A Planning Framework for African American Heirs' Property in Rapidly Suburbanizing Locales

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A PLANNING FRAMEWORK FOR AFRICAN AMERICAN HEIRS’ PROPERTY IN RAPIDLY SUBURBANIZING LOCALES

A Thesis
Presented to
the Graduate School of
Clemson University

In Partial Fulfillment
of the Requirements for the Degree
Master of City and Regional Planning

by
Alison B. Rowland
May 2011

Accepted by:
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Heirs’ property resulted from post-Civil War land acquisitions and purchases by African Americans that have been passed down through generations without clear title of ownership or a last will of testament (Mitchell, 2000; Dyer, 2008). As the surrounding landscape develops, growth pressures threaten community integrity and increase property taxes, making it difficult to retain properties (Rivers, 2007b). Encroaching development fails to maintain the cultural context of existing settlement patterns of heirs’ properties as well as fails to integrate them into the surrounding landscape (Cross, 2008; Johnson, et al., 2009). The literature has been decidedly silent in addressing the strategies that can be employed to preserve and integrate heirs’ property with surrounding uses and mitigate land loss as a result of rural gentrification, leading to the question of: what strategies can planners employ to preserve and integrate heirs’ properties into surrounding uses? 232 jurisdictions were selected for analysis throughout the Black Belt, Gullah-Geechee Corridor, and specifically identified in the literature as encountering difficulties with the preservation and integration of heirs’ properties with adjacent uses. A review of located planning documentation was conducted and a survey of municipal and county planners and administrators within the jurisdictions selected for analysis was implemented in order to answer the posed research question. Findings concluded that very few jurisdictions containing heirs’ property are employing strategies to preserve and integrate it into the urbanizing fabric. Of those jurisdictions that do employ strategies, their efficacy depends on contextual circumstances. Using a Likert-scale, survey respondents were asked to
gauge on a scale of one to seven, the extent to which heirs’ properties are integrated with surrounding uses. Respondents that reported targeting heirs’ properties with the following strategies also identified significant integration: multimodal transportation accessibility; Form-Based Code; mixed use development, development agreements; community development through small area plans or similar instruments; civic involvement and interaction to cultivate community understanding; federal, state, and local funding strategies; legal outreach services; and coordination with lawyers to preserve and integrate heirs’ properties. Using a similar Likert-scale, the survey revealed that the participation of heirs’ properties in development decisions is greatly enhanced when standard strategies to engage heirs’ properties are augmented with the following: advocacy planning; notices posted in churches/recreational and civic centers; notices posted on websites; and locally-distributed or African American focus newsletters.

Enhanced participation of heirs’ properties in development decisions will contribute to social learning and the incorporation of their interests into planning documentation. However, because the majority of jurisdictions selected for analysis do not employ strategies targeted toward the preservation and integration of heirs’ properties, they remain susceptible to property and culture loss as well as the implications of spatial isolation.
ACKNOWLEDGEMENTS

This research study could not have been completed without the direction, support, and patience of my committee members, Dr. Caitlin Dyckman, Committee Chair; Professor Cari Goetcheus, and Dr. M. Grant Cunningham. Their attention to detail, encouragement, and generous time in guiding this research effort have been deeply appreciated. I must also extend my gratitude to my family and friends for their support, patience, and understanding throughout my academic experience.
DEDICATION

This thesis is dedicated to my mom, Christine.

“My support will be with them every day,
My love will be heard in each word they say.”

-Christine Rowland
**TABLE OF CONTENTS**

*Title Page* ............................................................................................................................. i
*Abstract* ................................................................................................................................. ii
*Acknowledgements* ................................................................................................................ iv
*Dedication* ............................................................................................................................... v
*Table of Contents* .................................................................................................................. vi
*Introduction* ............................................................................................................................. 1

**Chapter I: Review of the Literature** .................................................................................. 2
*Historical Components of African American Heirs’ Property* ............................................. 2
  *Early Land Acquisitions* ........................................................................................................ 2

*Cultural Components* ............................................................................................................ 8
  *Loss of Land, Loss of Culture* .............................................................................................. 8

*Legally Tenuous Hold* ............................................................................................................. 16
  *Undefined Shares* ................................................................................................................ 16
  *Economic Constraints* .......................................................................................................... 20

*Social and Spatial Implications* ............................................................................................. 21
  *Integrating Heirs’ Property with Adjacent Uses* ................................................................. 21
  *Public Services and Infrastructure* ..................................................................................... 22
  *Community Sentiment and the Struggles of Integration* .................................................. 26
  *Summary* ............................................................................................................................... 27

*Agencies Assisting Heirs’ Properties in the Clarification of Title* ....................................... 29

*Statutory Measures Applicable to Heirs’ Properties* ............................................................. 30
  *Alabama* .............................................................................................................................. 30
  *Georgia* ................................................................................................................................. 30
  *Florida* ................................................................................................................................. 31
  *South Carolina* ...................................................................................................................... 32
  *North Carolina* .................................................................................................................... 33
  *Mississippi* ........................................................................................................................... 33
  *Louisiana* ............................................................................................................................. 34

*Gentrification of Marginalized Communities* ..................................................................... 35
  *Community Attachment and the Economics of Gentrification* ........................................ 36
  *Spatial and Social Disparities and Community Detachment* ............................................ 36
<table>
<thead>
<tr>
<th>Appendix A</th>
<th>Jurisdictions Selected for Analysis</th>
<th>168</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix B</td>
<td>Survey Map</td>
<td>170</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Survey</td>
<td>172</td>
</tr>
<tr>
<td></td>
<td>Track One: Whole Survey Track</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>Survey Track Two: No Land Use Regulation Track</td>
<td>182</td>
</tr>
<tr>
<td></td>
<td>Track Three: No Heirs’ Property Track</td>
<td>188</td>
</tr>
<tr>
<td>Works Cited</td>
<td></td>
<td>190</td>
</tr>
</tbody>
</table>
TABLE OF FIGURES

Figure 1: African American Black Belt; Source: US Census Bureau ........................................... 5
Figure 2: Southeastern Distribution of African Americans per County ........................................ 5
Figure 3: Formula of Factors Contributing to Displacement ......................................................... 28
Figure 4: Counties Selected for Analysis ......................................................................................... 58
Figure 5: Distribution of Jurisdictions Selected for Analysis by State ........................................... 59
Figure 6: Population Distribution of Counties Selected For Analysis ........................................... 60
Figure 7: Jurisdictions of Located Planning Documentation and Population Distribution ................. 62
Figure 8: Jurisdictions of Located Planning Documentation and Concentration of African Americans ......................................................................................................................... 64
Figure 9: Distribution of Jurisdictions Employing Specifically-Applicable Strategies.... 69
Figure 10: Distribution of Jurisdictions that Employ Specifically-Applicable Strategies in Relation to African American Concentration ............................................................................. 70
Figure 11: Distribution of Respondents by State ............................................................................. 117
Figure 12: Survey Respondents and Population Distribution ......................................................... 119
Figure 13: Survey Respondents in Relation to African American Concentration ......................... 120
Figure 14: Survey Representation by Jurisdictional Characteristics .............................................. 121
Figure 15: Distribution of Respondents Regarding the Presence of Heirs' Property ...................... 122
Figure 16: Mechanisms Employed to Track Heirs' Properties ...................................................... 124
Figure 17: Ability to Plan for Heirs' Property ................................................................................... 127
Figure 18: Planning Strategies for the Preservation and Integration of Heirs' Property ................. 132
Figure 19: Interagency and Multijurisdictional Coordination ......................................................... 136
Figure 20: Frequency of Medians Used To Disseminate Advocacy Information ............................ 138
Figure 21: Mechanisms to Engage Heirs' Properties in Land Development Decisions .................. 140
Figure 22: Involvement of Heirs' Properties in Development Decisions ......................................... 143
Figure 23: Strategies to Promote Social Interaction and Understanding ........................................ 144
Figure 24: Approximate Provision of Water and Sewer Infrastructure to Heirs' Properties ............. 145
Figure 25: Extent to Which Heirs’ Properties are Integrated with Surrounding Uses .... 148
Figure 26: Factors that Contribute to the Loss of Heirs’ Property ................................................. 151
LIST OF TABLES

