



# HEIRS' PROPERTY IN THE SOUTH

## FOSTERING STABLE OWNERSHIP TO PREVENT LAND LOSS AND ABANDONMENT

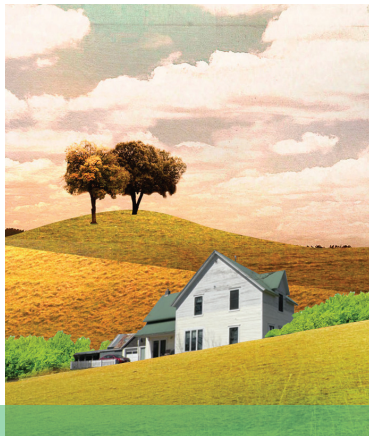
**JUNE 15, 2017**

Federal Reserve Bank of Atlanta



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BANK  
of ATLANTA





**JUNE 15, 2017**

Federal Reserve Bank of Atlanta  
1000 Peachtree Street N.E., Atlanta, GA 30309  
Redbud/Magnolia Conference Room

## Agenda

**8:00 a.m. Registration, breakfast, and networking**

**8:30 Welcome**

**Raphael Bostic**, President and Chief Executive Officer, Federal Reserve Bank of Atlanta

**Monica Schwalbach**, Assistant Director, Southern Research Station, U.S. Department of Agriculture (USDA) Forest Service

**8:40 Introduction**

**Ann Carpenter**, Senior Community and Economic Development Adviser, Federal Reserve Bank of Atlanta

**8:45 Keynote**

**Heirs' Property Ownership: Moving from Seemingly Intractable Problems to Workable Solutions**

**Thomas Mitchell**, Professor, Texas A&M University School of Law

**9:15 Panel 1: Estimations of Heirs' Property in the South**

**Estimates of African American Heirs' Property in Black Belt South**

**Conner Bailey**, Professor Emeritus, Auburn University

**Identifying Heirs' Property through CAMA Data**

**Scott Pippin**, Public Service Faculty, University of Georgia Carl Vinson Institute of Government

**Heirs' Property at the Micro, County, Level: An Example Using a New Deal African American Resettlement Program**

**Robert Zabawa**, Professor, Tuskegee University

**10:15 Break**

**10:30 Panel 2: In-Depth Investigations of Heirs' Property Owners**

**Sustainable Forestry and African American Land Retention Program**

**John Schelhas**, Research Forester, USDA Forest Service

**Alan McGregor**, Vice President for Communities, U.S. Endowment for Forestry and Communities

**Heirs' Property and Persistent Poverty in Appalachia**

**Brady Deaton**, Professor, University of Guelph

**Heirs' Property and Housing Vulnerability**

**Cassandra Johnson Gaither**, Research Social Scientist, USDA Forest Service

**11:30 Networking lunch**

**12:15 p.m. Panel 3: Perspectives from the Field: Direct Service Providers**

**Resolving Heirs' Property in Coastal South Carolina**  
*Jennie Stephens*, Executive Director, Center for Heirs' Property Preservation

**Georgia Heirs Property Law Center: State Wide Resources for Rural and Urban Property Owners, Municipalities, and Nonprofits**  
*Skipper StipeMaas*, Executive Director, Georgia Heirs Property Law Center

**Heirs' Property Complications after Natural Disasters: Baton Rouge and New Orleans**  
*Christy Kane*, Executive Director, Louisiana Appleseed

**Fractionated Native American Land and Solutions**  
*Cris Stainbrook*, President, Indian Land Tenure Foundation

**1:30 Networking break**

**1:45 Panel 4: Heirs' Property as a Non-Rural Phenomenon**

**Community Solutions for Building the Westside: Collaborative Development of Infrastructure and Human Capacity**  
*Christian Braneon*, Chief Civil Engineer, Hummingbird Firm

**Impacts of Heirs' Property on Urban Communities**  
*Craig Baab*, Lawyer, Montgomery, Alabama

**Heirs' Property and the Enforcement of Property Maintenance Codes in Memphis**  
*Steve Barlow*, President, Neighborhood Preservation Inc.

