

## **Heirs' Property Research Report 2024-2**



### **Closing the Equity and Inclusion Gap: An Analysis of the Implementation of Heirs' Policy in the 2018 Farm Bill and Its Impact on Increasing Eligibility and Fair Access to USDA Programs Among Socially Disadvantaged Farmer and Ranchers**

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#### **Introduction**

On July 29, 2021, Secretary Tom Vilsack of the United States Department of Agriculture (USDA) announced the allocation of the \$67 million Heirs' Property Relending Program (HPRP) (USDA, 2021; 2021b). The program promised affordable, low-interest loans of up to \$600,000 to heirs' property landowners seeking to, among other things, clear legal title to family property that had been inherited without a valid will or deed (USDA, 2021a; 2021b). The loan funds will be awarded to Community Development Financial Institutions, who will act as the intermediate lending institutions to the heirs' property owners. This program was originally authorized in the 2018 Farm Bill but had not received significant attention until this year. Like other programs announced by the USDA to provide resources for heirs' property owners, the program announcement has been received with much fanfare and excitement. However, questions remain as to how the program will be fully implemented.

Earlier this year, the USDA had similarly announced Emergency Debt Relief for Farmers and Ranchers of Color as authorized under Section 1005 of the American Rescue Plan (USDA, 2021). Unfortunately, this program's implementation has been stalled by a class action lawsuit challenging the constitutionality of the program. Thus, the USDA's effort to address long-standing practices of perceived and actual race-based discrimination against Black farmers and ranchers was met with legal challenges it has not yet overcome.

The history of disparate outcomes for Black farmers and landowners has been documented numerous times. In 1910, the zenith of Black landownership, 218,000 Black farmers owned 15 million acres of land. Unfortunately, by 1992, only 18,000 Black farmers remained, who owned 2.3 million acres of land. These harrowing numbers reflect a 90 percent decline in both Black farmers and Black-owned land. The 2012 Census of Agriculture documented 36,382 Black-owned farms, but the 2017

Census of Agriculture reported only 35,470 Black-owned farms, representing a three percent decline in Black farm ownership over the five-year period (USDA NASS, 2017). Thus, it appears that Black farm ownership remains in jeopardy as the loss of Black-owned farmland continues into the modern era (NBC News, 2021).

For over fifty years, the Federation of Southern Cooperatives/Land Assistance Fund (“Federation”) has been a leader in addressing the needs of rural Black landowners. Based on decades of technical assistance and direct services to Black landowners, the Federation’s expertise has been on the vanguard of identifying policy interventions to improve rural landownership and wealth preservation. One such effort was leading the efforts to research the causes and scope of Black land loss.

In 1980, Congress commissioned a study by the Emergency Land Fund, which later merged with the Federation of Southern Cooperatives. The results of the study were revealed in the report “The Impact of Heir Property on Black Land Tenure in the Southeastern Region of the United States.” The report helped uplift the significant role heirs’ property plays in Black-owned land ownership and the corresponding risk of loss created by this unstable land ownership status. In addition to outlining the study’s findings, the Emergency Land Fund (1980) lays out the foundation for ongoing research and policy advocacy to overturn the role of heirs’ property in Black land loss. For decades, the 19 critical policy recommendations outlined significantly influenced local and federal policy (Emergency Land Fund, 1980). Despite the groundbreaking research and insightful recommendations, Black land loss continued virtually unabated.

In 2018, the Federation conducted a follow-up research project, “Land Loss Trends Among Socially Disadvantaged Farmers and Ranchers in the Black Belt Region,” to evaluate the scope of this trend and make research-based policy recommendations for the 2018 Farm Bill. In part resulting from the advocacy efforts arising from those recommendations, the 2018 Farm Bill acknowledged and authorized groundbreaking solutions for two of the biggest challenges heirs’ property owners face in their attempts to make productive agricultural use and preserve their landownership.

Section 3101 of the 2018 Farm Bill outlined the above-referenced Heir Property Relending Program to resolve ownership and succession on farmland. This section provided financial assistance for heirs’ property owners in their efforts to retain their land. In addition, Section 12615 outlined increased eligibility for operators on heirs’ property land to obtain a farm number (USDA, 2021b). The former program is beyond the scope of this research project as implementation has not yet been fully realized; however, the second formed the basis for this research effort. Section 12615 purported to expand eligibility requirements, thereby allowing heirs’ property owners to obtain farm numbers and all the accompanying USDA program and service benefits more readily. This study sought to evaluate the scope of its implementation, if any, by USDA and its subsidiary agencies for heirs’ property owners seeking farm numbers. Further,

the purpose of the study was to determine whether heirs' property owners were aware of the more favorable documentation requirements they could provide to avail themselves under Section 12615 to secure farm numbers and any corresponding role this played in improving their access to USDA programs and services to preserve their land ownership.