Table 1: Factors Contributing to the Isolation and Displacement of Heirs' Properties .... 28
Table 2: Displacement Strategies and Heirs' Property Setbacks ...................................... 54
Table 3 Sample Representation of the Population of 232 Jurisdictions .......................... 56
Table 4: Percentage of Jurisdictions of Located Planning Documentation .................. 63
Table 5: Percentage of Jurisdictions by State in which Planning Documentation was Obtained.................................................................................................................. 65
Table 6: Specifically-Applicable Strategies for Heirs Property throughout the Southeast .................................................................................................................. 68
Table 7: Generally-Applicable Strategies Throughout the Southeastern United States .... 72
Table 8: Generally-Applicable Strategies within Alabama Jurisdictions ....................... 75
Table 9: Generally-Applicable Strategies within Mississippi Jurisdictions ................... 79
Table 10: Generally-Applicable Strategies within Louisiana Jurisdictions ..................... 84
Table 11: Generally-Applicable Strategies within Florida Jurisdictions ....................... 87
Table 12: Generally-Applicable Strategies within Georgia Jurisdictions ....................... 92
Table 13: Specifically-Applicable Strategies for Heirs Property within South Carolina . 96
Table 14: Generally-Applicable Strategies within South Carolina Jurisdictions .......... 102
Table 15: Generally-Applicable Strategies within North Carolina Jurisdictions .......... 107
Table 16: Percentage of Located Contacts by State ....................................................... 112
Table 17: Response Rate Per Survey Track .................................................................... 116
Table 18: Percentage of Survey Respondents from each State .................................... 118
Table 19: Cross Tabulations for Tracking Mechanisms and Extent to Plan for Heirs’ Property .............................................................................................................. 128
Table 20: Recommendations to Preserve and Integrate Heirs’ Properties Identified from Planning Document Review and Literature .................................................. 160
Table 21: Effective Strategies Identified from the Overlap Between Planning Documentation Review and Survey Findings ........................................................................... 163
Heirs’ property is a common occurrence in the following Southeastern states: Alabama, Georgia, Florida, South Carolina, North Carolina, Mississippi, Louisiana (Lyson and Falk, 1993; Cross, 2008; Appleseed, n.d.; Mitchell, 2000). Heirs’ property resulted from post-Civil War land acquisitions and purchases by African Americans that have been passed down through generations without clear title of ownership or a last will of testament (Mitchell, 2000; Dyer, 2008). These properties comprise a unique subset of collective property ownership specific to the Plantation South as a legacy of the Civil War and have become cultural enclaves, with many relatives dwelling along the same swath of land (Mitchell, 2000; Dyer and Bailey, 2008; Cross, 2008). Although there are no exact figures, literature posits that nearly fifty percent of all African American owned lands in the Southeast are held among heirs (Dyer and Bailey, 2008; Dyer, et al., 2009). As the surrounding landscape develops, growth pressures threaten community integrity and increase property taxes, making it difficult to maintain properties (Rivers, 2007b). Encroaching development fails to maintain the cultural context of existing settlement patterns of heirs’ properties as well as fails to integrate them into the surrounding landscape (Cross, 2008; Johnson, et al., 2009). Because of the legal, social, spatial, and cultural dimensions associated with these properties coupled with community sentiment towards government, planning for these properties is a challenge (Johnson, et al., 2009). The object of this research is to determine what strategies can be employed by municipal
and county land use planners to enable the preservation, and integration, of heirs’ properties with adjacent uses.

To satisfy the research question, regulations targeting the protection of heirs’ property enumerated in state legislation and local land use planning and zoning documents will be researched and compared. Tactics employed by planning entities to engage heirs’ property residents in the planning processes, as well as educate them on the implications of clouded titles, growth pressures, and the services available to assist them will be uncovered as well. These findings will be affirmed through a survey of city, county, and regional planners. Based on these findings, a planning framework for the preservation and integration of heirs’ property with adjacent uses will be devised. Although the widespread use of innovative and progressive tactics is not expected to be revealed, the framework devised from this research will provide a variety of tools that planners can incorporate into practice.

*Chapter I: Review of the Literature*

**Historical Components of African American Heirs’ Property**

*Early Land Acquisitions*

African American property ownership symbolizes freedom and the plight that this demographic has experienced throughout American history (Mitchell, 2000; Dyer and Bailey, 2008). Heirs’ property serves as a living testament of the historic struggles of African Americans in their pursuit of fundamental rights of life, liberty, and the pursuit of happiness (Mitchell, 2000; Dyer and Bailey, 2008). Property that is held in common or
among heirs results when a property owner deceases without indicating rightful owners through a probated will (Dyer, 2008). The property is then proportionately distributed among rightful heirs, individuals that bear a blood or marital relation to the property owner, in the form of undefined “shares” (Georgia Appleseed, 2010; Dyer, 2008). As heirs’ property is continuously passed through the generations without indicating explicit ownership, shares decrease in size as families expand (Dyer, 2008). This trend of property ownership is prevalent within low-income rural communities of African Americans (Dyer, 2008; Deaton, et al., 2009).

Africans contributed greatly to the development of early American civilization beginning with their forced removal from their native African tribes to work as slaves on plantations along the Atlantic Seaboard (Cross, 2008; Falk, 2004). One area in particular, the Black Belt, necessitated the cultivation of a unique African American culture through the vast enslavement of Africans who remained in the region after the Emancipation Proclamation (Lyson and Falk, 1993). The Black Belt is characterized by a large swath of former plantation lands that possess dark, fertile soils, which extend from Virginia, through North Carolina, South Carolina, and Georgia, and westward to Alabama, Louisiana, Mississippi, terminating in eastern Texas (Lyson and Falk, 1993). These lands have remained occupied by a significant percentage of African Americans (Lyson and Falk, 1993). In fact, by the turn of the Twentieth Century, the majority of the populations of both Mississippi and South Carolina were African American, and at least forty percent of the populations of Alabama, Georgia, and Louisiana were African American (Falk, 2004). From African bondage came African American land ownership, both of which
comprise African and American history as well as culture (Mitchell, 2000). Figures 1 and 2 display the distribution of African Americans in the United States per county, comprising the Black Belt. Figure 1 displays the concentration of African Americans in the Southeast in relation to the United States, while Figure 2 displays the distribution per county within the Southeast; counties with a majority concentration of African Americans delineate the Black Belt.
Figure 1: African American Black Belt; Source: US Census Bureau

Figure 2: Southeastern Distribution of African Americans per County
Source: US Census Bureau
African bondage necessitated the development of a unique subculture specific to the sea islands of Georgia and South Carolina and stretching upward to Wilmington, North Carolina and South as far as Jacksonville, Florida. In these locations, Africans incorporated aspects of their native cultures into what is now referred to as the distinctive Gullah culture (Cross and Lyson, 1993; Falk, 2004; Rivers, 2007b). This area is referred to as the Gullah Corridor or Gullah Coast and comprises a subculture of heirs’ property residents (Cross, 2008; Rivers, 2007b). The significant amount of African Americans and the Gullah cultural manifestation within the Sea Islands resulted from Charleston, South Carolina’s role as a key slave port during the Antebellum Era; in fact, historians speculate that nearly fifty to eighty percent of all African slaves arrived through Charleston (Falk, 2004; Cross, 2008). Post-Civil War, the Sea Islands were nearly inhabited almost solely by newly freed slaves as plantation owners escaped to the midlands or the North to avoid Union confrontation (Falk, 2004; Cross, 2008). The highest concentrations of heirs’ properties are within Georgia and South Carolina’s Sea Islands and alienated rural pockets extending to the hinterlands (Rivers, 2007a). Most of the lands currently owned by persons of Gullah heritage are communally held among heirs and many of these residents can trace the ancestral lineage of land ownership back to post-Civil War purchases among freed slaves (Rivers, 2007b). A vast proportion of heirs’ properties rest in the South Carolina Lowcountry (Rivers, 2007a) and relevant literature shall serve as an example of the implications of heirs’ property ownership when faced with growth pressures.
Early African American land ownership stemmed from African American bondage (Mitchell, 2000). Beginning as early as the Eighteenth Century, although infrequent, land was reserved for enslaved African ownership through plantation owners (Mitchell, 2000). After the passing of the Emancipation Proclamation immediately following the Civil War, General Sherman of the Union Army, through Field Order 15, distributed lands within the Sea Islands, which were under the auspices of the Union Army, to emancipated slaves (Mitchell, 2000; Rivers, 2007b). These lands, consisting of segments of former plantations owned by affluent southerners, were distributed in forty acre tracts and included a mule or horse (Mitchell, 2000; Rivers, 2007b). Shortly after, the Freedmen’s Bureau Act was passed in early March of 1865 and mandated the redistribution of lands to newly freedmen with the opportunity to purchase or lease (Mitchell, 2000). Approximately one year later, the Southern Homestead Act was passed and provided nearly fifty million acres of governmentally-maintained lands eligible for purchase among all citizens that refused association with the Confederate Army, including newly freed slaves (Mitchell, 2000). Unfortunately, both Field Order 15 and the Southern Homestead Act were largely unsuccessful in securing lands for African Americans; President Andrew Johnson pardoned Southern planters and returned to them nearly half of the lands apportioned to newly freed slaves upon inauguration, and only roughly twenty-five percent of African Americans were able to take advantage of the Southern Homestead Act as discrimination and the quantity of candidates provided impediments (Mitchell, 2000). Despite the implications of these efforts, over 15,000 African Americans were successful in obtaining nearly 50,000 acres of land (Rivers,
After Reconstruction efforts to redistribute land, African Americans continued to pursue property ownership and were able to secure a total of fifteen million acres within the Southeast by 1910 (Mitchell, 2000). This involved triumph over barriers associated with white resistance, discrimination, and violence (Mitchell, 2000). Although African Americans were no longer enslaved, they experienced a new kind of bondage associated with restrictions pertaining to land ownership; land purchases by African Americans were typically located in the rural hinterlands and were substandard in soil quality and access to both transportation corridors and public facilities that served white persons (Mitchell, 2000; Lyson and Falk, 1993). The legacy of the social and spatial isolation from these restrictions remain planning challenges today; however, it was this isolation that necessitated the preservation and cultivation of the unique Gullah heritage, a manifestation unique to the Southeast (Cross, 2008). African American lands were accompanied with a caveat that continues to hinder its economic use and preservation to this day: historically, African Americans were not eligible to secure their properties within the legitimate probate system as they were refused legal services (Rivers, 2007a). This has contributed to the prevalence of communal ownership among heirs and lack of clear title of African American property (Rivers, 2007a).

