to assist all 1890 Land Grant Universities to establish heirs property courses at their universities. In addition to students at the universities, the courses would be open to USDA personnel as well as community based organizations.

- Current Situation: Ten states have enacted the Uniform Partition of Heirs Property Act (UPHA) which addresses many of the problems caused by heirs property. Those states include Alabama, Georgia and South Carolina. It has also been introduced in Mississippi. This legislation is the result of efforts the Heirs Property Retention Coalition (HPRC), a diverse coalition of attorneys and community based organizations that recognizes the need to solve the problems associated with heirs property.

RECOMMENDATION 3: The USDA should support the efforts of the HPRC as well as the Federation’s Regional Heirs Property and Mediation Center to educate policymakers especially at the state level on the impact of heirs property on economic development in rural areas.

B. LEGAL ASSISTANCE

- Current Situation: Many attorneys and community based organizations are encouraging heirs to incorporate or form a trust in order to gain clear title to heirs property. One of the main barriers is the lack of financial resources to hire competent attorneys and getting heirs to agree which in most cases requires professional mediation.

RECOMMENDATION 4: Funds to incorporate or form a trust could be included in the farm business plan or loan application submitted to USDA.

- Current Situation: The primary cause of heirs property is the failure of property owners to make a will or other form of estate plan. It is estimated that well over 60% of Black landowners fail to make a will. The reasons are many and varied, however there needs to be an incentive that would lead to a significant increase in estate planning.

RECOMMENDATION 5: Any landowner who creates an estate plan would be eligible for a \$500 federal income tax deduction.

C. FINANCIAL ASSISTANCE FOR HEIRS PROPERTY OWNERS

- Current Situation: When heirs fail to agree to incorporate, form a trust or other means of clearing title, often the only solution is an intra-family buy out or partition. Unfortunately, in most cases, the heirs who wish to keep the land do not have access to the necessary capital .

RECOMMENDATION 6 : FSA should establish an Heirs Farm Ownership Loan Fund wherein the Secretary of Agriculture would allocate a \$50 million revolving loan fund administered by qualified intermediaries, with preference to intermediaries with least 10 years experience working with farmers and ranchers. Loans would be used for intra-family buy outs and for heirs to participate in partition sales.

D. USDA PROGRAM ACCESS AND ELIGIBILITY

- Current Situation: To be eligible for conservation programs with NRCS a producer must self-certify written control of the land at the time of application. Corresponding land questions are on Form 1200. Control means possession of the land by ownership, written lease, or legal agreement. Control provides the producer authority to act as decision maker from the time of application through

the performance period of the contract. If ownership is by divided interest each owner must concur. If ownership is by undivided interest, at least 51% of owners must grant the applicant control. Unlike NRCS, other USDA agencies require proof of clear title for loan programs.

RECOMMENDATION 7: The eligibility standard should be control or possession of land for all USDA agencies. The USDA should expand the forms of documentation that may be accepted in each state as evidence of control of the land, and require FSA and NRCS in each state to accept the same documentation, including but not limited to 5 years of tax returns or agricultural receipts and self-certification of control of the land to operate a farm or ranch. In those states with a Uniform Partition of Heirs Property Statute, the USDA should accept a uniform heirs property agreement approved by a majority of the ownership interests in the property with an assigned administrative authority, as evidence of control of the land for the purpose of securing a farm number and qualifying for USDA programs and services. Heirs property owners who cannot secure such documentation should be able to secure USDA resources in the amount that represents their interest in the land – in other words rather than land, heir property interest could be used as collateral. To qualify for this consideration the applicant(heir) must be a family member.

LIST OF TABLES

Table 1.	Black Farmers by State 1982-2012	9
Table 2.	Black Farm Acres by State 1982-2012	10

LIST OF FIGURES

Figure 1.	Four Categories of Black Land Retention.....	6
Figure 2.	Black Farm Acreage of Project Participants By State.....	20
Figure 3.	Top Reasons for Land Loss.....	21

INTRODUCTION

This research project addressed the causes of Black land loss and revisited the federal solutions proposed in the 1980 study entitled, “*The Impact of Heir Property on Black Land Tenure in the Southeastern Region of the United States*”. FSC/LAF was commissioned by Congress to conduct and determine if those solutions are relevant to today’s land tenure issues, specifically heirs property, as they relate to Black farmers and landowners and their access to federal land utilization resources

Over the last 50 years, the Federation’s overall mission has been to reverse the trend of Black land loss and to encourage land based economic development across the Southeastern United States. In support of this mission, the Federation has established a Regional Heirs Property and Mediation Center to coordinate a collaborative network of public and private organizations to address the systemic problems associated with heirs property. Working with this network, the Federation remains the leading voice in shaping policies from a “boots on the ground perspective”. From this vantage point, the Federation is uniquely positioned to examine the impact of policies and/or the lack thereof on the lives and livelihood of black farmers and landowners

Black farmland ownership, which peaked in 1910 at 15 acres, has decreased to about 3 million acres today. In 1920, 926,000 US farmers were black. Today, there are fewer than 19,000 black farmers. Black farmers have lost their land at rate that has been estimated to be more than twice the rate of white-owned farm loss. The causes of underutilization and involuntary loss of rural black land are numerous and complex. This research project is intended to provide stakeholders with information critical to understanding the challenges and issues that impact Socially Disadvantaged Farmers and Ranchers and recommending policies which could decelerate black land loss.

Table 1. Black Farmers 1982-2012 (Project States)

State	1982	1987	1992	1997	2007	2012
ALABAMA	2,759	1,828	1,381	1,467	3,698	3,817
GEORGIA	2,068	1,253	1,080	1,175	2,711	2,126
MISSISSIPPI	4,802	3,016	2,480	2,145	6,714	6,627
SOUTH CAROLINA	3,147	2,015	1,756	1,412	2,656	2,680

Source: U.S. Department of Commerce Agricultural Census 1982 & 1987. U.S. Department of Agriculture National Agricultural Statistics Service, 1992-2012.

Table 2. Black Farm Acres 1982-2012 (Project States)

State	1982	1987	1992	1997	2007	2012
ALABAMA	296,589	198,315	170,824	176,028	293,173	332,181
GEORGIA	279,944	170,256	169,768	196,223	246,474	261,390
MISSISSIPPI	476,089	354,404	303,879	273,401	613,460	642,443
SOUTH CAROLINA	237,454	149,185	146,193	125,141	198,570	210,776

Source: U.S. Department of Commerce Agricultural Census 1982 & 1987. U.S. Department of Agriculture National Agricultural Statistics Service, 1992-2012.