### Objectives

The key objectives of this study were twofold. First, researchers sought to identify 50 heirs' property owners who owned land in one of four Black Belt states: Alabama, Georgia, Mississippi, and South Carolina. Once potential participants were identified, the study sought to evaluate their knowledge of heirs' property owners' improved eligibility for farm numbers due to less burdensome documentation requirements at their local Farm Service Agency (FSA), thereby enhancing access USDA programs and services. Correspondingly, researchers sought to evaluate their experiences, as heirs' property owners, with their local USDA while attempting to secure a farm number or other programs and services.

Second, based on any survey data, researchers sought to identify gaps in the implementation of Section 12615 and ongoing needs identified by heirs' property owners. Upon analysis of these gaps and needs, researchers sought to make policy recommendations (Improving Program Management in the Federal Government, 2015), for Farm Bill 2023 that would eliminate these barriers to heirs' property owners' successful engagement of USDA programs and services to make profitable use of and preserve their land.

### Purpose of the Study

The purpose of this study was to evaluate the implementation of Section 12615 Eligibility for Operators on Heirs Property Land to Obtain a Farm Number of the 2018 Farm Bill. More specifically, the goal was to make research-based policy recommendations based on the current shortcomings in the implementation of Section 12615 that continued to facilitate heirs' property land loss.

### Key Research Questions

The key research questions this study sought to answer were: (1) What efforts, if any, have been made by the USDA to educate heirs' property owners about their improved eligibility for farm numbers under the 2018 Farm Bill? and (2) What policy improvements could be made in Farm Bill 2023 that would mitigate gaps in implementation of Section 12615, increase heirs' property owners' access to USDA programs and services, and address their ongoing needs to preserve their land?

## **Research Methodology**

### Data Collection

The research methodology employed under this study were primarily ethnographic and consisted of a roundtable discussion with relevant service providers and 19 in-depth interviews of heirs' property owners in the four southeastern states of Alabama, Georgia, Mississippi, and South Carolina.

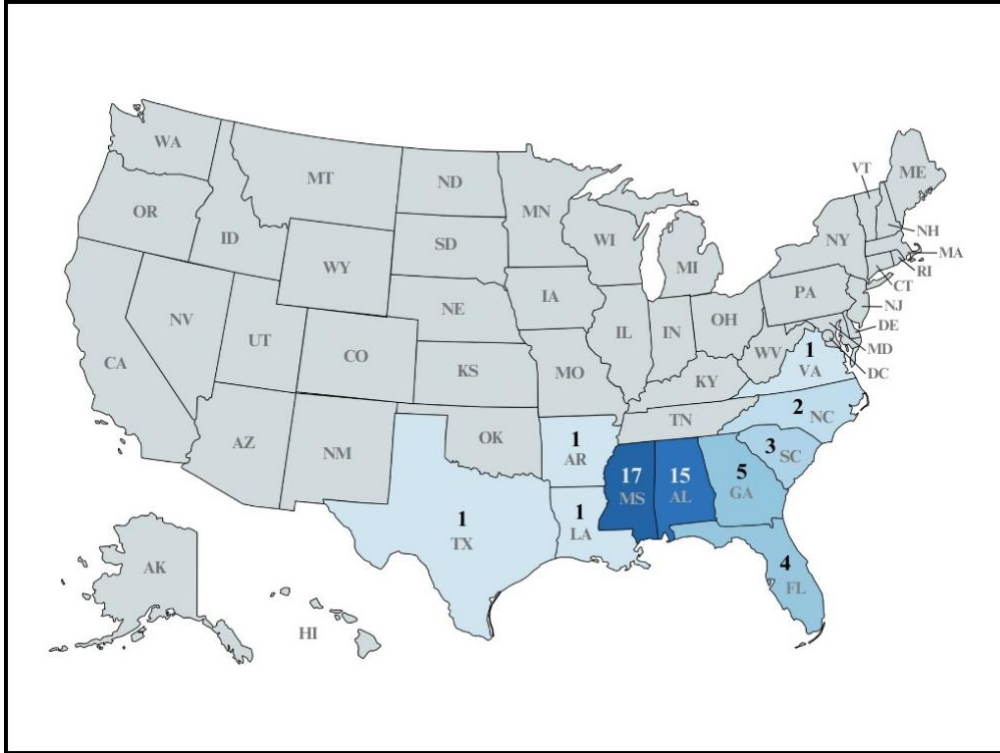
Beginning in September 2020, researchers recruited 100 heirs' property owners to participate in the in-depth survey interviews. Initial recruitment methods relied heavily on the Federation's existing relationships with participants in the Forward 2021 Heir Property Conference held in December 2020. In June 2021, the Federation's three law student interns from Southern University Law Center contacted each of the 100 heirs' property owners by phone and/or email. At that stage of recruitment efforts, 22 of the identified heirs' property owners declined further participation.

