Heir Property in Louisiana

Lessons Learned Post-Disaster
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Hurricane Katrina August 29, 2005
80% of City Flooded, Stranding Thousands
Heir Property Issues Emerge

- State recovery program delays in releasing funding
- Storms in 2005. In early 2007, Louisiana Appleseed was asked to help.
- Immediate systemic need: seek extensions with recovery officials for those with heir property and title issues
- Root cause of problem: too expensive and complicated
Changes to Small Succession Laws

• Study resolution in 2008

• 2009 - Act 81 – allowing use of heirship affidavit for:
  • Immovable property (houses, land, funeral plots)
  • Decedent’s portion of estate valued at $75,000 or less at time of death
  • Compromises with clerks’ offices
  • Intent – easier and cheaper to clear title
  • Cast the net wider (2011 and 2012 sessions)
Education and Outreach
Collaboration: Louisiana Appleseed, pro bono and legal services

- Funded by community foundation (Greater New Orleans Foundation – GNOF)
- Two-year project
- Helped save 740 homes in the New Orleans area
- Economic benefit of more than $10 million
- Little interest elsewhere in the state until . . .
DR-4277 August 12, 2016 - 1/3 of State Impacted in 21 Parishes
Katrina v. 2016 Flood

- August 29, 2005: Hurricane Katrina destroys or damages nearly 80% of metro New Orleans homes and structures
- 400,000+ residents are displaced (The Washington Post).
- FEMA fields 1.5 million Gulf region requests for aid. – 3 States
- Costliest disaster in U.S. history - $67.8 billion in insured losses on homes, businesses and cars

- August 12-14, 2016 – 6.9 Trillion Gallons of Rain Fell in the Greater Baton Rouge, Northshore, and Lafayette areas.
- 1/3 of Louisiana Parishes in the Disaster Declaration – 21 parishes
- “Cajun Navy” and Armed Forces evacuated over 10,000 people
- 154,000 Households Registered with FEMA
- Costliest Disaster Since Super Storm Sandy
Collaborative: La. Appleseed, pro bono, legal services, law schools

- Funded by community foundation (Baton Rouge Area Foundation - BRAF) and Kellogg
- Heir property and title issues
- Direct legal services, community education and outreach, advocacy
- Hoping for 2 year collaborative
Advocacy – Small Successions Affidavit

• 2017 Legislative Session – HB129
• Expand use of affidavit to decedent’s portion of estate valued at $125,000 or less
• If decedent passed away more than 20 years ago, can use affidavit, regardless of estate value
• Compromises – passed unanimously
• Sent to governor for signature
What’s Different This Time?

- Collaborative formed and funded much faster
- FEMA information sharing
- Technology – app, web-based platform
- State’s recovery program rolling out much sooner – Restore La.
Challenges

• Community might not be ready
• Proof of ownership for recovery funds v. obtaining clear title
• Keeping people’s attention
• Proactive v. reactive communities – resilience