Overview of Heirs Property. A significant number of Black farmers and landowners in the Black Belt Region are heirs property owners. They have no recorded title to their land. Consequently, they are unable to reap the full benefits of land ownership. The Federation is thoroughly acquainted with Black land loss in the deep South and has long been a leader in advocating for a variety of assistance to help those involved in current cases and to help reduce and prevent further cases from arising. Heirs property ownership compromises the security of landownership as well as the sustainability of agricultural production. *Heirs Property* is created when a landowner dies without a will or other plan for the transfer of ownership. When this happens, the land is *intestate*, and state intestacy laws will control how and to whom ownership is passed. Often ownership is vested in multiple heirs, making them co-owners, or *tenants in common*. Each co-owner owns a fractional, undivided interest in the land, which encumbers the land. Encumbered land does not have *marketable title*. Marketable title is important because it opens up opportunities to sell the land, to use the land as security for financing improvements on the land, and to participate in USDA and other programs, specifically Rural Development, NRCS and Farm Service Agency. There is no right of survivorship with tenants in common. This results in one or more of the following consequences:

- a) Additional co-owners of land created with the death of each original co-owner;
- b) Heirs property owners who have no connection to the land, or even knowledge that they co-own land;
- c) Heirs who are known but cannot be located;
- d) Heirs whose identity and whereabouts are unknown; and,

e) Mismanagement (e.g. payment of annual property taxes, lack of development and implementation of land utilization plans, etc.), which can lead to land loss due to a partition sale, tax sale, or adverse possession.

Unlocking the Wealth Potential of Heirs Property. Poverty is defined by more than the lack of money. Persistent poverty is usually the manifestation of a much deeper racial, social, educational and economic divide between the “haves” and the “have nots”. Black heirs property owners could be considered both the “haves” and the “have nots”. They have land, however, the land is not a source of wealth and economic stability. Heirs property owners are often said to be “*land rich and cash poor*”. This is due to the fact that their land ownership rights are unclear. The lack of clear title is one of the greatest barriers to securing land tenure for Black landowners and unlocking the land’s wealth potential. Black landowners face a myriad of land tenure problems. Today, most Black landowners still die without a will. This perpetuates the problem of insecure land tenure and land fractionation.

A Bird’s Eye View of the Heirs Property Problem. Over the last 50 years, the Federation has researched and documented some of the most compelling reasons why heirs property issues persist, particularly among Black landowners in the Black Belt Region and how heirs property impacts rural sustainability. While FSC/LAF has been successful in resolving many of these cases through education and legal assistance, we recognize that the problems associated with heirs property require a much broader approach on the part of public and private institutions. We have found that heirs property persists for the following reasons:

- **The lack of comprehensive data which adequately defines how much Black owned land is heir property.**

Data from the National Agricultural Statistical Service (NASS) does not specifically define land tenure as it relates to producers. There is also no definitive data on rural land tenure as it relates to non-farm rural land. Estimates are that nearly 60% of Black owned land is heirs property. There needs to be a current assessment which focuses not only on the amount of Black owned land, but also how that land is held.

- **Heir property is a national problem.**

Heirs property actually affects regional economic systems as well as the national economy. Land owned by heirs is often not used at its full economic potential. Heirs property ownership is

preventing thousands of landowners from taking advantage of USDA resources. Uncultivated land is a financial burden on families and communities. Sustainable land management and development, including agriculture and forestry, present economic opportunities for landowners to create income which boost both local and regional economies. The Federation recently launched a Regional Agro Forestry Center in Epes, Alabama to address the underutilization of forest land resources by Black land owners and as a way to use forestry to create family wealth and regional economic sustainability.

- **Lack of a coordinated, regional system of assistance for heirs property owners**

African American heirs property owners typically find themselves attempting to navigate an uncoordinated system of fragmented service providers in whom they have little trust. Further, legal services are often unavailable or at best limited in the most critical rural areas.

- **Heirs property cases are complex, expensive and can take years to resolve.**

Low income landowners cannot afford the competent and trusted legal services required to successfully resolve complex heirs property issues.

- **Heir property projects are not usually supported by multi-year funding.**

The Federation was the first organizations to address heir property as part of its overall mission. We have successfully implemented projects in several states including Georgia, Mississippi, South Carolina, Alabama and Louisiana. However, most of these projects are state specific, underfunded and lasts no more than two years.

- **Heir property owners cannot access USDA and most other technical and financial programs.**

One of the primary barriers to African-American landowners gaining access to resources that could help them develop their land in a way that provides some economic independence and creates intergenerational wealth is heirs property. Heirs property owners for the most part cannot qualify for government or conventional financial resources because they do not meet the criterion of having clear title to the land.

Purpose of the Study. The overall purpose of this research was to provide an analysis of the causes of land loss that persist today and evaluate the implementation process of the 19

federal recommendations detailed in the 1980 study. Specifically, we examined the experiences of three specific groups of stakeholders; black landowners, community-based organizations and experts in the field who have worked on the issue of black land loss and retention. We sought to find out which, if any of the 19 recommendations have been implemented and in what form. We also sought to determine what challenges impede the implementation of the recommendations and how the recommendations could be modified to navigate those barriers.

Research Questions. The following research questions were developed:

- What specific factors cause or contribute to the problem of black land loss?
- Have there been any notable accelerators or decelerators of the problem over the last 40 years?
- To what extent have the 1980 federal recommendations been implemented and what factors may have impeded successful implementation?
- What federal programs and policies are needed to address black land loss today?

Justification of the Study. For more than four decades the USDA has struggled to develop policies and regulations that would allow it to provide services to the thousands of African-American farmers and landowners who because of heirs property are unable to avail themselves of those services. This research focuses on understanding the experiences of heirs property owners and the professionals who work closely with them as the basis for recommending policies to the USDA that could assist it in meeting the needs of this critical sector of farmers and landowners.

RESEARCH METHODOLOGY

The overall goal of this study was to provide an analysis of the causes of land loss that persist today and an evaluation of the 19 federal recommendations detailed in the 1980 study. Specifically, we examined the experiences of three groups of stakeholders; black landowners, community-based organizations and experts who have worked on the issue of black land loss and retention. As this study is primarily an implementation evaluation, we seek to find out which, if any of the 19 recommendations have been implemented and in what form. We sought to

determine what challenges impede the implementation of the recommendations and how they could be modified to navigate those barriers. In addressing these goals, the following research questions were developed:

- What specific factors cause or contribute to the problem of black land loss?
- Have there been any notable accelerators or decelerators of the problem over the last 40 years?
- To what extent have the 1980 federal recommendations been implemented and what factors may have impeded successful implementation?
- What federal programs and policies are needed to address black land loss today?