**Cultural Components**

*Loss of Land, Loss of Culture*

And now, African American land holding faces as new challenge. In 1920 there were nearly one million African American farmers in the Southeast who occupied an aggregate exceeding sixteen million acres of land; however, in 1997, those numbers had
decreased to less than twenty thousand African American farmers occupying fewer than two million acres of land (Gilbert, et al., 2002). These losses were higher than the attrition experienced by white farmers during the same timeframe (Dyer and Bailey, 2008). Within the last fifty years, African American-owned farms in Alabama as well as the United States have decreased by nearly ninety-five percent (Appleseed, n.d.). Although, this decrease and racial disparity can be attributed to more general trends in loss of small-scale farming enterprises, poor growing conditions, tax foreclosures, and the lack of interest among younger generations to pursue farming, the implications of being in heirs’ property ownership is also a significant factor (Gilbert, et al., 2002; Dyer and Bailey, 2008). Paying property taxes is an arduous task given the sheer quantity of heirs and the difficulties in cooperation of financial obligations (Gilbert, et al., 2002). Heirs’ properties are often in danger of loss from tax foreclosures (Rivers, 2007b).

With the unprecedented amount of growth occurring along the Southeastern coast, heirs’ property residents are often susceptible to land loss and development pressures (Rivers, 2007b). Over the past sixty years, South Carolina’s coast endured vast expansion of the tourism and shipping sectors, contributing to highway expansion and commercial development (Rivers, 2007b). While, highway expansion provided accessibility to alienated African American communities, it also spurred growth and increased property values, which, in turn, contributed to higher property taxes and, ultimately, tax foreclosures, illustrating a process of gentrification (Rivers, 2007b; Johnson, et al., 2009). Tax foreclosures are the leading cause of African American land loss in the Lowcountry, which consists of the sea islands of South Carolina (Cross, 2008).
Rapid suburban growth in the South Carolina Lowcountry, specifically Cainhoy, which was formerly a rural area that was home to many African Americans of Gullah decent, lead to increases of assessed property values of up to two hundred percent from 2003-2006; a burden that can present significant financial difficulty among landowners with fixed-incomes (Parker, 2006). Also, the increases in land value and growth pressures facing African American heirs’ properties provide temptation for acquisition among many developers (Rivers, 2007b). Furthermore, the most unfortunate implication associated with the decline in African American heirs’ property is the subsequent loss of culture (Johnson, et al., 2009). Lowcountry heirs’ property residents are beginning to understand that preservation of their culture and identity is inexorably tied to preservation of their land (Johnson, et al., 2009). Moreover, in 2008, the Gullah Corridor was designated as one of the Nation’s eleven significantly threatened areas by the National Trust for Historic Preservation (Ogawa, 2008). According to Johnson, et al. (2009), Lowcountry municipalities and jurisdictions should adopt planning strategies which address land preservation along the fringes to counter sprawling development trends and cultural loss of heirs’ property. Historically, there is limited documentation of the inclusion of the views of African American landowners within the plan making processes (Johnson, et al., 2009). In fact, an heirs’ property resident in the Lowcountry, as reported by Terry Yasuko Ogawa (2008), claimed that her community was not involved in local plan and policy formation, yet would have participated if attempts were made to engage the community in the public process. Although the literature posits that the Gullah community has been neglected from planning processes, it is crucial that all heirs’
properties residents throughout the Southeast are engaged in the planning process and contribute to plan-making.

The *Gullah Corridor* was designated a Cultural Heritage Corridor by Congress in 2006 and a commission was established that consists of representatives from Florida, Georgia, South Carolina, and North Carolina, as well as the National Park Service (National Park Service, 2010a). The purpose of this designation and the *Gullah-Geechee Cultural Heritage Corridor Commission* is to enable policy coordination and education among multiple tiers of government and public and nonprofit entities in an effort to preserve this area (National Park Service, 2010a). This initiative aims to assist in the mobilization of Gullah communities through grassroots efforts and the organization of a collective voice, establish sources for grant funding for preservation efforts, facilitate educational initiatives, establish public-private partnerships for purposes of ecotourism and conservation of native plants, and cooperate with local and regional planning entities to establish balanced land use planning objectives (National Park Service, 2010b). Over twenty public workshops were held by the Commission from late winter to spring of 2009 to garner public input, which will serve as the basis of a management plan; this is the National Park Service’s first multijurisdictional participatory planning effort (National Park Service, 2010b). The National Park Service has since established partnerships with various state and federal entities and is in the process of identifying preferred management alternatives based on public input (National Park Service, 2010b). Although one of the purposes of this initiative is to collaborate with local and regional land use planners, they do not appear to have been engaged in the planning process.
The engagement of local plan and policy-makers throughout the process is essential in order to establish consistency and coordination of planning objectives, identify any plan or policy impediments, learn of community interests and values, and gain rapport within the community. Despite the lack of planners’ engagement throughout the process, education on the cultural and historical dimensions of the Gullah Corridor would enable understanding and the establishment of balanced objectives among the conflicting cultural identities that emerge as growth extends to heirs’ properties (Alanen and Melnick, 2000).

**Unique Cultural Attributes of Heirs’ Properties**

Cultural or ethnographic landscapes involve the modifications of nature into a specific image that is shaped by collective struggles, ideals, and ethics (Alanen and Melnick, 2000). Given the plight of African American land ownership and the attainment of privileges that land ownership afforded, land ownership among southern African Americans symbolizes independence and social mobility (Dyer and Bailey, 2008). These properties are sentimental to owners as they are intertwined with history and family; in fact, it is frequent for heirs’ properties to contain the graves of deceased loved ones (Dyer and Bailey, 2008). This appreciation for heritage, ancestral linkages, and land ownership comprises the cultural identity of heirs’ properties; heirs’ properties provide the locus for family interaction and an established place of residence for posterity, as well as maintain flexibility for family members to locate on and leave the properties at their will (Dyer and Bailey, 2008). As mentioned previously, preservation and perpetuation of heritage is critically dependent upon property preservation (Dyer and
Bailey, 2008). Furthermore, according to Lowcountry heirs’ property residents, land should be preserved in the context of contemporary society; residents want access to basic modern amenities and public facilities (Ogawa, 2008).