**From Cities to Colonias: Strategies to Stop the Regeneration of Heirs' Property**  
*Heather Way*, Clinical Professor, University of Texas School of Law

**3:00 Wrap-Up Conversation: Setting a Research and Policy Agenda**

*Sara Toering*, General Counsel, Center for Community Progress

**3:30 Adjournment**

## Speaker Biographies



**Craig Baab** just concluded 11 years as senior fellow with Alabama Appleseed, where he advocated policy reforms in response to Hurricane Katrina, particularly for heirs' property owners. He appeared before the U.S. House of Representatives Finance Subcommittee calling for more post-Katrina housing funding. He was intimately involved in drafting the Uniform Partition of Heirs Property Act and facilitated its approval by the American Bar Association (ABA) and subsequently in Alabama. Most recently, he testified in support of the act before the Texas Senate. He has spoken and written on the importance of preserving heirs' property throughout Alabama and elsewhere, including speaking at national Rosenwald School conferences. He led Appleseed's advocacy to amend substantial portions of Alabama's regressive and racist 1901 Constitution, worked to improve recovery procedures after the BP oil spill, and initiated efforts to have Alabama begin to pay for civil legal aid in Alabama. His nonprofit legal career began with a 19-year tenure in the Governmental Affairs Office of the ABA. Baab served as chief of party for the Palestinian Judicial Reform Project in Ramallah and the Gaza Strip, senior adviser in the U.S. Agency for International Development's Bureau for Policy and Program Coordination, and general counsel and director of governmental affairs for the Armenian Assembly of America. He received his bachelor's in political science from Elmhurst College and his juris doctorate from American University's Washington College of Law.



**Conner Bailey** is professor emeritus of rural sociology in the College of Agriculture and adjunct professor emeritus in the School of Forestry and Wildlife Sciences at Auburn University. He has been involved in research on Alabama's demographically defined Black Belt counties since 1985, focusing on race, poverty, environmental justice, and regional dependence on natural resources. Research on the connection between timber dependency and poverty led him into research on heirs' property in 2005. He has received research excellence awards from the Southern Rural Sociological Association in 2005, the Natural Resources Research Group of the Rural Sociological Society in 2002, and the Rural Sociological Society itself in 2007. He also has received research awards from Auburn University, including the inaugural Diversity Research Award in 2008, and the Creative Research and Scholarship Award, the university's top research award, in 2013. Bailey also has won teaching awards at Auburn from the College of Engineering in 1994 and 1998 and the College of Agriculture in 2007. He served as president of the Rural Sociological Society from 2011 to 2012 and as chair of Auburn's University Faculty and Senate from 2005 to 2006. He currently is

working with Robert Zabawa of Tuskegee University on a USDA-AFRI funded research project on heirs' property. Bailey earned his PhD at Cornell University.



**Steve Barlow** is president of Neighborhood Preservation Inc., a nonprofit based in Memphis, Tennessee, that "clears the path to revitalized Memphis neighborhoods by resolving systemic causes of blighted properties." He is an attorney at Harkavy Shainberg Kaplan & Dunstan PLC, and a part-time staff attorney for the city of Memphis. Barlow has been involved in community organizing, legislative advocacy, and community development efforts in Memphis since 1995, and has led efforts for 10 years to use civil litigation in the Shelby County Environmental Court to hold negligent property owners accountable for property maintenance violations. He also coordinates the Memphis Blight Elimination Steering Team. Barlow is adjunct faculty at the University of Memphis Cecil C. Humphrey's School of Law where he codirects the Neighborhood Preservation Clinic. He is an advocate for creative, data-driven, neighborhood-based community revitalization. He is a Robert Wood Johnson Interdisciplinary Research Leaders Fellow, working on action-oriented research connecting improved housing conditions to improved health conditions in Memphis and Shelby County, Tennessee. In 2016, Barlow was named "Best of the Bar" for public service by the *Memphis Business Journal*.



**Raphael Bostic** is the president and chief executive officer of the Federal Reserve Bank of Atlanta. He is the former Bedrosian Chair in Governance and the Public Enterprise at the Sol Price School of Public Policy at the University of Southern California (USC). From 2009 to 2012, he served as assistant secretary for policy development and research at the U.S. Department of Housing and Urban Development. Previously, Bostic served as a professor in the School of Policy, Planning, and Development at USC. He worked at the Federal Reserve Board of Governors from 1995 to 2001, serving as an economist and then a senior economist in the monetary and financial studies section, where his work on the Community Reinvestment Act earned him a special achievement award. Bostic graduated from Harvard University in 1987 with a combined major in economics and psychology—disciplines he believes are intimately interrelated. After a brief stint in the private sector, Bostic earned his doctorate in economics from Stanford University in 1995. He serves as a board member of Freddie Mac, the Lincoln Institute of Land Policy, and Abode Communities. He is a fellow of the National Association of Public Administration, vice president of the Association

of Public Policy and Management, a member of the board of trustees of Enterprise Community Partners, and a research advisory board member of the Reinvestment Fund.