This was a mixed method study that used ethnographic methods and descriptive survey data to explore and explain the land loss challenges and issues that impact SDFR in four Black Belt states: South Carolina, Georgia, Alabama and Mississippi. Based on historical mapping and information from the Federation of Southern Cooperative's database of landowners, areas with a known high concentration of black landowners were targeted. The targeted geographic scope of the project included the following areas:

Table 3. Description of Targeted Area

States	Counties
Alabama	Autauga, Lowndes, Butler, Monroe, Clarke, Choctaw, Sumter, Pickens, Greene, Marengo, Wilcox, Dallas, Hale, Perry
Georgia	Dooly, Worth, Baker, Seminole, Calhoun, Lee, Early, Mitchell, Grady, Schley, Decatur, Thomas, Dougherty, Terrell, Macon, Brooks, Sumter, Houston, Lowndes
Mississippi	Marshall, Benton, Lafayette, Jefferson Davis, Marion, Forrest, Perry
South Carolina	Clarendon, Dillon, Marion, Lee, Williamsburgh, Florence, Orangeburg, Sumter, Charleston, Horry, Darlington, Berkeley, Beaufort

Data Collection Techniques. There were three phases of data collection. In phase 1, descriptive survey data collection was coordinated with FSC/LAF's field staff in each state between August 2017 and October 2017. Subsequently, we identified 50 landowners in these targeted areas. Data from fifty surveys was collected and entered into Microsoft Excel version 16 for analysis. In phase 2, four roundtables were conducted between August 2017 and December 2017. The roundtables were designed to discuss the 19 recommendations, and possible resolutions from landowners, service providers, partners, and community-based organizations. A roundtable was conducted in each state and generally had an average attendance of twenty-five people. Lastly, in-depth interviews were conducted with six service providers that are recognized experts in the field of African American land tenure. The in-depth interviews were conducted by phone and email questionnaires. The roundtables and interviews included a more qualitative research methodology which allowed for in-depth exploration of the nineteen recommendations through the voices of those who have experienced land loss or those who work with landowners who have experienced land loss. A copy of the in-depth interview guide is provided in **Appendix A.**

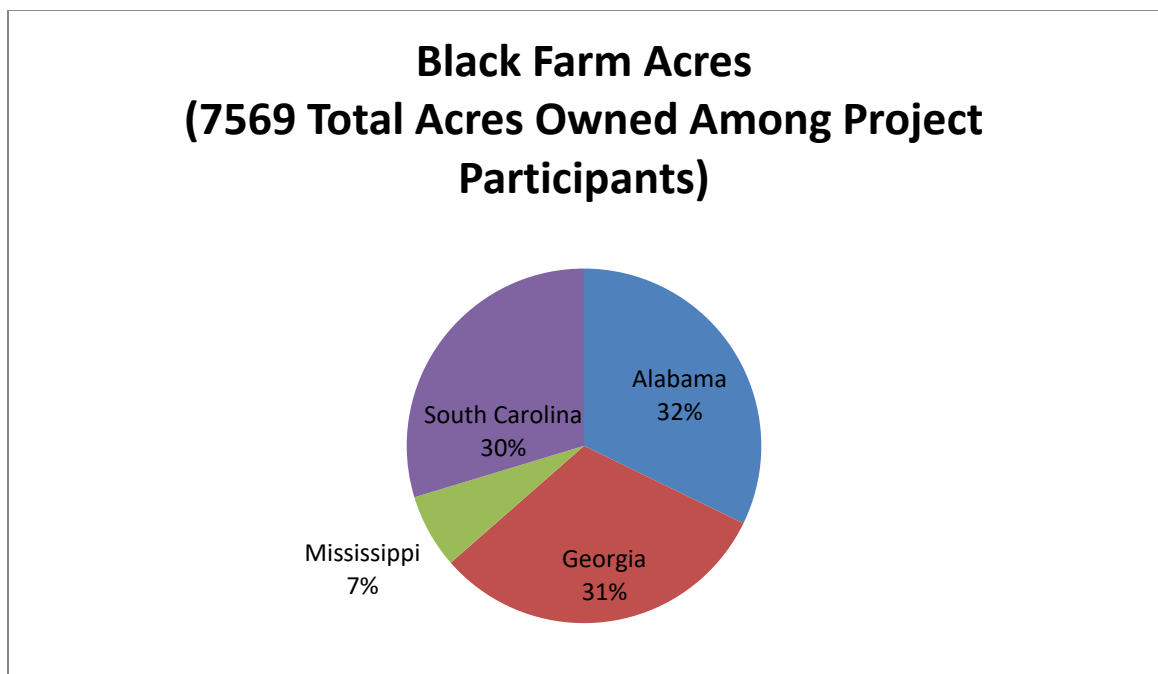
Data Analysis. Upon completion of each roundtable and in-depth interview, the qualitative data collected was analyzed. The goal was to discover tentative themes and categories of information. We established four categories of information and emerging themes for evaluating the recommendations: (A) Education & Outreach, (B) Legal Assistance, (C) Financial Assistance for Heir Property Owners, and (D) USDA Program Access and Eligibility. The qualitative data from the fifty surveys was coded for descriptive analysis. Subsequently, our analysis concluded with the following qualitative findings:

- Most heirs property owners have never participated in a USDA program.
- Most heirs property owners don't receive the outreach and technical assistance needed to secure their land tenure and access USDA programs.
- Most of heirs property owners do not have an estate plan.
- Family disagreement is the most common cause of land loss among the socially disadvantaged farmers we surveyed.
- Land owned by heirs property owners is usually underutilized.

DISCUSSION

We surveyed fifty black farmers and landowners to identify reoccurring phenomena. These farmers and landowners owned a combined total of 7569 total acres. The individual holdings of each ranged from 1 acre to over 1947 acres.