A common misconception among residents of heirs’ properties is that it is more effective to hold property among heirs than seek a clear title of ownership in order to ensure the perpetuity of familial ties and the continuous place of residence for family and posterity (Dyer and Bailey, 2008). Furthermore, some residents perceive the financial gains associated with land equity as less of a concern than maintaining land that is collectively shared among family (Dyer and Bailey, 2008). Heirs’ property residents are more influenced by collective family interests than market factors when making decisions regarding property management (Diop and Fraser, 2009). Residents make a conscious choice to live on heirs’ properties as most have a desire to be surrounded by family and raise children in the same cultural context in which they were raised (Diop and Fraser, 2009). The legal, social, and physical implications associated with heirs’ properties and the lack of clear titles are drastic. As mentioned above, tax foreclosures result when families are not able to distribute tax liability amongst all heirs (Gilbert, et al., 2002). Lack of clear title, as a result of collective ownership, prevents residents from being eligible for federal housing aid or federal mortgage programs (Dyer and Bailey, 2008). Residents are not able to rehabilitate substandard housing and are restricted to living in manufactured homes, as they can be purchased with private loans rather than federal mortgages (Dyer and Bailey, 2008). The inability to obtain federally backed mortgages promotes the proliferation of manufactured housing, which has come to characterize
heirs’ properties in some areas (Dyer and Bailey, 2008). It must be noted that as growth extends to these locales, planning entities must permit the use of manufactured homes among these properties; otherwise, they could exclude this subculture. Heirs’ properties have been known to accommodate as many as eight families, forming kinship communities (Dyer and Bailey, 2008). As these properties extend to rural locales, it is necessary that municipalities and jurisdictions permit higher densities than would normally be permitted within agricultural zoning classifications, to maintain traditional patterns of residential settlement (Johnson, et al., 2009). Aside from low density requirements per agricultural zoning, the lack of infrastructure and septic requirements further preclude the densities necessary for historical residential patterns of settlement (Johnson, et al., 2009). It is essential that these properties maintain the ability to be further divided among heirs in order to perpetuate cultural kinship ties (Johnson, et al., 2009). Also, higher minimum lot size requirements associated with agricultural densities hinder affordability and contribute to land loss in the form of tax foreclosures or sales (Johnson, et al., 2009).

Aside from the familial and historical characteristics of heirs’ properties, sociologists argue that African American communities of rural locales strive to establish their own culture which counters that of their mainstream white counterparts (Falk, 2004; Johnson, et al., 2009). This resistance to the status quo emerges as the values and interests ingrained in cultural identity are not incorporated by mainstream society (Johnson, et al., 2009). As growth continues toward the hinterlands, some heirs may perceive the land only from an economic standpoint; a perspective contrary to those who
truly value the land for its cultural and historical significance (Dyer and Bailey, 2008). Heirs that possess this sentiment typically move away, their cultural affiliation with the land diminishes and they may be inclined to institute a partition sale (Dyer and Bailey, 2008). This results when a shareholder demands his or her share, and it is only attainable through the sale of the entire parcel (Dyer and Bailey, 2008). Community elders fear that younger heirs, especially those that leave for continuing education purposes, will lose or lack the cultural and historical understanding of the land and, in turn, be more willing to sell (Ogawa, 2008). Conflict in interest over the land also emerges as heirs’ move away for job purposes and return to land to retire (Ogawa, 2008). Persons of the Gullah subculture, on the other hand, are typically more opposed to change than those African American communities that are not affiliated with Gullah (Ogawa, 2008). The Gullah culture consists of a distinct hybrid language of African and English, culinary and religious customs, and dance and art forms (Cross 2008). Sweetgrass basket making is an iconic demonstration of Gullah art (Cross 2008). Despite the isolation of Sea Island communities of South Carolina and Georgia that necessitated the preservation of the Gullah Culture for nearly two hundred years, persistent development trends and growth pressures threaten the integrity of Gullah lands and facilitate its disappearance (Cross, 2008). It is the conflict that emerges between the cumyas, incoming residents, and the benyas, existing residents of slave decent (Cross, 2008); it is a conflict over space. When cultural identities collide, social and political conflict arises as a result of divisive mores and sentiment regarding land use and development preferences (Alanen and Melnick, 2000).
Implications for Planning of the Preservation of Heirs’ Property

Preserving culturally significant communities when faced with growth pressures and interests of the status quo is difficult; strategies to engage heirs’ property residents within the planning process can enable information sharing and a balance between conflicting cultural ideals (Alanen and Melnick, 2000). As mentioned earlier, divisive interests among heirs over land preservation can complicate consensus building and planning for these properties (Ogawa, 2008; Dyer and Bailey, 2008). Resistance and distrust in governmental officials associated with years of marginalization also impedes collaboration (Johnson, et al., 2009; Diop and Fraser, 2009).

Legally Tenuous Hold

Undefined Shares

Heirs’ property is a unique form of land ownership that is significant to landowners yet encroaching gentrification combined with the cultural norms and the legally tenuous hold threatens land retention. An understanding of the implications of clouded land ownership is necessary to inform the planning strategies used to preserve and integrate heirs’ properties with adjacent uses. Heirs’ property is a unique form of property ownership where all relatives or heirs possess undefined shares of a given piece of property because of the lack title or wills (Dyer and Bailey, 2008; Rivers, 2007b). Despite the constraints and implications associated with heirs’ property that contribute to land loss, shareholders of heirs’ properties sometimes prefer not obtaining a record of ownership as to maintain the property as a continuous family resource (Dyer, et al. 2009; Dyer and Bailey, 2008). Furthermore, owners of heirs’ property feel as though the
clarification of title will terminate the cultural fluidity and vibrancy of their existing way of life (Dyer, 2007). The following will demonstrate how this perception contributes to land loss and impedes economic gain, especially in a changing and growing locale. Unclear, collective land ownership is subject to implications associated with family infighting, partition sales, a lack of accountability, and confined economic gains (Dyer and Bailey, 2007; Dyer, 2007). Given the fragile nature of heirs’ property and risk of ownership, it is often regarded as a hindrance to a community’s economic vitality (Dyer, 2007). As mentioned earlier, nearly fifty percent of all African American owned lands in the Southeast are held communally among heirs (Dyer and Bailey, 2008; Dyer, et al., 2009). This trend is most likely the result of a lack of familial coordination in obtaining clear title, mistrust and misunderstanding of the importance of clarifying title, and inability to access legal assistance (Dyer and Bailey, 2007; Mitchell, 2000). The cost of legal services to obtain clear title and establish wills sometimes exceeds the financial capacity of heirs (Way, 2009). As mentioned previously, historically, African Americans have been denied legal services, contributing to many years of clouded family-owned lands since acquisition after the Civil War (Rivers, 2007a).

**Family Infighting and Partition Sales**

Physical or legal changes or modifications on the property must have unanimous consent among all rightful property owners (Dyer and Bailey, 2007). This presents a challenge as rightful heirs can be difficult to identify as land is continuously passed through the generations; in fact, heir property subdivision is regarded as nearly unfeasible when the property encompasses more than three generations (Dyer and Bailey, 2007). It
can be difficult to locate rightful heirs as not all may dwell on the land, and there is no legal framework for mediation among heirs if disputes arise (Dyer and Bailey, 2007). Infighting will typically result in partition actions, which provide a legal solution to disputes among heirs (Rivers, 2007a). Heirs are in constant danger of loss of ownership through partition actions (Rivers, 2007a). Partition actions result when an individual shareholder, despite the size of the share held, requests his or her share in cash and, in turn, is no longer bound to the property as an heir (Gilbert, et al., 2002; Rivers, 2007b). This can result in the mandated sale of the land through a court ordered partition of the land, if the family members cannot pay the shareholder his or her share (Rivers, 2007b). Partition sales will occur regardless of family members’ interest in maintaining the land (Gilbert, et al., 2002). Furthermore, partition actions can serve as an impetus for acquisition among land speculators or developers (River, 2007a; Mitchell, 2000). For instance, shareholders can sell their shares to a developer who can then intervene as the shareholder and institute a partition sale of the entire property (Gilbert, et al., 2002; Rivers, 2007b). Shares can be sold to outsiders without consent of all property owners (Gilbert, et al., 2002). Developers can devise partnerships with heirs by requesting that they partition their land while the developer funds the necessary legal services (Rivers, 2007b). Growth pressures facilitate partition actions as demand for land and profitability increases; for instance, as the legal costs associated with partition actions exceed the affordability of most heirs, partition actions are frequently instituted by a third party where facilitated by growth pressure (Rivers, 2007b). The greed of one heir can contribute to the loss of land among all rightful heirs and, in some circumstances,
homelessness (Rivers, 2007b; Appleseed, n.d.). Furthermore, because of the expedited nature of partition sales, market value is seldom realized; developers and land speculators are able to attain land at discounted prices and turn a substantial profit thereafter (Rivers, 2007b). Heirs lose their culturally significant property as well as fail to obtain the true market value of their land (Rivers, 2007b). On the other hand, like a partition sale, a partition in kind will be ordered by the courts upon an heir’s request for his or her share, and the courts will divide the land equitably, if possible, among all heirs (Rivers, 2007a; Dyer, 2007; Ogawa, 2008). An equitable distribution may not be feasible in circumstances involving many heirs with small shares or a lack of consensus to divide the property; a partition sale of the entire property will take place (Rivers, 2007a).

