Heirs’ Property Ownership and the Efficiency Question

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A tenancy in common or “heirs’ property” describes inherited, real property, passed to subsequent generations via state laws of intestate succession (Mitchell, 2001). Property is typically classed as heirs’ property because someone dies without a will or other legal document formally conveying property to survivors. The lack of formal title inhibits families’ ability to generate wealth and then to transfer that prosperity inter-generationally because creditors will not extend loans to property co-owned by numerous, unnamed individuals (spanning multiple generations and often geographically dispersed), who are difficult to substantiate. Heirs’ property concerns arise from the neoliberal premise that secure property rights, especially privatization, are a requisite for optimal custodianship of land. Consistent with this framing, Deaton et al. (2009) raise the “efficiency”
concern—a basic tenet of heirs’ property ownership is that co-heirs have not only the right to access and use property; but heirs also have the right to exclude activities of other heirs, which Deaton et al. (2009) argues results in inefficient land uses from a revenue maximizing or resource quality perspective.

Heirs’ property is believed to be especially prevalent among African American populations (Mitchell, 2001; 2005). In 1980, the Emergency Land Fund estimated that 41 percent of black-owned land in the rural South was heirs’ property. These properties also appear to be pervasive in Appalachia (Deaton 2005); on Native American lands a result of US government-instituted allotments (Shoemaker, 2003); are likely in colonias along the U.S.-Mexico border (Ward et al., 2012), and are implicated in urban blight because of owner disincentives to invest in property maintenance.

This study considers potential inefficiencies associated with heirs’ property, in terms of wildfire risk mitigation. We examine whether the tenuous nature of heirs’ ownership acts as a disincentive to wildfire mitigation, the latter indicated by excessive fuel loadings (i.e., understory growth) on rural land parcels. The question for this study is: do heirs’ properties contain higher levels of understory vis-à-vis non-heirs’ properties? Our study is limited to tax assessor parcel data describing characteristics of the property itself rather than socio-demographics of the owners. We use LiDar to estimate understory on residential and agricultural parcels in Bibb County, GA and in Leslie County, KY. A straightforward comparison of average understory percentage for heirs’ and non-heirs’ parcels in each county is made. LandFire classifications will be used subsequently to describe the understory.

Citations:


About the speaker:

Cassandra Johnson Gaither is a Research Social Scientist with the Southern Research Station, USDA Forest Service, in Athens, Georgia, 30602. Email: cjohnson09@fs.fed.us [2]. Her research interests address human perceptions and interactions with nature and the environment. She has published research addressing social group visitation to wild land recreation areas, environmental justice as this relates to minority, lower income groups, and immigrant access to outdoor recreation facilities, and more recently, the intersection of socially vulnerable populations and climate change. Her work currently focuses on the intersection of property ownership and social vulnerability in the South and the implications of the same for national forest management.

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