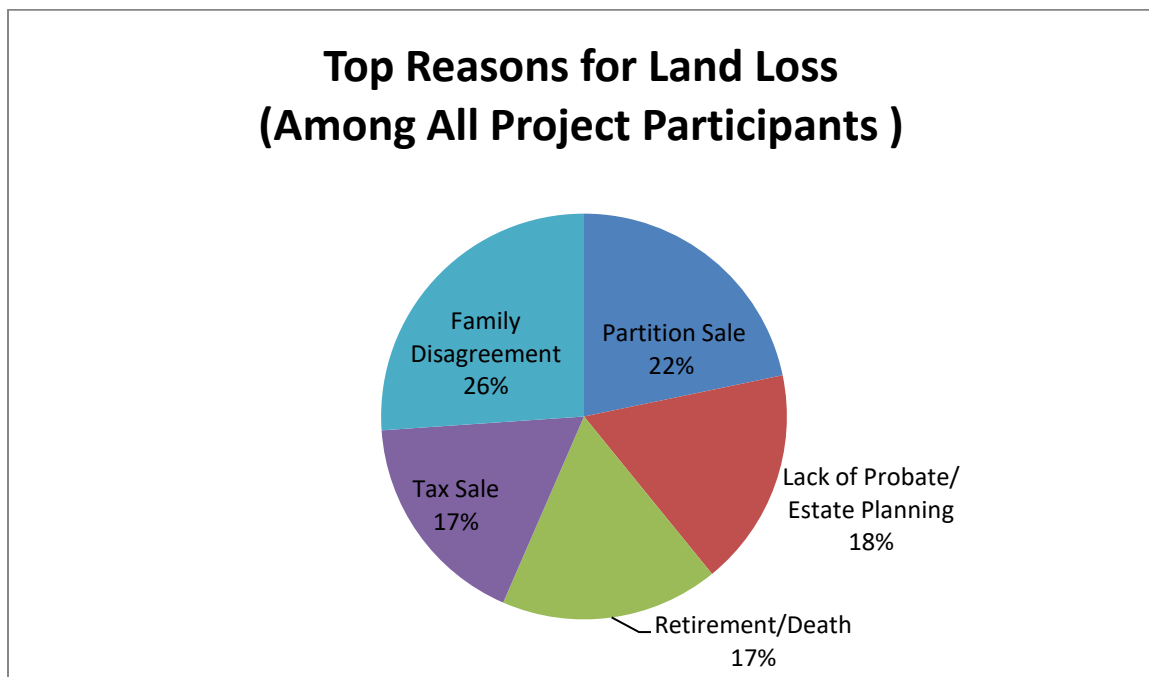
Figure 2. Black Farm Acreage of Project Participants By State



Respondents were asked about their land use practices and tenure. The majority of surveyed landowners in Georgia, Mississippi, and South Carolina farmed their land while the majority of landowners in Alabama were forestry landowners. Most of the respondents experienced insecure land tenure between 1969 – 2017. There were a number of prevailing heirs property issues. In the target states, the prevailing issues associated with heir property were partition sales, lack of probate proceedings/transfer of title, retirement/death of farmer/landowner, tax sales and family disagreements. The following figure reflects a qualitative

analysis of the top reasons for land loss among participants. While there was a relatively even distribution among the top reasons for land loss, family disagreement was the top reason given.

Figure 3. Top Reasons for Land Loss



A preliminary study conducted by the Federation of Southern Cooperatives titled, *Preserving African-American Rural Property: An Assessment of Intergenerational Values Toward Land and Food* found that “African–Americans in all age groups viewed land ownership as essential to building wealth, yet there has never been a concentrated, well-resourced, and long-term effort to parlay those values into sustainable land based economic development”.

In 1980, the US Congress decided that it would address this issue by developing long-term solutions to one of the primary barriers to sustainable economic development for African-American landowners. The Emergency Land Fund was contracted to find solutions to this growing problem – especially in the rural south. A detailed report entitled, the ‘Impact of Heir Property on Black Land Tenure in the Southeast Region’ was developed and submitted. The report detailed 19 recommendations to address the issue in a way that could enable heir property owners to qualify for USDA and other resources. For the most part those recommendations were

not adopted and the problem still persists. This research project reviewed and analyzed those recommendations to determine their relevance to the current political, social and economic environment. Using this information, we were able to determine 1) Whether any of the 19 solutions been implemented, and if so, were they modified in any way 2) Are these solutions relevant to today's heirs property issues? and 3) Could they be considered within the current farm bill process?

In accordance with the Socially Disadvantaged Farmers and Ranchers Policy Center, this report should provide evidence and support for specific policies within the farm bill that would *“address heirs property concerns of socially disadvantaged farmers and ranchers as well as the lack of services in prior years” and create a “department of agriculture coordinator” to oversee and coordinate efforts to address land loss and retention efforts.”*

**FEDERAL SOLUTIONS TO HEIRS PROPERTY PROBLEMS AS DETAILED IN THE
1980 STUDY ENTITLED “ THE IMPACT OF HEIR ON BLACK LAND TENURE IN
THE SOUTHEAST REGION OF THE UNITED STATES”**

Solution No. 1: Incorporation of Heir Property.

Where there are several owners who reside in more than one state, any owner of an undivided interest in heir property may petition a court of competent jurisdiction in the country in which the land is situated to establish a corporation. The corporation shall issue shares of stock to each owner of the heir property in proportion to their interest in the said land.

A board of directors shall be elected to manage the affairs of the corporation. Directors shall be elected in an equitable manner by the heirs and shall have all the powers given directors under state law.

The corporation shall be established according to the laws of the state in which the corporation is located, except for the voluntary aspects of incorporation and the laws limiting the number of initial stockholders in the corporation. The number of stockholders may be as great as the number of persons having interests in the property.

The costs of incorporating, including reasonable attorney's fees, shall be taxed to the corporation. The cost shall be a lien on the real property, for which execution may issue.

No heir property of less than five (5) acres shall be incorporated under this provision.

Solution No. 2: Heirs Land Bank

The United States Department of Agriculture, Farms Home Administration, shall establish a program to acquire and hold heir property for rural housing purposes. The program shall be known as the Heirs Land Bank.

The Heirs Land bank (hereinafter HLB) shall be authorized to acquire partial and/or entire interests in heir property by purchase. The HLB shall be authorized to institute actions to quiet title and actions for partition and division or partition and sale. The HLB may purchase the property at a private or public partition sale. The HLB shall also be authorized to exchange federally-owned real property at a fair rate of exchange.

The HLB shall be authorized to sell any property to which it has acquired marketable, undivided, fee simple interests to prospective home builders and farm operators. (The Heirs Land Bank shall sell the property in parcels appropriate for homesites in the area.) Any land that is acquired and that is not suitable for home construction may be sold at fair market value to property owners residing in the area.