Ownership Accountability

Given the undefined characteristics of ownership, maintenance and management of heirs’ property is also a subject of contention among heirs as it is uncertain the quantity and location of entitlement among each heir (Dyer, 2007; Dyer and Bailey, 2008). Responsibility and the rights of ownership of the property fall among all heirs; no heir in particular has the singular ability to exercise the bundle of rights which accompany land ownership (Rivers, 2007a). Furthermore, as heirs are not economically bound to the property and will not lose their share per se, they can forfeit their ownership responsibilities at the expense of remaining heirs (Rivers, 2007a). Additionally, there is no framework for the distribution of tax liability (Rivers, 2007b). Heirs’ property is often at risk for tax foreclosure (Rivers, 2007b). If a shareholder pays more than a fair distribution in property taxes and the cost of maintenance, the money can be reimbursed
only after the property sells (Rivers, 2007a). If an heir invests a significant amount of money in maintenance as well as property taxes, he or she cannot acquire the land through adverse possession, despite the amount of time he or she has contributed money (Way, 2009). Furthermore, based on the pretense above, heirs residing on communally held properties tend not to invest in maintenance or improvements out of fear that it would contribute to partition actions, where heirs will take advantage of the contributions of another (Dyer and Bailey, 2008).

**Economic Constraints**

As mentioned earlier, land held among heirs cannot be modified or used for purposes of economic gain unless consensually agreed upon by all heirs (Dyer and Bailey, 2008). When heirs are not able to consensually agree to subdivide the property and establish clear titles of ownership, the property cannot be used as equity or for financial gain (Dyer and Bailey, 2008). Timber cannot be harvested onsite unless unanimous consent is obtained among all heirs, who will then receive an equal share of the revenue; the equal distribution of revenue may not always result and, in turn, heirs can sue timber companies for money owed (Dyer, 2007). The onus for ensuring adequate distribution of revenue when dealing with heirs’ property falls upon the timber company (Dyer, 2007), which can contribute to an unwillingness to work with heirs’ properties, further hindering the economic benefits of land ownership. Similar to the case involving timber sales, heirs’ properties tend not to be preferred among tenants interested in renting the property because of the convoluted nature of distributing rental income and obligation to numerous landlords (Georgia Appleseed, 2010).
As mentioned earlier, residents are unable to obtain federal housing aid or federally endorsed mortgages (Dyer and Bailey, 2008). Heirs’ property residents are unable to repair inadequate housing and are restricted to the purchase of manufactured homes, which usually accompany unfriendly loan terms and depreciate in value (Dyer, 2007; Dyer and Bailey, 2008). Heirs are not able to take advantage of the accumulation of wealth that homeownership permits (Dyer and Bailey, 2008). Furthermore, hurricanes Katrina and Rita serve as a startling example of the implications of communal land ownership; heir property owners in Alabama, Louisiana, Texas, and Mississippi, were not able to obtain Federal Emergency Management Agency (FEMA) or Department of Housing and Urban Development (HUD) funding to repair or rebuild their damaged or devastated homes (Appleseed, n.d.). It was not until these hurricanes that the extent of heirs’ property ownership was ascertained (Appleseed, n.d.).

Additionally, communally owned land cannot be used as collateral in the pursuit of non-mortgage loans, such as business loans, as there is no equity in the property (Dyer and Bailey, 2008).

**Social and Spatial Implications**

**Integrating Heirs’ Property with Adjacent Uses**

Given this legacy of isolation and restriction, heavily concentrated African American counties within the Black Belt have sustained higher numbers of families living in poverty as well as lower levels of educational attainment when compared to southern counties that are predominately white (Lyson and Falk, 1993; Johnson, et al., 2009). The Black Belt is regarded as an area that has been particularly overlooked by
mainstream society and planning (Lyson and Falk, 1993). In fact, this is an area
sometimes regarded as consisting of “people left behind,” and a “disadvantaged area of
the South” (Lyson and Falk, 1993, p. 56). Historically, planners have neglected African
American communities; economic decline accompanied the social and spatial isolation,
contributing to the distinguishable economic stratification of the urban cores and rural
hinterlands (Mitchel, 2000; Lyson and Falk, 1993). As growth stretches to the
hinterlands, heirs’ properties in the Lowcountry have either annexed into expanding
municipalities or refrained, forming isolated pockets amidst neighborhoods of affluence
(Johnson, et al., 2009). According to Dixon (2006), citing a specific heirs’ property
settlement along the fringe of a suburban Lowcountry town, annexation would necessitate
an increase of property taxes of nearly four hundred percent; a price the landowner could
not afford. The deficiencies in accessibility to services are coupled with the
encroachment of affluence, providing a noticeable distinction among the two groups
(Johnson, et al., 2009).

Public Services and Infrastructure

Because of the spatial isolation of heirs’ properties, deficiencies arise in the both
the quality and availability of public services and utilities. In the example of the
Lowcountry, traces of fecal coliform have been found in water supplies because of
improperly functioning septic systems, resulting from poor soil suitability and the
inability to maintain systems, and the lack of water and sewer services (Johnson, et al.,
2009; Johnson and Floyd, 2006). This represents a significant environmental injustice
borne by many residents of heirs’ properties. According to an interview conducted by
Ogawa (2008), one Lowcountry heirs’ property resident expressed a desire for water and sewer infrastructure expansion as well as neighborhood improvements and amenities. As sewer and water facilities contribute to residential and commercial development, municipalities typically prohibit expansion of these facilities to rural locales to enable resource preservation (Johnson, et al., 2009). Furthermore, residents of nearby affluent neighborhoods oppose the expansion of services out of fear that it will contribute to unprecedented growth and destroy the character of the rural landscape (Johnson and Floyd, 2006). Water and sewer infrastructure can only be extended where fiscally feasible and is often discouraged near wildlife reserves or national forests by national environmental agencies (Johnson and Floyd, 2006). Additionally, many residents of heirs’ properties lack the financial capacity to annex into adjacent municipalities that possess water and sewer services (Dixon, 2006). According to Solo, Perez, and Joyce (1993), given the cost efficiency associated with economies of scale, marginalized communities can seldom afford the construction of infrastructure and treatment plants necessary to serve them, as well as tap-in fees and monthly charges. The authors assert that local utilities companies tend to expand services to areas where the return on investment is the highest, which is measured through expected consumption and the increase in property value associated with the expansion; utilities companies tend not to extend services to lower income communities (Solo, et al., 1993).

Although transportation infrastructure has been extended to rural locales as necessitated by interstate highway legislation and economic expansion, a by-product of which is increased accessibility to residents of heirs’ properties, it can also negatively
affect these communities (Rivers, 2007b; Ogawa, 2008; Cashin, 2004). Historically, public officials failed to consider the values and cultural sentiment of or engage minority-dominated locales prior to expanding transportation infrastructure through these communities, leading to dislocation and segmentation (Mitchell, 2000). Remnants of the use of eminent domain for highway expansion within African American communities of Gullah decent are evident in South Carolina’s Lowcountry, as makeshift dwellings are uncomfortably close to major roadways and, as growth permits, proposals of roadway widening and expansion continue to threaten these communities (Dixon, 2006). Heirs’ properties can provide a palpable target for eminent domain as land values are deflated and many of these communities lack a unified voice to combat such proposals in the planning processes. South Carolina’s Hilton Head Island and immediately surrounding islands were subject to unprecedented economic growth and, in turn, gentrification after the construction of a bridge to Hilton Head in the late 1950s (Hicks, 2003). The bridge only shortly preceded the construction of the first gated-community on the island, Sea Pines Plantation, a private jet facility, as well as prestigious golf courses and resorts (Hicks, 2003). Because of upscale, resort development on Hilton Head, the median household income of Beaufort County is one of the highest in South Carolina, yet only ten percent of African Americans of Gullah descent remains on Hilton Head and they have been pushed to a small swath of land that rests at the northern tip of the island (Jarrett, 2004; Hicks, 2003). The development of gated communities has removed previously-accessible places for residents of the Gullah community to fish, hunt, and visit areas of religious significance (Jarrett, 2004). This growth has also contributed to water
quality degradation, affecting the health of shellfish, a source of food for the Gullah community, as well as deleterious effects on native vegetation, contributing to the loss of the components necessary to fashion sweetgrass baskets (Jarrett, 2004). Other forms of environmental injustices associated with suburban sprawl and automobile dependency include air quality degradation, congestion, water quality degradation associated with runoff, the loss of open space, as well as a loss of biological diversity (Rast, 2006). To counter these implications and environmental injustices, planners must adopt measures that improve accessibility to public services, infrastructure, and amenities in a manner which also preserves the cultural, environmental, and social components of these properties while meeting the needs of contemporary society (Lyson and Falk, 1993).