As the recruitment strategy unfolded, researchers made the decision that recruited heirs' property participants may have been confused about the role of the legal interns in the research study. Thus, to preserve the integrity of both the ongoing relationships the legal interns had developed with the identified heirs' property owners and the research, researchers identified a research intern who was not an employee or legal intern of the Federation. At this stage, the research intern, a Ph.D. candidate from the University of California-Santa Cruz, was enlisted to complete participant recruitment and the interviews.

The research intern contacted 78 heirs' property owners, but only five of the originally identified heirs' property owners were willing to be interviewed for this research project. The research intern worked with the Federation's state directors and outreach staff to send a recruitment email to the Federation's membership and stakeholders. In response to the recruitment email, 15 additional participants agreed to be interviewed for this research project. As a result, the research intern conducted a total of 20 in-depth survey interviews of heirs' property owners.

### Data Analysis

The survey consisted of both quantitative and qualitative data. The purpose of the quantitative data was to quantify the scope of the heirs' property relative to the survey respondents. The quantitative data included the heirs' property location by state, heirs' property acquisition year, total heirs' property acreage, total number of heirs, and farm number status. The purpose of the qualitative data was to get more comprehensive information about their experiences, challenges, and ongoing needs from the heirs' property respondents' points of view.



**Figure 1. Participant Heirs' Property Location by State**

Mississippi was the most heavily represented state: seventeen respondents owned heirs' property in Mississippi. Fifteen participants owned heirs' property in Alabama, and five participants owned heirs' property in Georgia. Five participants owned property in Georgia, four in Florida, three owned heirs' property in South Carolina, and two owned heirs' property in North Carolina. Only one respondent owned heirs' property in Arkansas, Louisiana, Texas, and Virginia.

#### Heirs' Property Acquisition Year

In response to the question, "When was this property acquired by your family?" researchers found a wide range of years, from as early as 1800 to as recently as the early 2000s. (See Appendix D for more details.)

#### Heirs' Property Total Acreage

Respondents' properties varied significantly in size. The smallest parcel reported was ½ acres, and the largest parcel reported was 450 acres. Three of the heirs' property respondents were not sure or did not know how many acres of heirs' property their

family-owned. Of the participants who responded to this question, the average total heirs' property acreage represented by this study was 99 acres.

#### Total Number of Heirs

The heirs' property survey respondents also reported significant variety in the total number of heirs. The lowest number of heirs was 2, and the highest number was slightly over 300. 6 of the heirs' property respondents were unsure or did not know how many owned their family's heirs' property. Of the participants who responded to this question, the average total number of heirs per parcel of heirs' property represented by this study was 50 heirs.

#### Heirs' Property Management

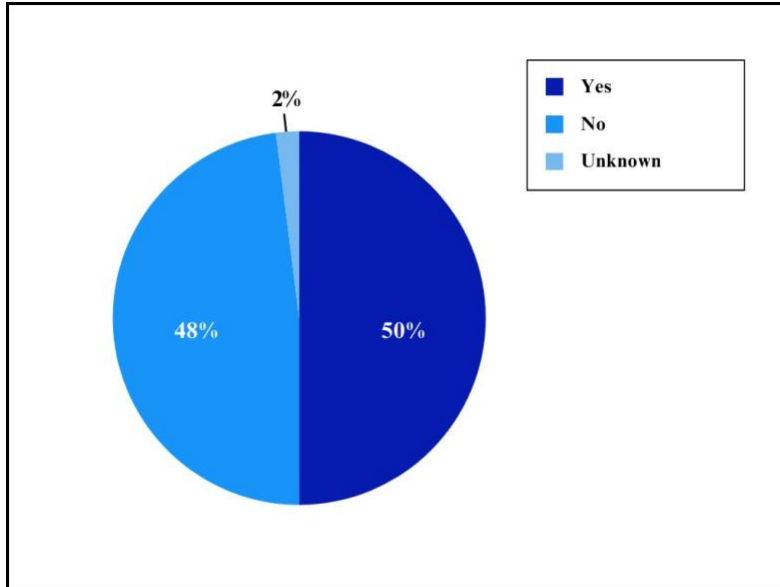
Heirs' property management is an area of inquiry seeking information about the number of heirs actively involved in managing the heirs' property. Researchers asked respondents whether their heirs' property had a farm number. To understand the heirs' property management challenges participants faced, researchers asked the qualitative question, "What problems are facing heirs' property owners in your state?"

#### Number of Heirs Actively Involved in the Management of the Heir Property

The heirs' property respondents reported that at least a minimum of 10 heirs were actively engaged in managing the heir's property. One respondent stated none of the heirs were actively engaged in heir property management.