Solution No. 3: Heirs Emergency Loan Program.

The U. S. Department of Agriculture, FmHA, shall establish an Emergency Loan Fund to finance the acquisition of heir property interests by persons who already have interests in the land by virtue of testate or intestate succession.

The loan shall be made at an interest rate not to exceed six percent per year, and the application shall be processed within sixty (60) days of submission. The loan shall be available to heirs for purchases at public and private partition sales.

The cost of the interests purchased shall not substantially exceed fair market value and the purchased interests shall be sufficient security for the loan. The term of the loan shall not exceed forty (40) years.

Solution No. 4: Remote Claims Federal Insurance Fund.

The federal government shall establish a fund to insure against any losses arising from loans made pursuant to the remote claims provisions of Section 502 of the 1949 Housing Act, as

amended. The Fund shall be administered by the Farmers Home Administration. Each housing transaction made by FmHA, pursuant to the Remote Claims Amendment, shall include a monthly premium to sustain the Remote Claims Federal Insurance Fund (RCFIF). The amount of the premium shall be determined by regulations, but shall be sufficient to cover the losses incurred under the program and to pay the administrative costs of the program.

Solution No. 5: Remote Claims Private Insurance Program

All title insurance companies who provide title insurance on federal loans (FmHA, FHA, etc.) shall issue a special remote claims policy which insures against claims arising from loans made pursuant to the remote claims provision of Section 502 of the Housing Act of 1949, as amended. Cost of the premium shall not exceed twice the cost of a regular policy issued by the title insurance company. The policy request shall not be denied by any qualifying title insurance company if said loans meet the criteria set out in the statutes and regulations. Any company refusing to issue such a policy shall not be permitted to issue any policies insuring other federal programs which require or permit title insurance.

The applicant shall pay the premium on the policy. It shall be included as part of the loan made by FMHA

Solution No. 6: Heirs Income Tax Credit and/or Rebate.

A federal income tax credit card and/or rebate shall be allowed any person or entity with an interest in heir property who initiates and successfully concludes a partition and division in kind of heir property. The tax credit/rebate shall also be allowed any person with an interest in heir property who successfully consolidates all the undivided interests into interests owned by less than four (4) of the original entities or persons. If the interests are consolidated into two or three persons or entities, all must certify that they are operating jointly and harmoniously in order to receive the tax credit/rebate.

The tax credit/rebate shall be payable whether or not the persons or entities receiving it have paid taxes previously. It shall be a significant sum determined by regulations and calculated on the basis of the amount and value of the heir property involved in the transaction. It shall not apply to parcels of land less than five acres in size.

Solution No. 7: Use of Land Grant Colleges and Universities.

Each Land Grant College or University shall incorporate in its general course of study information on heir title problems and their possible solutions. Out-reach programs shall also be designed to educate community leaders, government program workers (extension agents, ASCS workers, SCS Workers, FmHA Personnel, etc.) and others concerning these problems and their possible solutions. Each such college or university shall develop and implement a program of research and assistance to reduce the impact of heir title problems in the State or area in which the institution is located.

Solution No. 8: Education of Personnel.

All decision-making Agricultural Department personnel and support persons shall take a review course or attend a workshop on utilization of land encumbered with heir title problems.

Solution No. 9: Will Rebate.

Each person who owns real property, other than a home site consisting of one acre or less, and who makes a will with a trust or other provisions which eliminates the development of heir title problems shall be entitled to a tax rebate of Fifty (\$50.00) Dollars from the Internal Revenue Service. No person may claim this rebate more than once. If the rebate is claimed, the Internal Revenue Service may require that a copy of the will be produced for inspection to determine if it meets the criteria. IRS shall develop and make available model will provisions which prevent the development of heir title problems.

Solution No. 10: Distribution of Heir Property Information.

The Department of Agricultural shall prepare and distribute information on the nature of heir property.

Solution No. 11: Heir Property Income Tax Exemption.

The income derived from the use of heir property which had been idle for at least three (3) years shall be exempt from federal income taxes for a period of three (3) years. The exemption may not be taken on the same parcel of land more than once in any ten (10) year period.

Solution No. 12: Operations and Production Loan Heir Property.

FmHA shall not require a lease or agreement from a tenant in common as a condition to making and operations or production loan involving the parcel of land held in common.

Solution No. 13: Priority Allocation of Resources to States Enacting Laws to Assist in the Utilization of Heir Property.

All states which enact laws which facilitate the utilization of heir property shall be given priority by the Department of Agriculture and Department of Housing and Urban Development in the allocation of funds to its state offices and other entities within the said state. The full monetary needs of such state offices and other entities shall be satisfied before any funds are allocated to offices and entities located in non-complying states. The law or laws enacted by the states shall substantially include the substance of the various solutions requiring state action.

After the enactment of this statute, states shall have a one-year grace period before fund allocation will be affected by the provisions stated herein.

Solution No. 14: Rural Land Impact Division of the Legal Services Corporation.

All recipients of funds under the Legal Services Corporation Act of 1974 shall establish a special rural land impact division in each of the recipient's central offices. Such divisions shall develop educational, outreach, research and legal programs to reduce the impact of heirs property problems. In areas where the problem is acute, regional rural land problems shall have a priority over other programs in the office.

Solution No. 15: Income for Public Sales

Farm ownership loans and limited resources loans for farm ownership shall be made available to eligible farmers or aspiring farmers for purchasing heir property at private and public sales.

Section 502 loans shall also be made available to eligible applicants to purchase the "family house" (located on heir property) at a private or public sale of the property. The interests of outstanding heirs may also be purchased if the same constitute all the interests in the land

established by an acceptable state procedure. The outstanding interests must be purchased collectively and simultaneously.

The option requirement in present regulations shall apply to such applicants to accommodate the “public sale” provision of this solution. In lieu of an option, the applicant may be required to provide written verification of the date and time of sale and to establish the fair market value of the land through a land appraiser or other competent person.

The Farmers Home Administration shall then process the loan application based on the amount of its established fair market value plus an amount exceeding the fair market value equal to the applicant’s projected income from the sale proceeds. Loan applicant’s in this category shall qualify for priority processing to insure completion before the designated date of public sale. The loan approval letter or form shall state the maximum amount the applicant is authorized to bid on the property at the public auction. This abbreviated loan application process is to be implemented in a manner that will insure that the money will be available on the day of the sale as required by some courts.

