

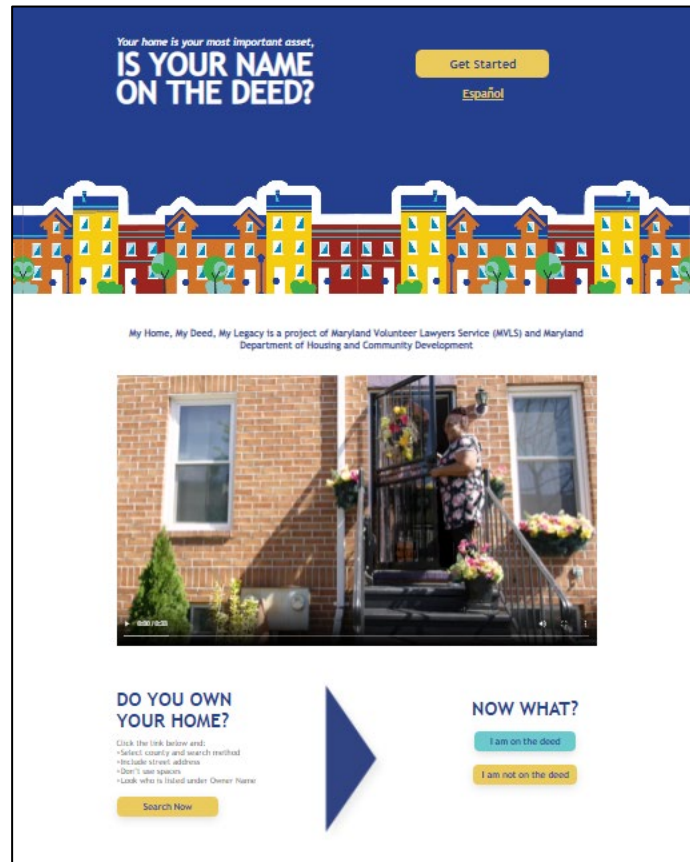
My Home, My Deed, My Legacy: An Innovative Strategy to Prevent Heir Property Issues and Preserve Family Homes and Wealth

Maryland Volunteer Lawyers Service
Baltimore, MD

Untangling titles is a complex but important neighborhood stabilization strategy. Upon facing case after case of tangled title, the MVLS wanted to find out what was preventing people from getting their affairs in order. They found that families were not doing estate planning because they did not think they had an estate. They did not understand the concept of title, and therefore did not know what should be done about it. As more and more cases emerged throughout the city, people wanted answers. MVLS decided to start an initiative to help resolve the issue and hired John Kern, the Advanced Planning Project Coordinator, to help. Kern's role was to communicate with neighborhood residents and help families create plans to resolve or avoid the issue of tangled title.

Kern developed an outreach plan to communicate with community leaders and stakeholders and with their help, developed language about title issues and a strategy to support people working through the process of establishing proper title. He helped create a website, www.myhomemydeed.org, to help families and individuals get the information they need about the home they live in and the action steps needed to attain clear title.

Title issues are not intuitive and are often not even considered until the rightful owner passes away. If title issues exist, it can be difficult and expensive for family members to resolve them. If the home gets caught in a complicated process, it can take months, or even years, to resolve. During this time, the house may sit empty. It may attract crime, vandalism or fall into disrepair. The impacts of tangled title are not only a challenge for families, they can have a negative impact on the entire neighborhood.



The website had 1,501 visitors for the fourth quarter of 2020. The top sources that drove users to the site were direct links, Facebook and Google searches.