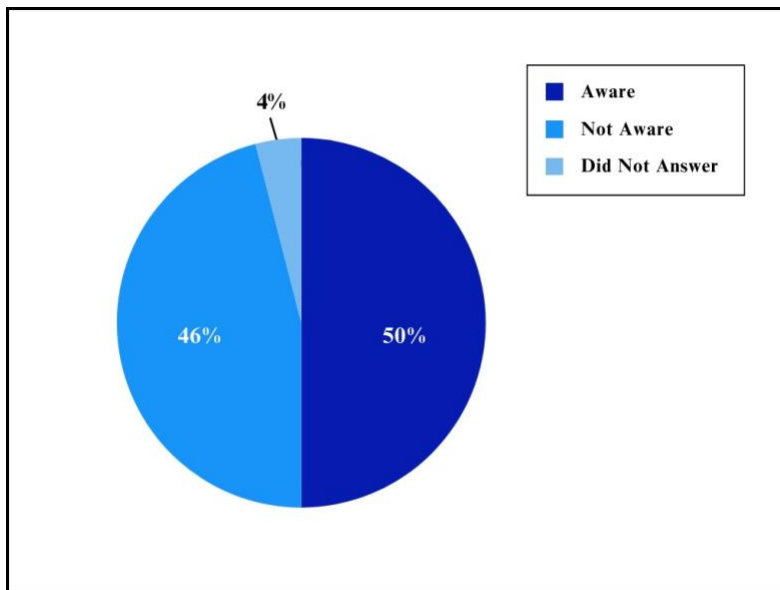
#### Farm Number

48 percent or 24 of the heirs' property-owning participants reported that they did not have a farm number. One respondent further advised, "We never got a farm number," even though the heirs had applied for one. 50 percent or 25 of the heirs' property owners we surveyed reported that their land had a farm number.



**Figure 2. Participant Farm Number Status**  
Section 12615 of the 2018 Farm Bill Awareness

50 percent or 25 of the participants reported knowledge of Section 12615. A small number of participants attributed their awareness of Section 12615 to education and outreach from the Federation. 4 percent or 2 of the participants declined to answer any questions about their knowledge or awareness of Section 12615. The remaining 23 participants, or 46 percent, were unaware of Section 12615 or any heirs' property policies in the 2018 Farm Bill.



**Figure 3. Participants' Awareness of Section of the Farm Bill**

## Discussion

### Key Findings

One key finding of this study was that most heirs' property owners reported being unaware of Section 12615. 50 percent of the survey participants said they were unaware of Section 12615 or any heirs' property policy in the 2018 Farm Bill. This corroborates information obtained during the roundtable stakeholder discussion, suggesting that the heirs' property provisions under the 2018 Farm Bill have not yet been fully implemented. Through follow-up discussions with USDA representatives, there appears to only be a single fact sheet related to the implementation of Section 12615. The fact sheet, "Guidance for Heirs' Property Operators Participating in Farm Service Agency (FSA) Programs," was not published until 2020 – two years after the Farm Bill authorizing Section 12615 was passed. This document is a valuable tool, yet its publication highlights a considerable delay in the implementation of Section 12615.

The second key finding which, unlike the previously discussed finding was quite unexpected, was the considerable number of heirs' property owners that had farm numbers prior to the implementation of section 12615. Among those surveyed, 50 percent reported that they had a farm number for their heirs' property. This suggests that securing a farm number amongst heirs' property owners may have been more common than originally believed before the passage of 12615. Unfortunately, it did not always follow that having a farm number increased or even improved heirs' property owners' experiences with or understanding of USDA's programs and services.

The third key finding was that heirs' property-owning participants of this study revealed that many critical challenges to maintaining heirs' property continue to persist. Even some of the most reprehensible and illegal actions of land theft have endured into the modern era. One respondent cautioned that attempts to steal land through falsified and illegal practices continue to threaten heirs' property owners' maintenance of their land. The participant shared that her neighbor filed "false documents of deeds claiming ownership of several parts of her property" (Calderon, August 2021).

Despite her best efforts to retain legal assistance to mitigate this attempt to deprive her of her land ownership, the neighbor relentlessly filed falsified documents at the county courthouse five times over the past few years. In her responsible management of her property, she discovered that her neighbor not only filed documents with the court, but also brought fraudulent documents to the local FSA and was able to change her farm number to his farm number.

Similarly, another participant reported that identifying the family's total heirs' property acreage was challenging because "the information is not accurate on the deeds...records on file were "altered" at the probate office because information found



online is inaccurate” (Calderon, August 2021). In other words, it appears that incorrect and, in some instances, illegal documents continue to threaten heirs’ property owners land ownership. At best, there are harmful errors occurring in some cases. At worst, there are ongoing practices of attempts to dispossess heirs’ property owners of their land, which is eerily reminiscent of the tactics employed at the turn of the century which resulted in substantial Black land loss due to both legal and illegal land theft schemes.