Solution No. 16: Legal Assistance to Rural Landowners.

In those areas where there are no accessible legal offices which operate to give free legal assistance to low income rural landowners, a special procedure shall be employed to provide FmHA applicants the legal assistance deemed necessary to acquire marketable and alienable title to land which is needed to secure the following loans:

1. 502 Housing Loans;
2. 504 Housing Loans;
3. Farm Ownership; and
4. Farm Operating Loans.

Eligibility for assistance shall be based upon the income guidelines of the Legal Services Corporation or the income guidelines of FmHA, whichever is higher in a given area. The landowner shall provide, as an additional prerequisite for assistance, an attorney’s opinion of title certifying that title to the land is unmarketable; provided that a predetermination of unmarketability shall not be necessary in the following circumstances:

1. The facts clearly show that the parameters of the problems would not permit a non-judicial ascertainment of marketability, i.e., unlocatable heir, unknown heir, etc.
2. Minors or mentally incompetent share ownership of the land.
3. An abandoned spouse shares ownership of the land.

The funds for legal assistance will be distributed through the Judicare Program, where established, or through the state or regional offices of recipients of funds from the Legal Services Corporation, where they are established.

In those areas where Legal Services and/or Judicare are not available, the loan applicant will be presented a list of approved attorneys from which he shall select the attorney of his choice. The approved attorneys will be paid by the regional legal services program. In order for an attorney to be approved for the delivery of service, the following criteria must be met:

1. The attorney must sign an agreement to deliver services in accord with a pre-determined fee schedule prepared by the Legal Services Corporation which is reflective of the prevailing standard fee in the area for the particular service to be considered in calculating fees.
2. The attorney will agree that he will not accept any court-awarded compensation which exceeds the fees set out in the schedule. He will further agree that compensation received from any additional source will be deducted from the fee schedule.

Solution No. 17: Implementation of FmHA Instruction No. 444.1.

Instruction No. 444.1 allows loan grants to be secured by property encumbered with remote claims. A directive issued by the FmHA administrator encouraging the use of this regulation, coupled with certain additional guidelines and eligibility requirements, would undoubtedly increase its use by state directors and country supervisors. The proposed guidelines are as follows.

- A. The applicant or his direct ascendant or descendant has been in possession of the land for at least five years prior to the date of application.
- B. The applicant has resided on the encumbered land in dwelling which is deemed “substandard housing”, as herein defined, for two (2) or more years; or the applicant

- has unsuccessfully tried to secure land for housing at a reasonable price in an area in close proximity to his farm, or encumbered land within the year immediately preceding the filing of his application.
- C. The applicant's interest in the encumbered land, coupled with interest in the encumbered heirs, equals 60% of the interests in the land.
 - D. There are no expressed objections by non-consenting heirs.

Solution No. 18: Attorney's Opinion of Title

This solution is an optional supplement to solution number 17 relating to FmHA Regulation 444.1. It is also presented as an independent remedy for the present inability or unwillingness of FmHA to extend loans secured by interests in heir property.

In lieu of the opinion of title regularly requested by FmHA from attorneys prior to approval of loan applications, the applicant shall receive an attorney's opinion on the "liabilities" that may be incurred from a loan designated for improvements on encumbered or heir property. The opinion shall be herein known as the Attorney's "Opinion of Risk." After considering all the facts and the relating laws and practices, the attorney will consider whether financial loss to the government is "remote." If the risk is established to be minimum, the loan shall be made, provided standard eligibility requirements are met.

The definition of "remote" shall be based on actual, rather than distal possibilities. In other words, the known existence of a valid claim should not per se, render a negative opinion of risk. The establishment of the opinion shall be considered and controlled by the possibility of "successful attack" by an unknown, absentee or dissenting claimant in relation to the controlling laws and practices in a particular jurisdiction.

"Successful attack" shall also be defined to guide the discretion of the attorney providing the opinion of risk. Factors to be considered shall be as follows.:

1. Current laws on improvements fashioned to protect the rights of the improving heir in the jurisdiction of application.
2. Analysis of circumstances that will permit an improved parcel to vest in the improving heir.
3. Evaluation of the merits of possible legal attacks that might be used by adverse parties.

4. Evaluation of risks.
5. Circumstances of non-executing claimants.
 - a. Location: In or outside the state;
 - b. Age and mental competence; and
 - c. Expressed negative attitudes on proposed activity on land.

Usually the state of the law can be pre-determined, subject to modifications to meet current changes. The circumstances of the parties with regard to the right of improvements would have to be evaluated in light of the existing law.

Solution No. 19: Project Land.

“Project Land” is the name assigned to the solution designed to educate the nation about the importance of land ownership and productivity, with special emphasis on methods to secure or ensure clear title. “Project Land” is simply a national community education program supplemented by subprograms tailored to meet peculiar regional and local needs.

Many Americans are unaware of government programs and laws which are available to facilitate land acquisition, retention, and utilization. “Ignorance” may be the greatest enemy of minority land retention, which is at a critical state.

“Project Land”, if effectively pursued, cannot only effect some of the goals of the Remote Claims Project, but it has the potential of impacting the economy and the morale of the American public.

Studies have shown that landowners are usually more civic-minded, responsible, stable, and hopeful. If the landowner class can be expanded to include more of the unprivileged class, the sense of ownership may precipitate a new set of values for an old set of problems. A Mississippi participant in the New Deal Resettlement Program captured the essence of this attitude in an interview with Lester Salamon: “Land is the single most important thing a man can get for himself and for his family.”

Surely, we are not advocating that all persons should be or can be landowners. If the class of landowners were significantly increased, however, those who remain landless will necessarily reap some benefits if the land is properly utilized.

Millions of acres of land in this country are concentrated in the hands of a relatively small number of individuals and organizations. A high percentage of that land is unproductive, under-productive and/or unmarketable. The economic well-being of this country can be served by:

1. Educating the public on land values, land uses and rudimentary land law;
2. Enacting laws that facilitate the marketability of land;
3. Increasing the productivity of the land;
4. Enlarging the land-ownership base; and
5. Resolving or alleviating the retention problems of minority landowners.

“Project Land” will provide services that are curative and preventive in effect. The four major program activities of “Project Land” are as follows.

1. Education;
2. Coordination and referral services;
3. Research; and
4. Program development.

A major concern of “Project Land” is land productivity and utilization. Rarely can land reach optimum productivity if title is unmarketable. Many factors may cause unmarketable land titles. Since heir property is, however, the most menacing and wide-spread factor, “Project Land” will give particular emphasis to an education program designed to facilitate the marketability of heir property and to reduce rate of its increase.