**Christian Braneon** is the chief civil engineer at the community engagement firm Hummingbird where he provides technical expertise with a specialty in green infrastructure and water. He was previously faculty at the Georgia Institute of Technology (Georgia Tech) where he served as the assistant director of the Center for Serve-Learn-

Sustain. In that position, Braneon developed and oversaw the process of incorporating service learning and community engagement into courses and cocurricular programs across campus, and established systems for partnering with nonprofit, industry, and government organizations in ways that are mutually beneficial for partners and the Georgia Tech community. Prior to joining Georgia Tech, he worked in the U.S. Environmental Protection Agency's (EPA) Region 4 Office of Environmental Justice and Sustainability. Braneon served as codirector of EPA's inaugural Environmental Justice Academy for community leaders and also led regional community engagement efforts associated with the Clean Power Plan in four states. Previously, he worked as an engineering consultant specializing in water resources engineering, climate change assessments, and sustainability. Braneon earned his bachelor's, master of science, and PhD degrees in civil engineering from Georgia Tech. He also earned a bachelor of science in applied physics from Morehouse College.



**Ann Carpenter** is a senior community and economic development adviser at the Federal Reserve Bank of Atlanta, specializing in housing and neighborhood revitalization. Her recent work includes studies on blight remediation and the loss of low-cost rental housing in the Southeast. Prior to joining the Atlanta Fed, Carpenter was

a senior research associate at the Georgia Tech Research Institute's Socio-Technical Systems Division. There, she specialized in the areas of sustainability, community resilience, and emergency management planning. Carpenter earned a bachelor's degree in architecture from the University of Michigan and master's and doctorate degrees in city and regional planning from Georgia Tech. She is a member of the American Institute of Certified Planners and a member of the Urban Land Institute's Center for Leadership Class of 2017.



**Brady Deaton** is the McCain Family Chair in Food Security in the Department of Food, Agricultural and Resource Economics at the University of Guelph in Ontario, Canada. Deaton's research focuses on land resources in food production, rural development, and environmental quality, with a focus on property rights and international

development analysis. His research also emphasizes the important

link between land use and rural development. He and his students have examined the relationships between land resources and economic development in rural regions of the United States, Canadian First Nations, Bangladesh, Sri Lanka, Pakistan, and Haiti. In 2010, he founded a podcast series called *FARE Talk*. The podcasts address important contemporary issues in food, agricultural, and resource economics and is available at <https://www.uoguelph.ca/fare/FARE-talk/index.html>.



**Cassandra Johnson Gaither** is a research social scientist with the Southern Research Station in Athens, Georgia. 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 it

relates to minority, lower-income groups, and immigrant access to outdoor recreation facilities. More recently, she has explored 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.



**Christy Kane** began her career as a class action litigator at Adams and Reese LLP in New Orleans. In 2007, she was named the ConocoPhillips/Adams and Reese LLP Fellow for Louisiana Appleseed, splitting her time between the nonprofit and her law practice. While in private practice, Kane won numerous pro bono

awards, including Adams and Reese's 2008 Pro Bono Volunteer of the Year. She was also named a CityBusiness Woman of the Year in 2007. In late 2008, after 11 years of practicing law at Adams and Reese, Kane left the firm to become Louisiana Appleseed's full-time executive director. She has a law degree from the George Washington University, and received her undergraduate degree from Loyola University. Kane is a member of the Louisiana State and Federal Bar Associations. She is a fellow of the Loyola Institute of Politics and the Louisiana Bar Foundation. Kane has served as co-chair of the FDIC Southeast Alliance for Economic Inclusion's Committee to Address Needs of the Unbanked and Underbanked. In 2010, she was awarded Volunteer Advocate of the Year by ASI Federal Credit Union's A Shared Initiative Inc. In 2011, the New Orleans Chapter of the Federal Bar Association awarded Kane the Camille Gravel Award for public service. In 2016, Supreme Court of Louisiana Chief Justice Bernette Johnson appointed Kane to the Access to Justice Commission, and she serves on the commission's committees on funding civil legal aid, language access, and *in forma pauperis*.