Baltimore's History of Tangled Title

Tangled title is common. It can happen when ownership of a home is unclear, or a cloud on title exists because of an outstanding lien or other encumbrance. Sometimes, the individual who holds the title to the home, and has full ownership, leaves the home to someone who does not live in the area, causing confusion and frustration for other family members, especially if those family members live in the home. Sometimes, unresolved debts of the owner can cause unexpected problems with clear title upon the death of that individual. This initiative focuses on helping families work through five specific estate planning activities:

1. Advance Health Care Directive	Also known as a living will, the advance health care directive provides guidance about preferences, should the individual not be able to make decisions about their own health care.
2. Financial Power of Attorney	This is a legal document that gives a trusted person the authority to act on the individual's behalf regarding financial matters, should they be unable to do so themselves.
3. The Will	A Will outlines how the individual wants assets and personal property – called their estate – distributed upon death.
4. Life Estate Deed	This is a legal document that allows the homeowner to transfer title to the home to the intended person or persons but allows that original owner to reside in the home until death. It prevents the home from having to go through probate once the individual passes away.
5. Other Beneficiary Designations	Assigning beneficiary designations is an important part of estate planning. This may include listing a beneficiary for a car or other vehicle, bank accounts, life insurance, or other account to be payable to that person or persons upon death.

They say an ounce of prevention is worth a pound of cure and that holds true for the issue of tangled title. Still, although *preventing* title issues would be best and most cost effective, communities must have a two-pronged approach to also address issues that already exist and are unresolved. In other words, the community must have a plan for prevention, and intervention.

In Baltimore, helping families establish estates and clear titles to their homes is now a priority and part of the planning department's goals and objectives. It is part of the community dialogue and as developers look at master plans, they see protecting title as part of the discussion. Titles are part of tax sale decisions, which is clearly helping neighborhoods. It helps bring properties back to market, so they do not sit vacant, and balances that with protecting legacy homeowners. Title work in the community helps keep families housed for the long term and offers a sense of importance.

Although this initiative may not include specific policy or outcomes, it puts the issue of maintaining titles on the radar so the community can work together toward that end. "Creating a connection between home and health is critical," says Kern. "When we think about public health, aging in place, sheltering in place, we must ask: what is that place? Don't be afraid to talk about this topic and help families face the challenge with dignity and action. We must do what we can to protect housing security and the message really is: let's take care of our homes and pass them on to the next generation."

Best Practices

Create a Community Goal	Tangled title is a drag on the neighborhood and the city. Create a community-wide goal to address this issue and include policy makers, city government and neighborhood leaders. Community organizing around this topic is essential and will require a concerted, collaborative effort. Create that connection between 'home' and 'health' and the importance of housing security. Join forces to talk about all five estate planning actions.
Choose a Mediator	Trust is an issue whenever talking about rightful ownership. People are cautious about scams and unscrupulous activities and rightly so. Having a community liaison is important to success and it must be someone with solid working relationships with neighborhood leadership. Communication is key. The individual must be trusted and able to explain the concepts in an uncomplicated way.
Partner with Neighborhood Leaders	Established community leaders will be key to connecting with residents. Reach out to faith institutions or other community organizations with neighborhood knowledge. Baltimore has block captains who go door to door and talk about tangled title and estate planning, to help families protect their legacy and wealth.
Encourage Families to Pick a Successor	It can be difficult to choose someone to pass assets to and can be stressful to share that information with the family. Although this can be an uncomfortable conversation, it can be even more uncomfortable if it is a surprise after the person is gone. If the individual does not have a family member or other individual to pass their property to, helping them to match with a local potential buyer can be a great strategy. That individual can help be a custodian of the property and eventually acquire ownership.
Communication is Key	Explain the ins and outs of estate planning but also the importance of this work. If you think about the place you were born and the place you grew up, it becomes easy to think about protecting those assets and the outcomes for those properties. Be honest in conversation and focus on neighborhood continuity.
Create Innovative Solutions	The MVLS also helped to formulate the SOS Fund to help resolve properties that end up in tax sales due to tax liens. Essentially, this fund raises money in the community to help families resolve liens so they can stay in the home. It removes the home from tax sale, preventing property decline or a prospector purchase, and preserves legacy homeownership.
Be Realistic	There are many moving pieces with this work, so don't overpromise. Still, create a plan to help as many as possible. Taking care of the neighborhood helps everyone. Focus on equity and legacy and working together to attain both.

A Baltimore Success Story

WATCH: <https://vimeo.com/466350322/7a069a917d>



Questions?

John Kern

Maryland Volunteer Lawyers Service

jkern@mvlslaw.org

www.myhomemydeed.org