Land retention, acquisition and utilization are dependent in great part on the marketability of land titles. Marketable title, however, does not ensure that land will be productively utilized. Therefore, “Project Land” will research and develop various programs and activities designed to increase land utilization by individual landowners.

A task force consisting of representatives from the public and private sectors with rural and urban backgrounds will oversee the general operation of “Project Land.” The logo of the project may be: “Own a piece of America.”

Public or private organizations with expertise in land and land-related problems will be contracted to develop and administer an educational outreach program designed to meet the landownership problems of designated minorities. These organizations will be required to work cooperatively with the Farmers Home Administration, the Legal Services Corporation, the

Community Services Administration, the Forestry Service, and other appropriate state and federal agencies.

**2018 POLICY RECOMMENDATIONS BASED ON RESEARCH RESULTS AND A
REVIEW AND ANALYSIS OF THE 19 FEDERAL RECOMMENDATIONS
IN THE 1980 STUDY**

All 19 recommendations contained in the 1980 study, in addition to information gathered from the surveys and roundtables were analyzed by staff and experts. Virtually all recommendations were found to be still relevant today, however most required some modifications to reflect today's political, social and economic environment. Careful analysis revealed that some recommendations required long term solutions (beyond the 2018 Farm Bill) while others required a more diverse approach by a variety of stakeholders.

All are important and essential to reversing the trend of Black land loss by enabling heirs property owners to participate in USDA programs. However, the following seven (7) recommendations could be addressed in the 2018 Farm Bill:

A. EDUCATION & OUTREACH

- Current Situation: There is no uniform and coordinated effort by USDA to provided outreach and technical assistance to Socially Disadvantage Farmers and Ranchers with heirs property. Several USDA agencies do provide grants that include assistance to heir property owners, however they are underfunded and for the most part do not comprehensively address heirs property. One interviewee stated that “ *black heirs property owners lack information, are isolated from each other... and have little communication among themselves, as such they are easy targets for land speculators ...*

RECOMMENDATION 1: FSC, RMA, FSA, and RD should establish an Heirs Property Outreach , Education and Technical Assistance Grant. The program should be funded at \$5,000,000 annually over the life of the 2018 Farm Bill.

- Current Situation: Most private and public land related service providers do not have a working knowledge and understanding of heirs property and its impact on families and communities. There has been no federal policy to address this issue, however RMA and NRCS do provide limited funding to CBO's and Land Grant Universities to provide outreach and education to both landowners and service providers on the problems and possible solutions associated with heirs property; One interviewee expressed the need for "*more funding ... to provide research and outreach...*

RECOMMENDATION 2: The Federation has developed a Regional Heirs Property and Mediation Center and Tuskegee University has built on its partnership with the Federation to establish an accredited course on heirs property at the University. The USDA should support this partnership by providing it a grant of \$5,000,000 over the life of the 2018 Farm Bill. The goal would be for Tuskegee University and the Federation to assist all 1890 Land Grant Universities to establish heirs property courses at their universities. In addition to students at the universities, the courses would be open to USDA personnel as well as community based organizations.

- Current Situation: Ten states have enacted the Uniform Partition of Heirs Property Act (UPHA) which addresses many of the problems caused by heirs property. Those states include Alabama, Georgia and South Carolina. It has also been introduced in Mississippi. This legislation is the result of efforts the Heirs Property Retention Coalition (HPRC), a diverse coalition of attorneys and community based organizations that recognizes the need to solve the problems associated with heirs property.

RECOMMENDATION 3: The USDA should support the efforts of the HPRC as well as the Federation's Regional Heirs Property and Mediation Center to educate policymakers especially at the state level on the impact of heirs property on economic development in rural areas.

B. LEGAL ASSISTANCE

- Current Situation: Many attorneys and community based organizations are encouraging heirs to incorporate or form a trust in order to gain clear title to heirs

property. One of the main barriers is the lack of financial resources to hire competent attorneys and getting heirs to agree which in most cases requires professional mediation.

RECOMMENDATION 4: Funds to incorporate or form a trust could be included in the farm business plan or loan application submitted to USDA.

- Current Situation: The primary cause of heirs property is the failure of property owners to make a will or other form of estate plan. It is estimated that well over 60% of Black landowners fail to make a will. The reasons are many and varied, however there needs to be an incentive that would lead to a significant increase in estate planning.

RECOMMENDATION 5: Any landowner who creates an estate plan would be eligible for a \$500 federal income tax deduction.

C. FINANCIAL ASSISTANCE FOR HEIRS PROPERTY OWNERS

- Current Situation: When heirs fail to agree to incorporate, form a trust or other means of clearing title, often the only solution is an intra-family buy out or partition. Unfortunately, in most cases, the heirs who wish to keep the land do not have access to the necessary capital .

RECOMMENDATION 6 : FSA should establish an Heirs Farm Ownership Loan Fund wherein the Secretary of Agriculture would allocate a \$50 million revolving loan fund administered by qualified intermediaries, with preference to intermediaries with least 10 years experience working with farmers and ranchers. Loans would be used for intra-family buy outs and for heirs to participate in partition sales.

D. USDA PROGRAM ACCESS AND ELIGIBILITY

- Current Situation: To be eligible for conservation programs with NRCS a producer must self-certify written control of the land at the time of application. Corresponding land questions are on Form 1200. Control means possession of the land by ownership, written lease, or legal agreement. Control provides the producer authority to act as decision maker from the time of application through the performance period of the contract. If ownership is by divided interest each owner must concur. If ownership is by undivided interest, at least 51% of owners must grant the applicant control. Unlike NRCS, other USDA agencies require proof of clear title for loan programs.

RECOMMENDATION 7: The eligibility standard should be control or possession of land for all USDA agencies. The USDA should expand the forms of documentation that may be accepted in each state as evidence of control of the land, and require FSA and NRCS in each state to accept the same documentation, including but not limited to 5 years of tax returns or agricultural receipts and self-certification of control of the land to operate a farm or ranch. In those states with a Uniform Partition of Heirs Property Statute, the USDA should accept a uniform heirs property agreement approved by a majority of the ownership interests in the property with an assigned administrative authority, as evidence of control of the land for the purpose of securing a farm number and qualifying for USDA programs and services. Heirs property owners who cannot secure such documentation should be able to secure USDA resources in the amount that represents their interest in the land – in other words rather than land, heir property interest could be used as collateral . To qualify for this consideration the applicant(heir) must be a family member.