**Alan McGregor** is vice president for communities at the U.S. Endowment for Forestry and Communities, a national public foundation committed to keeping working forests as forests and building economically vibrant forest-related communities. He has worked for more than 35 years at the intersection of philanthropy and rural communities, leading such organizations as the Southern Rural Development Initiative, the Sapelo Foundation, and the Fund for Southern Communities. McGregor lives in Asheville, North Carolina, with his wife, Maggie Clancy.



**Thomas Mitchell** is a professor at Texas A&M University where he holds a joint appointment in the School of Law and in the Agricultural Economics Department. At Texas A&M School of Law, he codirects the Program in Real Estate and Community Development Law. He is a national expert on property issues facing poor and minority communities and he has published leading scholarly works addressing these matters. In terms of policy work, Mitchell served as the reporter (the principal drafter) for the Uniform Partition of Heirs Property Act (UPHPA), which was promulgated by the Uniform Law Commission in 2010. The UPHPA represents the most substantial legal reform effort in modern times to stabilize ownership of tenancy-in-common properties (commonly referred to as heirs' property), which are properties primarily owned by poor and minority families. The UPHPA has been enacted into law in 10 states thus far. Mitchell also has an extensive record of doing community engagement work and to this end he was one of 10 national recipients of the Elizabeth Hurlock Beckman Award in 2013 based upon his work mentoring law students who have then gone on to do critically important work as lawyers on behalf of disadvantaged communities. Mitchell is a graduate of Amherst College, the Howard University School of Law, and the University of Wisconsin Law School where he received a master of law and served as a William H. Hastie Fellow.



**Scott Pippin** is a member of the public service faculty at the University of Georgia's Carl Vinson Institute of Government in the Planning and Environmental Services Unit. He is an attorney with more than 10 years of experience working with local governments across the state on a wide variety of issues, including land use, property rights, economic development, urban revitalization, and community development. In addition to receiving his juris doctorate from the University of Georgia School of Law, he holds a master's degree from the university's College of Environment and Design where he studied sustainable urban and community development. Pippin continues to work with local government through strategic planning, training, and providing independent research on the value of implementing sustainable development practices.



**John Schelhas** is a research forester with the Southern Research Station of the USDA Forest Service. His research centers on relationships between people and forests. His primary research focus is private forest landowners and rural communities, addressing topics such as land use decision making, environmental values and discourse, forest-based rural development, race and ethnicity, relationships between protected areas and their neighbors, invasive plants, bioenergy, and climate change. He has conducted research in Latin America and the U.S. South. He holds a PhD in renewable natural resources with a minor in anthropology from the University of Arizona. He has worked as a researcher at Cornell University and the Smithsonian Migratory Bird Center, and has also worked for the U.S. National Park Service and served as a Peace Corps volunteer in Guatemala.



**Monica Schwalbach** serves as assistant director of the Southern Research Station of the U.S. Forest Service in Asheville, North Carolina. She has responsibility for planning, budgets, communications, legislative affairs, and tribal relations. Her prior experience includes serving as forest supervisor on the Wallowa Whitman National Forest in Oregon, deputy supervisor on the National Forests in North Carolina, and assistant director in the U.S. Forest Service office in Washington, DC. Schwalbach earned a bachelor of science from Cornell University and a master of science from South Dakota State University. She is familiar with land issues, and is a licensed real estate broker in North Carolina.

**Cris Stainbrook**, a Lakota, is president of the Indian Land Tenure Foundation (ILTF), which provides grants and services to Indian nations and individual Indian people focused on recovering land within reservation boundaries and off-reservation sacred sites to



Indian ownership and management. He is also chairman of the Indian Land Capital Company, a for-profit, CDFI subsidiary of ILTF and the Native American Community Development Corporation. Stainbrook has worked throughout Indian Country and on Indian land issues for more than 30 years. He also has an extensive background in philanthropy, having served as senior program officer and program director at Northwest Area Foundation and as a board member for the Grotto, St. Paul, and Minnesota community foundations. He is the immediate past president of the ACLU-Minnesota and the current chair of the Native Governance Center. He and his wife operate Heath Glen Farm and Kitchen in Forest Lake, Minnesota.