Cashin (2004) asserts that spatial segregation associated with race and socioeconomic status has persisted in this country for years because of zoning techniques and market influences. Heirs’ properties demonstrate a different dynamic associated with growth pressure and encroaching affluence, contributing to a sort of rural gentrification (Rivers, 2007b; Johnson, et al., 2009). Cashin (2004) further elaborates that the affluence associated with the suburbanizing landscape typically accompanies accessibility to amenities, higher quality public facilities than that of minority-dominated, lower income neighborhoods, and community-wide economic benefits. This can be applied to the suburbanizing landscape surrounding many African American communities within the Black Belt. And in the example of the Lowcountry, some heirs’ property residents welcome growth for its contributions to higher property values and tax base, enabling additional funding for public facilities, such as schools (Johnson, et al., 2009). An influx
of affluence demonstrates a diversifying locale, creating economic opportunities for existing residents and opportunities for social interaction (Cashin, 2004). Residents of heirs’ properties may not possess the skills necessary to obtain jobs within these growing locales, failing to benefit from the economic benefits of job creation (Ogawa, 2008). Given the fragile nature of heirs’ property, development must be carefully planned to avoid or slow rural gentrification. In the example of the Lowcountry, the distinct Gullah heritage is slowly disappearing as existing African American residents adopt mainstream cultural ideals and practices in response to pressures from enveloping suburban development as well as land loss through gentrification (Cross, 2008). The preservation of heirs’ property and the provision of services, which are fiscally and economically constrained, present a planning challenge. Maintaining a balance between cultural preservation and social and market influences, is a difficult planning task.

**Community Sentiment and the Struggles of Integration**

Given the history of marginalization, most residents of heirs’ properties distrust and typically less willing to share information with outsiders (Johnson, et al., 2009; Diop and Fraser, 2009; Rivers, 2007a). Additionally, years of racial friction and separation, coupled with divisive views regarding development make community-wide interaction and cooperation in the decision making processes difficult (Johnson, et al., 2009). This can present a planning challenge when attempting to facilitate spatial and social cohesion through shared amenities. According to Cashin (2004), attaining consensus among individuals of differing racial backgrounds and socioeconomic statuses in an equally representative manner is a difficult task. Additionally, social acceptance coupled with
planning strategies and investments specifically targeted to enabling civic engagement is necessary to enabling a cohesive landscape (Cashin, 2004; Ogawa, 2008). The only way to obtain social acceptance, community collaboration and, ultimately, a cohesive landscape is through education and bottom up decision making (Cashin, 2004). Civic interaction will not occur unless the cumyas and the benyas continuously strive to build relationships with each other, as well as promote fluidity and cohesion by continuously destroying barriers to interaction and equality (Cashin, 2004).

**Summary**

In summary, the suburbanization currently enveloping heirs’ properties is not benefiting the heirs’ property owners, and, at times, displaces them. The factors contributing to displacement of heirs’ properties include inherent characteristics, which are those unique to the land itself, and external environmental factors, which are managed by governmental entities. Both kinds are included in Table 1.
Table 1: Factors Contributing to the Isolation and Displacement of Heirs’ Properties

<table>
<thead>
<tr>
<th>Inherent Characteristics of These Properties</th>
<th>External Environmental Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural values over collective ownership</td>
<td>*Sprawl and subsequent increase in property value</td>
</tr>
<tr>
<td>Clouded titles/legal nature</td>
<td>Ineligibility of federal mortgage programs/housing aid</td>
</tr>
<tr>
<td>Property tax accountability</td>
<td>Local tax structure</td>
</tr>
<tr>
<td>Lack of familial coordination/consensus</td>
<td>*Physical/spatial isolation</td>
</tr>
<tr>
<td>Inability to access legal services</td>
<td>*Failure of local governments to engage these communities</td>
</tr>
<tr>
<td>Inability to locate heirs</td>
<td>*Lack of discourse/interaction with incoming residents</td>
</tr>
<tr>
<td>Subsistence culture/lack of skills for jobs</td>
<td>*Local governments prohibit manufactured homes in suburbanizing locales</td>
</tr>
<tr>
<td>Distrust in government</td>
<td>*Upzoning can contribute to higher tax values</td>
</tr>
</tbody>
</table>

*Indicates factors that can be regulated by the land use planner

In short, the following formula illustrates the compounding factors that contribute to the displacement of heirs’ property residents.

![Early Institutional Restrictions + Clouded Titles + Encroaching Suburbanization + Increase in Property Value + Familial Relationships + Partition Sales + Tax Accountability + Inaccessibility to jobs + Distrust in Government + Eminent domain + Lack of Engagement in Planning Process = Displacement of Heirs’ Property Residents](image)

Figure 3: Formula of Factors Contributing to Displacement
Agencies Assisting Heirs’ Properties in the Clarification of Title

Given the limitations associated with clouded titles and lack of accessibility to legal services, several agencies within various Black Belt states provide nonprofit legal assistance to residents of heirs’ property. For instance, National Appleseed, consisting of fifteen public interest justice centers within the continental United States, strives to enable legal equality among heirs, provide educational services and increase awareness of the implications of heirs’ property, and promote governmental programs which facilitate land preservation and assistance to heirs in an effort to counter the implications as identified above (Appleseed, n.d.). In addition, centers located in Georgia, Louisiana, Texas, Alabama, and South Carolina, in coordination with National Appleseed and local universities, promote initiatives which provide assistance at the state level (Appleseed, n.d.). National Appleseed also instituted the Heirs’ Property Retention Coalition, which aims to devise legislation that will ameliorate the current legal implications of heirs’ property in order to reduce land loss (Appleseed, n.d.). The Southern Coalition for Social Justice, in conjunction with the Orange County Office of Human Rights and Relations, have launched a comprehensive study of heirs’ property in Orange County, North Carolina (Southern Coalition for Social Justice, 2008). The Southern Coalition for Social Justice has been identifying and mapping heir property in Orange County through tax assessor’s records, which identifies property held by heirs and the individual paying the taxes (Southern Coalition for Social Justice, 2008). The Center for Heirs’ Property Preservation, located in Charleston, South Carolina, provides legal services, mediation,
and education to Lowcountry heirs’ property shareholders (Center for Heir Property Preservation, 2010). The Center for Heir Property Preservation will hold events, as well as public and familial seminars, to educate on the importance of clear title of ownership (Center for Heir Property Preservation, 2010).

**Statutory Measures Applicable to Heirs’ Properties**

Statutory measures that impose protection for heirs’ properties have been adopted in Alabama, Georgia, Florida, South Carolina, North Carolina, Mississippi, Louisiana, and will inform the strategies employed by municipal and county land use planners to preserve and integrate heirs’ properties with adjacent uses. These statutory protections are enumerated below.

**Alabama**

Ala. Code §35-6-1 (Lexis Nexis 2010) establishes general standards for partition actions, §43-8-1 (Lexis Nexis 2010) establishes general standards for intestate succession, and §19-3B-103 (Lexis Nexis 2010) establishes general standards for joint trusts and tenancy in common; however, there are no provisions which specifically target the protection of heirs’ properties.