CONCLUSION

This research study was undertaken in an effort to understand land loss trends through the experiences of black landowners and stakeholders. The 19 recommendations were the focus of the study. The findings revealed that despite their relevance and importance in addressing many of the issues faced by their property owners, most of the recommendations have never been implemented. In some cases, implementation has been hindered by the complexity of the political process and a lack of information and understanding of how this is a problem with local, state and national implications especially as it relates to sustainable food and agricultural systems. However, the success of current education and advocacy efforts at the state level may be the key in driving the implementation of more federal agricultural policy.

APPENDIX A. INTERVIEW GUIDE

A Case Study Analysis of Land Loss Trends among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region From 1969 to 2017: Re-Examining the Implementation and Effectiveness of Land Tenure Recommendations in the “Only Six Million Acres” and “The Impact of Heir Property on Black Land Tenure in the Southeastern Region of the United States” studies

Interview Guide

Date:

Identification # of Code Name:

Time of Interview:

Location of Interview:

Interview Conducted by:

Section I

I. Description of Interviewee

1. How long have you been working with programs addressing black land loss?
2. Could you please describe your involvement with organizations addressing black land loss?
3. What are (were) your primary responsibilities with these organizations?

II. History and Background of Black Land Loss in the South

1. Would you please describe the historical impact of black land loss in the South?
2. What specific factors contribute to the problem of black land loss?
3. Have there been any notable accelerators or decelerators of the problem over the last 40 years?
4. Is there still a need for programs and policies to address black land loss today?
5. Why are heirs property owners most susceptible to land loss?

III. Impact of Heirs Property and the Black Land Loss Problem

1. What are the greatest challenges to addressing the heirs property problem?
2. How have these problems affected the implementation of land retention programs and policies?
3. How has black land loss impacted the number of black farmers?
4. How has the USDA been effective in addressing these problems?
5. What areas of USDA policy need to be changed to address heirs property issues?
6. How can the USDA expand its programs and policies to support socially disadvantaged farmers farming on heirs property?
7. What do you believe will happen if black land loss is not addressed through targeted programs and policy?

Section II: Description of [Land Retention] project?

I. Perceptions of Black Land Retention Projects and Technical Assistance Providers

1. What problems are facing African American landowners in your targeted area?
How can these problems be solved?
2. What are needs of the African American landowners in your targeted area?
How are these needs being identified?
3. Would you please describe the land tenure issues of one of your clients who has experienced success? How did you assist them?
4. Would you please describe a situation in which one of your clients has not experienced success? What do you think went wrong?
5. What do you feel is the strength of your land retention project?
6. What has the project achieved for African American landowners and farmers in your area?
7. What specific strategies or activities have this program implemented to help minority landowners and to reverse the decline of minority farmers?
8. What do you think the future holds for African American landowners and farmers?

II. Descriptive Data

1. What are the objectives of your land retention project?
2. What is your targeted area?
3. Does the program provide outreach and technical assistance to landowners? If so, please describe each program.
4. How many farmers/landowner s are enrolled in the project?
5. What is the average age of the farmer?
6. What is their educational level?
7. Describe the type of workshops or seminars you offer and in what areas?

Section III: Review and Evaluate 19 Federal Recommendations with Interviewer (See Attached)

APPENDIX B. LAND LOSS SURVEY

FSC/LAF Land Loss Survey 2017

Date: _____

Name: _____

Address: _____

Home Number: _____

Work Number: _____

Cell Number: _____ Fax Number: _____

Are you or an immediate family a landowner? (Yes/ No)

Subject Property: Location (Town/City & State): _____

County: _____

Size (acres): _____

Land Use (please check one): ☐ Farming ☐ Forestry

☐ No Use ☐ No Current

Use

☐ Other (please specify): _____

Did you or an immediate family member experience land loss between 1969 to 2017? (Yes/ No)

What were the primary reasons for your land loss? (Please check all that apply.)

- ☐ Heirs Property* (See Below)
- ☐ Tax Sale
- ☐ Adverse Possession
- ☐ Property Foreclosure
- ☐ Boundary Dispute with Neighbor
- ☐ Litigation/ Lawsuit
- ☐ Partition Sale
- ☐ Family Disagreement
- ☐ Illegal Sale or Transfer by a Family Member
- ☐ Land Sold to a Developer
- ☐ Lack of Probate Proceeding/ Transfer of Title
- ☐ Loss of family interest in ownership
- ☐ Land was a financial burden/ Non-Income Generating
- ☐ Farm Business Closed or Abandoned
- ☐ Retirement or Death of Farmer
- ☐ Unable to qualify for Government Assistance/ USDA Programs
- ☐ Eminent Domain/ Government Taking
- ☐ Reason Unknown
- ☐ Other (Please list)

***If you had/have Heirs Property?** Please answer the following questions:

1. Who was the original landowner in the family? When did he/she die?

2. Of what relation to you is the original landowner?

3. How many surviving children did the original landowner have? What are their names?

4. Are any of the surviving children of the original landowner deceased? If yes, did they have any surviving spouse and/or children?

5. Do any of the current heirs live on the property?

6. Who pays the taxes on the property? For how long have they done so?

7. Is land currently being farmed? Yes___ No ___

If yes, is land being farmed by Heir___ Other ___

8. If land is being farmed by heir does he/she receive any USDA resources Yes___
No___

9. If yes please state agency(s)._____

10. If no, please state reason. _____

11. Number of acres _____

12. Do you have a will or other form of estate plan?

APPENDIX D. FINAL FINANCIAL STATEMENT FORM

REFERENCES CITED

Impact Of Heir Property On Black Rural Land Tenure In The Southeastern Region Of The United States. (1980). Atlanta, GA: Emergency Land Fund

Holistic Approach To Heir Property Retention and Sustainable Development in Baker County, Georgia. (2010). East Point, GA: Federation of Southern Cooperatives/ Land Assistance Fund.

United States Department of Agriculture National Agricultural Statistics Service.(2007). *2007 Census of Agriculture*. Retrieved January 4, 2018 from <http://www.nass.usda.gov/census/>

United States Department of Agriculture National Agricultural Statistics Service.(2012). *2012 Census of Agriculture*. Retrieved January 4, 2018 from <http://www.nass.usda.gov/census/>

See <http://www.southerncoalition.org/hprc/> (last visited Feb. 9, 2018)