**Jennie Stephens** has served as executive director of the Center for Heirs' Property Preservation since its inception in 2005. She is responsible for overall strategic planning, revenue generation, financial management, organizational development, staff management, and program operations at the center. She has worked more

than 25 years in the nonprofit field in such positions as fiscal director at a community action agency, sponsored programs director at a historically black college, and senior program director at Coastal Community Foundation. She also has several years of experience in consulting as a program reviewer, strategic plan facilitator, and grants writer. More recently, Stephens had the pleasure of being a speaker at TedXCharleston with a talk titled, "Heirs Discover Money Does Grow on Trees," viewable at <https://youtu.be/TMeaii8csFY>. She earned a bachelor's degree in business administration from the College of Charleston, a master's degree in public administration from the University of Charleston/University of South Carolina, and a PhD in organizational leadership from Regent University in Virginia Beach, Virginia. Her passion in life is to help people help themselves.



**Skipper StipeMaas** is a native of Dixie, Georgia, and currently serves as the executive director of the Georgia Heirs Property Law Center. She is a community economic development attorney specializing in heirs' property and land stabilization and nonprofit, land-based development projects, which include negotiating

complex real estate acquisitions, conservation easements, façade easements, and leasehold agreements and performing legal and technical procedures to clear title for public and private use and purchase of real estate and easements. As an attorney and the daughter of a single mother who struggled to keep her land, StipeMaas approaches this work from both a personal and professional background. Her passion is land loss prevention and building assets in low- to moderate-income communities. She received a juris doctorate from the University of Georgia School of Law in Athens, Georgia, and a bachelor's of fine arts in photography from Stephens College in Columbia, Missouri.



**Sara Toering** serves as general counsel to the Center for Community Progress (CCP), a national nonprofit focused on transformational change in communities struggling with vacancy, abandonment, and disinvestment. She's also a fellow at the Project on Affordable Housing and Community Development at Emory University

School of Law. Beginning over 15 years ago as a tenant organizer in Brooklyn, New York, Toering's vocation and expertise are focused on addressing inequities resulting from generations of federal, state, and local policy that systematically denied wealth and opportunity to communities of color. She began her work with the CCP after several

years in practice at a large Atlanta law firm where she litigated a wide range of complex business matters; she also defended men detained in Guantanamo Bay, Cuba, and on Georgia's death row. Toering currently works with state and local governments and community leaders throughout the country on land banking, code enforcement, tax foreclosure reform, and other issues related to neighborhood stabilization. She received a juris doctorate from Emory University School of Law, a master's in divinity from the Candler School of Theology at Emory University, and a bachelor of arts from Calvin College.



**Heather Way** has 20 years of experience working on community development and affordable housing issues as a law professor, clinician and practitioner, and policy advocate. Since 2006, she has served as clinical professor and director of the Entrepreneurship and Community Development Clinic at the University of Texas

(UT) School of Law. Way is also the cofounder of the UT Opportunity Forum, an interdisciplinary collaborative of UT faculty working to foster the expansion of equitable opportunities for low-income Texans. Prior to joining the Texas Law faculty, she was the founder and director of Texas Community Building with Attorney Resources (Texas C-BAR) and a Skadden Fellow at Legal Aid of Central Texas. Her research and policy interests center on creating equitable and inclusive communities, with a current focus that includes informal homeownership, substandard housing, seller financing, affordable housing and housing preservation, and equitable municipal financing. She is the author of the new book, *Real Property for the Real World* (Foundation Press, 2017). Her other recent publications include works evaluating the success of a legislative contract for deed reforms and equitable redevelopment after natural disasters. Way's policy work in Austin and in Texas has contributed to numerous state and local reforms on issues affecting low-income Texans, including heirs' property, abandoned land and title issues, dangerous properties, and tenant displacement.



**Robert Zabawa** has worked at Tuskegee University for over 31 years. His domestic research includes small-scale and minority farming systems with an emphasis on landownership, heirs' property, family networks, and the significance of the African American New Deal Resettlement Communities of the South. His international

research includes agricultural development, production decision making, value chain analysis, and marketing strategies. He has worked in Belize, Senegal, and Tanzania, and for the past 20 years he has been on a team promoting the adoption of the orange sweet potato in Ghana, West Africa. He is coordinator of the Agricultural and Resource Economics Program (MS) and codirector of the Integrative Public Policy and Development Program (PhD). He is principal investigator (PI) with Conner Bailey (co-PI) on a five-year USDA/AFRI funded research project on heirs' property. He earned his PhD in anthropology at Northwestern University.