Due to the continuing threats to their land retention and ongoing needs they face, heirs’ property owners remain a vulnerable landowner population and their land remains susceptible to loss. Despite the challenges they face, most of the participants remained determined to preserve their heirs’ property. One participant shared:

I think it's promising because more attention is now being brought to it. So many heirs have dispersed over the years. We are now more aware, especially across the south, so many descendants have moved away. But more heirs are now more aware of the value of their land today than before (Calderon, August 2021)

The admirable responsibility heirs’ property owners display toward being good stewards of their land deserves to be fully supported by policies and practices that mitigate their ongoing challenges. Responsive policies to these identified challenges and sound implementation of those policies will be important for heirs’ property management and preservation (Calderon, August 2021).

### Study Limitations

The two most significant limitations of the research were the small sample size and the significant number of heirs’ property respondents who refused to answer many of the research questions. With only 20 respondents, the analysis of responses cannot necessarily be extrapolated to all Black heirs’ property owners. Similarly, many of the survey participants were unwilling to answer many questions and, at times, entire sections of the survey. Thus, broader generalizations beyond the study group must be carefully considered and weighed against the benefits of the qualitative information obtained through the study participants.

It bears acknowledging the role of the recent surge in COVID-19 cases in limiting researchers to telephone interviews as opposed to in-person interviews. It is possible that this, among other things, affected both the sample size and responsiveness of the study participants. Likewise, the extended timeframe between initial recruitment and implementation of the survey interviews likely played a role in the large number of recruited heirs’ property owners opting out of the study.

## **Farm Bill 2023 Recommendations Based on Research Results**

The findings of this study form the basis of the overall policy recommendations which can be categorized as follows: (A) Education & Outreach, (B) Advocacy, (C) Financial Assistance for Heirs' Property Owners, and (D) USDA Professional Training.

### **A. Education & Outreach**

#### **Identified Challenge**

Many heirs' property participants reported lack of information or assistance as a barrier to making the most productive use of their land.

Participants frequently expressed distress about the limited accessible information they felt they had for preserving their heirs' property. One participant expressed an expectation that USDA address this gap, stating, "I'm hoping that we will have more information about heir property and how we can work with the USDA to help us. The USDA needs to give out more details of heir property. So we will know how it works and what we need to do so we won't be lost." The persistence of this need being expressed suggests that heirs' property owners continue to need outreach, technical assistance, and support to maintain their land.

**Recommendation 1:** Fully fund and implement Section 1006 of the American Rescue Plan to ensure heirs' property owners receive high-quality education and technical assistance from community-based organizations (CBOs) with proven track records of assisting heirs' property owners and their communities.

### **B. Advocacy**

#### **Identified Challenge**

Only two of the participating heirs' property owners were aware of the changes to their eligibility for farm numbers authorized under Section 12615 of the 2018 Farm Bill.

One heirs' property respondent advised that although the heirs had applied, they were having difficulty securing a farm number. The participant expressed that they "would appreciate it if" someone would help to obtain a farm number. This was echoed by another participant who reported, "someone at the USDA told [me I need] to have a deed demonstrating that [I have] ownership of the property. So they won't speak to [me] or offer any help." A third heirs' property owner stated, "People should be given some type of assistance with the USDA in general. Second, the USDA should help you establish a farm number. So it's like a two-part step process" (Calderon, August 2021).

In line with the second key finding, these statements suggest that the intention of making securing a farm number by heirs' property owners less burdensome has

either not been effectively implemented or requires additional efforts to help realize this aim.

**Recommendation 2:** Fully implement Section 12615, ensure all USDA agents proactively aid heirs' property owners seeking farm numbers and use these interactions between heirs' property owners and USDA agents as opportunities to educate heirs' property owners on the broad variety of programs and services to which a farm number grants eligibility.

**Identified Challenge:** Heirs' property owner participants who worked with Natural Resource Conservation Service (NRCS) had predominantly favorable experiences; however, participants who were actively engaged in agricultural production or those expressing an interest in active engagement in agricultural production, identified significantly negative experiences with local Farm Service Agents (FSA) agents.

When asked about experiences with USDA, we received many favorable examples. For example, one participant was highly impressed with their local USDA office, the participant shared, "We received assistance from the USDA this year about two-three weeks ago. [USDA] really did go above and beyond. They showed us what we needed." Unfortunately, another respondent advised that the only favorable experiences were with NRCS. Likewise, another participant spoke highly of NRCS, stating, "The fencing program and everything NRCS offers [is favorable]. We just talked to NRCS last week and they cooperated" (Calderon, August 2021).