**Georgia**

valorem taxes and family-owned agricultural enterprises, where agricultural production, including the harvest of timber, amounts to eighty percent of income generated, are subject to assessment based upon productive yields and sales. Family-owned agricultural enterprises must establish a covenant for a ten-year period for the production of agriculture, fifteen years for the harvest of timber, where a breach will result in the repayment of tax incentives (Ga. Const. Art. VII, § I, Para. III, 2010). Ga. Code. Ann. §12-3-441 (2010) established standards for the acquisition of lands within the sea island communities of Hog Hammock and Sapelo Island, including land held by heirs, to the Sapelo Island Heritage Authority for conservation purposes and public use. This statute established that the Sapelo Island Heritage Authority could not obtain privately held property through eminent domain or condemnation; however, the state maintains the ability to do so through the State Properties Commission (Title 12, Chapter 3, Section 441 of the Georgia Code). Ga. Code. Ann. §50-8-7.1 (2011) encourages multijurisdictional coordination in areas that contain “regionally important resources”.

**Florida**

Fla. Stat. §64.011(Lexis Nexis 2010) enumerated standards for partition actions among heirs and §64.06 (Lexis Nexis 2010) established the process for quieting title through partition actions. Pursuant to Fla. Stat. §193.075 (Lexis Nexis 2010), manufactured homes are assessed and taxed as real property if the manufactured home is affixed to a permanent foundation and both the land of which it is affixed and the
manufactured home are owned by the same individual(s). There were no provisions specifically targeting the protection of heirs’ property.

**South Carolina**

S.C. Code Ann. §15-61 (2009) established general standards for partition actions and §62-3-101 established general standards for intestate succession. S.C. Code Ann. §3-5-190 (2009) established that all landowners, including heirs, of lands adjacent to estuarine waters, shall be compensated for damage to oyster beds if impacted by large scale dredging or development projects; however, landowners will not be compensated for subsequent projects that impact wetlands. Pursuant to S.C. Code Ann. §12-24-40 (2009), land transferred from a family partnership or trust to a partner or beneficiary is exempt from deed recording fees. S.C. Code Ann. §28-2-280 (2009) establishes standards for condemnation and maintains that, in situations involving heirs, deeded or entitled owners will be referred to as landowners, identifiable heirs with an interest in the property will be referred to as other condemnees, and those unidentifiable will be referred to as unknown claimants; the landowner will be the recipient of just compensation. Pursuant to S.C. Code Ann. §12-43-220 (2009), life estates of fewer than five acres that possess multiple residences occupied by family members and deemed the legal domicile are exempted from the six percent tax assessment ratio for real property and instead are taxed at a ratio of four percent of the assessed value; the burden of proof of owner-occupancy falls upon the homeowner. Additionally, family-operated agricultural enterprises, with fewer than ten shareholders and used for agricultural purposes, are subject to the four
percent assessment ratio as well (Title 12, Chapter 43, Section 220 of the South Carolina Code of Laws). Pursuant to S.C. Code Ann. §12-36-2120 (2009), revenue obtained from the sales of locally handcrafted sweetgrass baskets are not subject to the payment of sales taxes.

North Carolina

N.C. Gen. Stat. §29-16 (2010) establishes the general standards for intestate succession and requires that when land is subject to succession to heirs, all heirs as well as their shares must be identified. N.C. Gen. Stat. § 46-1(2010) establish general standards for partition actions. Pursuant to N.C. Gen. Stat §46-22 (2010), the courts, in exercising discretion over forced partition sales, will determine if a forced partition sale would result in injury to remaining shareholders based on the following criteria: if the partition action would result in returns substantially less than market value and if the action would infringe upon the property rights of the remaining shareholders. The burden of proof of injury falls upon the remaining shareholders and the courts will determine if the partition action can be made without injury (Chapter 46, Section 22 of the General Statues of North Carolina). Pursuant to N.C. Gen. Stat. §160A-383.1 (2010), a locality cannot adopt zoning districts explicitly prohibiting manufactured homes from the entirety of the jurisdiction.

Mississippi

exemption to relieve the tax burdens of family-lands and encourage residential development, which is limited to seven thousand five hundred dollars, for legal residences that are owned and inhabited by legal Mississippi citizens. Pursuant to Miss. Code Ann. §85-3-21 (2010), properties eligible for the Homestead Tax Exemption must be less than one hundred sixty acres and the property value cannot exceed seventy five thousand dollars. Pursuant to Miss. Code Ann. §27-33-17 (2010) ownership as defined for eligibility of the Homestead Tax Exemption include property held among heirs. Pursuant to Miss. Code Ann. §27-53-27 (2010), manufactured homes that are owned and occupied by the same individuals that own the land of which the manufactured home is situated, are exempt from ad valorem property taxes.

**Louisiana**

Pursuant to the Unclaimed Property Act LA. Rev. Stat. Ann. 9:162(F) (2010), if property is seized by the state through the actions of a *holder*, an individual holding the property with intention to purchase, and an individual claims rightful ownership, the holder, if he or she followed the necessary protocol for the acquisition of land, will be indemnified for his or her investment. Pursuant to LA. Rev. Stat. Ann. 9:167 (2010), an individual can make a claim for ownership of the property subject to state acquisition within ninety days of the initiation of the acquisition process and the state can refuse a claim on the basis of insufficient proof of ownership and provide opportunities to reclaim within an additional thirty days; if the claimant is deemed legitimate, the property will either be returned or compensation will be awarded. Rev. Stat. Ann. 9:164 (2010) posits that abandoned land seized by the state will be
sold within three years; in which case, all prior burdens of the property and claims of ownership will be eliminated. Pursuant to LA. Rev. Stat. Ann. 33:131 (2011), municipalities and parishes of an urban, by Census designation, or suburban area have the authority to establish a consolidated government, creating a regional planning commission and unified planning documentation.

**Gentrification of Marginalized Communities**

“Because of the location’s success, which is invariably based on flourishing and magnetic diversity, ardent competition for space in this locality develops. It is taken up in what amounts to the economic equivalent of a fad.” – Jane Jacobs (1961, p.243)

Jane Jacobs’ book, *The Death and Life of Great American Cities*, demonstrates the push and pull factors that influence the process of gentrification; it asserts how economic success can contribute to homogenized development trends and displacement in the pursuit of a “fad.” This quote is applicable to the dynamics confronting heirs’ properties, where historic and cultural landscapes are lost as a result of the pressures of suburbanization and sprawl. Planning literature has failed to address the potential strategies used to preserve and integrate heirs’ property. As growth pressure is the most significant factor contributing to land loss of heirs’ properties through a process of rural gentrification, literature pertaining to strategies to prevent or ameliorate the displacement of marginalized communities associated with gentrification can inform the possible planning strategies that can be used to combat further loss of heirs’ property.
Community Attachment and the Economics of Gentrification

Marc Fried, in his essay, “Grieving for a Lost Home” discusses the emotional reaction of the low-income residents from Boston’s West End to the demolition of their residential complex and their displacement (Duhl 1963). Fried discusses how marginalized communities develop deep place attachments to their surroundings or a “spatial identity” that is based on intricate and deeply rooted social networks as well as opportunities for civic engagement, providing a retreat from the hardships of life (Duhl 1963 p. 156). Citing the urban renewal in the West End, residents greatly lamented the loss of their former tenement, which was dilapidated and infested with vermin, as it contributed to a loss of social identity, familiarity, and engagement (Duhl 1963). Given the cultural and historic dimensions of heirs’ property, similar place attachments exist. Additionally, as shareholders of heirs’ properties lack equity in their homes, they are unable to benefit from increasing property values and typically do not obtain full economic value of their land, debilitating their ability to secure an equivalent place of residence. In a discussion of the implications of gentrification on marginalized communities, LeVeen (2004) describes how developers make offers to purchase the homes of marginalized residents which, because of the economic dynamics of gentrification, are substantially higher than the original purchase price, yet are not sufficient to enable the purchase of an equivalent home.

Spatial and Social Disparities and Community Detachment

Gentrification results in the modification of existing character as well as an aggregate increase in property value (Glick, 2008). Nyden, et al., (2006) discuss the
social and spatial dimensions of the West Town/Humboldt Park community of Chicago, a marginalized Latin community that succumb to gentrification. The authors discuss how encroaching development trends were spatially dissimilar from that of existing settlement patterns and character, destroying the historical, cultural, and social features of the community in the pursuit of a new type of community (Nyden, et al., 2006). “Cookie-cutter” suburban housing developments, large-scale retailers, and businesses which cater to middle class individuals indicate the onset of gentrification (Nyden, et al., 2006). The influx of businesses can create jobs and enable access to services for existing marginalized residents; however, in most cases, incoming development is not balanced with housing affordability and, existing residents often lack the skills necessary to attain jobs within these businesses, hindering upward mobility (Nyden, et al., 2006). In a study performed by Glick (2008) of seven gentrifying locales within heavily populated cities, research concluded that succeeding residents are typically educated and of middle-class stature, while existing residents are typically older and possess lower levels of educational attainment. The sentiment among existing residents toward encroaching residents is described as a “them versus us” attitude, similar to that of the Gullah community, which was described as the cumyas versus the benyas (Nyden, et al., 2006).