**Table 1. Documents Required to Grant Heirs' Property Owners Farm Numbers Under Section 12615 of the 2018 Farm Bill**

<p><b>Required Documents in States Where Uniform Partition of Heirs Property Act (UPHPA) Has Been Enacted or Adopted</b></p>	<p><b>Required Documents in States Where Uniform Partition of Heirs Property Act (UPHPA) Has Not Been Enacted or Adopted</b></p>
<p>A court order verifying the land meets the definition of heirs' property as defined in the UPHPA.</p> <p style="text-align: center;">OR</p> <p>A certification from the local recorder of deeds that the recorded owner of the land is deceased and not less than one heir of the recorded owner of the land has initiated a procedure to retitle the land in the name of the rightful heir.</p>	<p>A fully executed, unrecorded tenancy-in-common agreement that sets out ownership rights and responsibilities among all of the owners of the land that:</p> <ul style="list-style-type: none"> <li>• Has been approved by a majority of the ownership interests in that property,</li> <li>• Has given a particular owner the right to manage and control any portion or all of the land for purposes of operation a farm or ranch and was validly entered into under the authority of the jurisdiction in which the land is located,</li> <li>• The tax return of a farm operator farming a property with undivided interests for each of the five years preceding the date on which the farm operator submits the tax returns as eligible documentation,</li> <li>• Self-certification that the farm operator has control of the land for purposes of operating a farm or ranch,</li> <li>• Any other alternative forms of eligible documentation that a farm operator may provide as identified by the Secretary.</li> </ul>

In contrast, other participants expressed frustration with interacting with local FSA agents. One participant disclosed that she observed her white neighbors having more ease navigating their local FSA office in comparison to her and her neighbors of color, she shared:

I would watch the traffic, white people were always picking up checks [from the office]. Two other people [of color] were there for the same thing like me. We were all trying to figure out the process to obtain a farm number from the USDA. White people were picking up checks and they knew the process. But..us...farmers of color ...the process is more difficult. And the USDA keeps saying they only take a number of applications per year? It's negative and discouraging.

Similarly, another heirs' property owner advised, "I started to file a discrimination lawsuit, and the only thing that made me stop was that I didn't want a bad reputation because I wanted to apply for other services."

While it is encouraging that many participants reported positive experiences with USDA, it is apparent that there are lingering challenges that Black heirs' property owners face which some of them attribute to discrimination. The favorable experiences

with NRCS appear to be a potential model for improving Black heirs' property owners' experiences with their local FSA offices.

**Recommendation 3:** Re-configure FSA local program implementation to more closely reflect NRCS local program implementation including, but not limited to, complete overhaul or elimination of County Committees to profoundly improve the way FSA functions at the local level.

### **C. Financial Assistance for Heirs' Property Owners**

**Identified Challenge:** Most of the heirs' property owner participants in this research identified access to capital or funding as a barrier to their highest and most productive use of their heirs' property.

Most heirs' property participants advised that financing remains a significant challenge for managing and maintaining their heirs' property. One respondent advised that financing was the biggest challenge because, "There is no trustee or overseer established for heir property which makes it hard to obtain a loan or grant for heir property owners." Similarly, another respondent reported that in order to successfully maintain heirs' property, "We need to get funded." In one family, the cost of retaining an attorney for the entirety of resolving their title issue created a significant challenge in managing their heirs' property:

We don't know about legal stuff (right away upfront) so I hired an attorney to take care of it. One week prior to court, he dropped the case. He told me I had no standing, so he did not take it to court. [I] spent over \$5,000 in legal fees...Some days later, he returned to [me] with some documents to sign. Expecting all heirs to sign a document attached with [the] original deed to file in the county. The lawyer told [me] he needed all 80 signatures from each heirs. This would take a while to accomplish.

Likewise, another heirs' property participant advised their family's biggest challenge was "securing the loan for actively farming the property and generating an heir to secure the loan because they are not the complete owners." Thus, in addition to technical assistance and farm numbers, heirs' property owners continue to need assistance to position themselves for financing to make their property profitable and sustainable.

Most of the heirs' property participants were not aware of the HPRP, but one that was advised, "There needs to be a guide on how to go through [the Heir Property Relending Program]." The HPRP appears to be a possible source of funding to resolve

the precursor legal issues that often prevent heirs from being able to secure adequate financing.

**Recommendation 4:** Fully implement the Heirs Property Relending Program to ensure Heirs' Property owners adequate financial support to resolve estate and title issues which undermine productivity and land wealth preservation.

#### **D. USDA Professional Training**

**Identified Challenge:** Most of the heirs' property respondents who reported favorable experiences with NRCS or other USDA agents identified technical assistance from trusted CBOs as a bridge to improving their understanding of and access to USDA programs. Several of the participants praised CBOs that provided them education and technical assistance as heirs' property owners. One participant stated:

Heir property owners will have trouble if they do not align themselves with the right organization like the Federation. Suppose they continue to build up for the right legislation to be passed and allow for mediation; maybe good things could come out of this.

Another participant went further to say, "It took the efforts of the Federation to help many Black farmers to work with the USDA." Finally, yet another participant advised that despite the challenges they face as heirs' property owners, "The Federation does offer guidance and assistance with those of heir property concerns." Thus, it appears that the stronger an individual's connection to a CBO, the more likely they were to feel that they could adequately access the USDA programs and services they need to preserve their heirs' property.

**Recommendation 5:** Invite CBO leaders with proven track record of technical assistance to heirs' property owners to participate in state USDA professional trainings on implementation of programs impacting heirs' property owners to ensure cross-pollination and effective collaborative work relationships across USDA and CBOs. This will optimize heirs' property owners' access to information and effective assistance from both USDA and CBOs

#### **Conclusion**

Each new policy oriented towards assisting heirs' property owners adds much needed institutional support to prevent heirs' property land loss. However, the efficient and effective implementation of these policies is equally as important as their passage. It is apparent from the roundtable discussion and the 20 interviews with heirs' property owners, that USDA has not yet fully implemented Section 12615 nor used its passage as an opportunity to continue to educate and support heirs' property owners. As a

result, it is imperative that existing beneficial policies be fully implemented to restore heirs' property owners' trust in and use of USDA's programs and services. Section 12615 of the 2018 Farm Bill purported to increase access to USDA programs and services for heirs' property owners by making it less difficult to obtain a farm number. More explicitly, the legislation outlined additional documentation heirs' property owners could produce to mitigate the challenges heirs' property owners faced in their attempts to secure farm numbers. The rationale was that increasing eligibility for farm numbers would thereby increase heirs' property owners' access to USDA's programs and services. However, most of the participants in this study already had farm numbers despite being unaware of the policies affecting heirs' property owners introduced in the 2018 Farm Bill. Thus, even robust implementation of Section 12615, while necessary, is insufficient to meet all the ongoing needs of heirs' property owners.

Addressing the heirs' property issues continues to require a comprehensive network of supportive policies to address heirs' property owners' ongoing needs for capital, legal services, outreach, and technical assistance. The 2023 Farm Bill could be a pivotal piece of legislation for ensuring that each of these needs are acknowledged and addressed.

Researchers submit for consideration three lessons learned from this study that should guide the development of heirs' property sections in the 2023 Farm Bill. First, supporting the organizations that support heirs' property owners is of critical importance. These organizations can leverage their trusted relationships to enhance implementation of USDA programs. CBOs continue to serve as the vital link between policy and impact.

Second, USDA must uplift the best practices from subagencies such as NRCS which study participants overwhelmingly shared improved their overall experience with and opinion of the USDA programs. With perceived discrimination and ongoing illegal actions by private parties who file fraudulent documents with the court undermining heirs' property owners' faith in the integrity of our public institutions, it is more important than ever to look at the public institutions that are effectively serving heirs' property owners. The more we can make the subagencies of USDA reflect and reinforce best practices, the stronger their interactions with USDA and correlated land retention efforts will be.

Third, and arguably most importantly, access to capital for heirs' property owners through groundbreaking programs such as the HPRP stand to revolutionize the options available to heirs' property owners to finally afford the necessary supportive services that can stabilize their land tenure. It is vital that CBOs with proven track records of successful impacts with these landowners play a role in the full

implementation of these programs so heirs' property owners can have genuine access to capital. Heirs' property owners are already making significant strides to responsibly steward their land. Now is the time to invest in their efforts, reverse their land loss, and create more stable and equitable land wealth in our rural communities.

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## **Appendix A. Sample Recruitment Email**

Hello Cooperative Members and Friends,  
I am contacting you to inquire about information via phone interview on Black farmers and any individual with Heir property in the Southeast. This email is to inform you that I will be making phone calls to all willing participants.

Please see the attachment below for details.

If you have any urgent questions or concerns, feel free to contact the MAC office at (601) 944-0599.

I look forward to speaking with you soon.

Sincerely  
Elsa Calderon

## Appendix B. Sample Recruitment Federation Staff Letter of Support



### MISSISSIPPI ASSOCIATION OF COOPERATIVES

*A State Association of the Federation of Southern Cooperatives/Land Assistance Fund*

233 E. Hamilton Street

Jackson, Mississippi 39202

Office: (601) 944-0592 • Fax: (601) 944-0617

MAC39202@gmail.com

#### MAILING ADDRESS

P.O. Box 22786

Jackson, MS 39225-2786

August 5, 2021

To Cooperative Members and Friends,

I am writing to you to request your participation in a brief survey.

Elsa Calderon is our summer intern visiting with us from the Federation of Southern Cooperatives/Land Assistance Fund. Ms. Calderon's duties entail calling farmers and cooperative members to conduct brief surveys and interviews.

The title of this study is called:

***Closing the Equity and Inclusion Gap: An Analysis of the Implementation of Heirs' Policy in the 2018 Farm Bill and Its Impact on Increasing Eligibility and Fair Access to USDA Programs Among Socially Disadvantaged Farmer and Ranchers***

She will be using the MAC Office phone number (601)944-0599, as well as her personal cell phone number (917) 373-2495. Your responses to this survey will help us in evaluating Heir Property owners' access and the data will be used to make policy recommendations to USDA Programs.

Thank you very much for your time and cooperation.

Cooperatively Yours,

Darnella Winston

Mississippi Association of Cooperatives

## Appendix C. Interview Guide

### Interview Guide

**Date:**

**Identification # of Code Name:**

**Time of Interview:**

**Location of Interview:**

**Interview Conducted by:**

### Preliminary Heir Property Ownership Questions

1. Where is your property located?
2. When was this property acquired by your family?
3. How many acres of heir property does your family own?
4. What is the total number of heirs?
5. How many heirs actively participate in managing the property (e.g. living on the land, paying taxes)?
6. Could you please describe your involvement with the property?
7. Do you, or any heirs, farm the land full time?
8. Do you, or any heirs, farm the land part time?
9. Do you have a farm number?
10. Do you have a farm operator?
11. Please describe your farming operation.
12. What is your annual farm revenue?
13. Do you have a court order verifying the land meets the definition of heirs' property?
14. Do you have certification from the local recorder of deeds that the recorded owner of the land is deceased and at least 1 heir has initiated a procedure to retitle the land?
15. What problems are facing Heir Property owners in your state? How can these problems be solved?
  - Are you aware of any attempts made to purchase or acquire any ownership interests from non-heirs?
  - If yes, was this interest expressed by an individual?
  - If yes, was this interest expressed on behalf of a corporation?

### Perceptions of USDA Programs Among Heirs Property Owners

1. Have you, or any of the other heirs, applied for any USDA programs since 2018?
  - If yes, which ones?
  - If not, why not?
2. If you have applied for or participated in USDA programs/services, have they helped prevent the loss of your heirs' property?

- Please describe any positive/good experiences you have had when participating in USDA programs/services since 2018 (e.g., approved applications, helpful outreach/workshops) as an Heir Property owner.
- Please describe any negative/bad experiences you have had with participating in USDA programs/services since 2018 (e.g., denied applications, unhelpful outreach/workshops, etc.) as an Heir Property owner.

### **Perceptions of Heirs Policy in 2018 Farm Bill**

1. Are you aware of any Heir Property policies in the 2018 Farm Bill?
2. How did you learn about Heir Property policies in the 2018 Farm Bill?
3. Do you feel like you understand how to access USDA programs and services for Heir Property owners?
4. What assistance do you need to access USDA programs and services for Heir Property owners?
5. What do you think the future holds for Heir Property owners?

**Appendix D. Table of Participant Select Heirs' Property Attributes**

<b>State in which Heirs' Property is Located</b>		
<b>Year Heirs' Property Acquired</b>	<b>Total Heirs' Property Acres</b>	<b>Total Number of Heirs</b>
<b>Alabama</b>		
1800s	—	60
1903	93	80
1930s	109	12
1940	103	27
—	28	—
—	—	23
—	3	15
1900s	140	30
1929	126	50
1800s	3	15
1800s	300	50
1985	200	—
1910	40	—
1920s	109	6
1947	8	3

<b>State in which Heirs' Property is Located</b>		
<b>Year Heirs' Property Acquired</b>	<b>Total Heirs' Property Acres</b>	<b>Total Number of Heirs</b>
<b>Arkansas</b>		
1940s	55	100
<b>Florida</b>		
1919	34	9
—	0.5	2
1904	40	7
1919	34	13
<b>Georgia</b>		
1800s	104	35
1950s	183	—
1960s	109	200+
1990	50	5
—	200	4
<b>Louisiana</b>		
1868	40	5

State in which Heirs' Property is Located		
Year Heirs' Property Acquired	Total Heirs' Property Acres	Total Number of Heirs
<b>Mississippi</b>		
1950s	83	6
1800s	200	—
1800s	100	30
1950	12	4
1940s	—	10
1950s	83	6
1957	50	25
1994	10	6
—	215	25
1900s	350	75
2004	68	2
1915	450	25
1950	83	6
1800s	105	40
1941	106	6
1900s	100	10
1800s	120	12

<b>State in which Heirs' Property is Located</b>		
<b>Year Heirs' Property Acquired</b>	<b>Total Heirs' Property Acres</b>	<b>Total Number of Heirs</b>
<b>North Carolina</b>		
1900s	52	50
1800s	75	9
<b>South Carolina</b>		
1800s	37	300
1924	6.5	200
1930s	18	100
<b>Texas</b>		
1899	100	50
<b>Virginia</b>		
1980s	42	—