The benefits of gentrification are disproportionate in relation to costs. Investors and incoming middle-class residents reap considerable benefits with minimal investments yet transaction costs are borne by existing residents (LeVeen 2004; Palen and London 1984). Incoming development contributes to higher property values which exceed the financial capacity of existing residents or business owners, forcing them out of their
communities (Nyden, et al., 2006). To quote Jacobs (1961), “the winners in the competition for space will represent only a narrow segment of the many uses that together created success” (p. 243).

Glick (2008) asserts that marginalized communities have been neglected by conventional financing organizations, as residents’ creditworthiness makes them eligible for higher interest rate loans. This hinders their ability to benefit from increases in property value, as terms are financially constraining and may result in foreclosure; these lending practices are considered predatory. This phenomenon demonstrates the disparate equity accumulation that occurs among marginalized communities and encroaching affluence (Glick, 2008). Equity is calculated by the difference in property value, including housing and land value, and financial obligations (Glick, 2008). This disparity occurs within heirs’ properties as residents are not eligible for federal mortgage programs and typically must pursue subprime loans for manufactured home purchases. Manufactured homes depreciate in value, further complicating the strain associated with subprime loans as well as the economic disparity between land and housing values.

Animosity between encroaching affluence and existing residents is intensified by the following: the divisive values and cultural epistemologies held by the two groups; the fact that existing residents are held accountable for any problems that arise within the community; and the political clout and better quality public facilities and services enjoyed by the incoming affluent residents (Nyden, et al., 2006). In some cases, newcomers will find the appearance of surrounding homesteads of existing residents offensive, and will complain to building inspectors who may issue liens or citations on
the property (Nyden, et al., 2006). These additional fees may be unaffordable for the existing residents (Nyden, et al., 2006). Newcomers are typically more involved with local governments, such as petitioning for the enhancement of services, in an effort to maintain property value (Palen and London, 1984), which can contribute further to gentrification.

In some cases, gentrification is spurred by public officials’ policy decisions. For instance, policy makers in New York City upzone the properties within marginalized neighborhoods in order to catalyze gentrification (Hum, 2010). Upzoning contributes to increased property values that existing residents may not be able to afford. Subsequently, in this case, affluent neighborhoods were typically downzoned in order to protect existing residential uses (Hum, 2010). Planners must consider the economic components of zoning when encountering heirs’ properties. As many heirs’ property residents desire higher densities, upzoning from agricultural designations to enable desired densities may render these properties unaffordable. Also, the same is true if these properties are on the fringe of suburbanization and are upzoned to promote a cohesive landscape.

Eminent domain is a tool employed by public officials to facilitate community revitalization (Hum, 2010). The acquisition of land for the expansion of infrastructure or commercial development can spur gentrification and displacement when incoming development is not contextually sensitive and coupled with methods to ameliorate displacement (Hum, 2010). In some cases, the extension of services, such as sewer and water, can fuel gentrification; citing a case involving a marginalized community in Kenya, the extension of water services, with the intent of enabling access to potable
water, contributed to significantly higher land values and eventually land loss (Solo, et al., 1993). The provision of services to marginalized communities must be coupled with innovative funding strategies to lessen the financial burden associated with added infrastructure.

**Strategies to Prevent Displacement of Marginalized Communities from Gentrification**

*Spatial Approaches*

LeVeen and Rast discuss regional approaches to mitigating displacement associated with gentrification (Leveen, 2004; Rast, 2006). LeVeen (2004) and Rast (2006) emphasize regional equity planning in the context of regional smart growth through the implementation of strategies that will enable social and cultural diversity while cultivating economic prosperity. LeVeen (2004) cites transportation planning, the maintenance and expansion of affordable housing options, and the cultivation of jobs methods to ameliorate displacement. According to Duany, Sorlien, and Wright (2008), the automobile dependent nature of suburbanization has contributed to inequities among the transit-dependent, which applies to the situation involving heirs’ properties as they tend to be of low to moderate income stature and are spatially isolated from surrounding suburban development. Transportation equity through the provision of equitable transit services and pedestrian/bicycle capabilities would enable accessibility to job centers as well as aid in the mitigation of the negative externalities of automobile dependency (Rast, 2006). Rast mentions such planning and policy strategies as: brownfield and infill
development, densification of developed areas, mixed use development, even distribution of community facilities through tax-base sharing (2006).

As a mechanism to spur smart growth and character preservation, Duany, Sorlien, and Wright’s, concept of SmartCode, which incorporates New Urbanism concepts into transect or form-based planning and, may present a throughable means of preserving the rural character of heirs’ properties in an integrated spatial form (Duany, et al., 2008). SmartCode consists of six Transect Zones, which diminish in intensity from the urban to rural fabric while embracing the unique character of each zone through design considerations, enabling accessibility through mixed uses and transportation planning, and allowing community interaction through the planning of civic spaces (Duany, et al., 2008). It is an approach that can be applied at regional, local, community, or parcel scales (Duany, et al., 2008). This approach enables the preservation of the existing cultural or historical character while allowing development to evolve “in complexity, density, and intensity”, through a natural progression (Duany, et al., 2008, p. v). The six zones as they progress in intensity are as follows: the Natural Zone, Rural Zone, Sub-Urban Zone, General Urban Zone, Urban Center Zone, Urban Core Zones (Duany, et al., 2008). In order to accomplish the characteristics enumerated above, SmartCode employs such tactics as: the transfer of development rights (TDR), cluster development, traditional neighborhood design (TND), green infrastructure planning, architectural and design standards, and infill development (2008). This approach may provide a means of protecting the existing character surrounding heirs’ properties by
enabling context-sensitive design as well as an integrated and spatially cohesive landscape.

Critics assert that New Urbanism-inspired developments focus more so on design and aesthetics over social equality, contributing to socially homogenous communities (Talen, 2008). Conceptually, this development type embraces social equity by incorporating a mixture of incomes and uses as well as enabling the equitable distribution and access of community facilities; however, the economics of land use may result in gentrification through diminished housing affordability (Talen, 2008). Affordable housing policies, such as low income housing tax credits (LIHTC), community development block grants (CDBG), and tax increment financing (TIF), must be aligned with land use planning objectives (Talen, 2008; Levy, et al., 2006a). The lower densities and intensities of rural transect zones may preclude walkability and the feasibility of transit; coordinated transportation and land use planning is essential in order to ensure accessibility to services, jobs, and educational opportunities (Talen, 2008). However, given the economic and legal situation of heirs’ properties, few strategies exist that target their displacement. Community sentiment toward mixed-income and mixed-use development and the rigidity of existing zoning ordinances impede the implementation of this kind of development as well (Custer, 2007; Talen, 2008). Communicative, educative, and collaborative planning processes that engage all community stakeholders and decision-makers will enable progress toward socially diverse and cohesive landscapes through the adoption of innovative land use methods that embrace social equity for existing and future generations (Talen, 2008; Grant, 2009).
Community Engagement

As mentioned earlier, tension exists among incoming and existing residents, and incoming residents tend to maintain a dominant voice in decision-making processes. Nyden, et al., (2006) discusses how community interaction and cooperation among incoming and existing residents, in both formal and informal settings, can lead to the formation of balanced objectives that will meet the needs of each cohort and, in turn, create a sense of community. As mentioned earlier, Cashin (2004) and Ogawa (2008) find social learning among heirs’ properties and incoming middle class residents through interaction and communication as a throughble means of attaining consensus. Displacement as a result of gentrification can be ameliorated through collaboration among community citizens, bottom-up community organization, community integration, and planning measures targeted specifically at community preservation (Neighbor Works America, 2005). Rast (2006) asserts that regional smart growth efforts have been historically biased toward the suburban experience, lacking representation of low income African Americans in the planning processes, which is necessary in order to combat displacement. Involvement of both affluent as well as marginalized communities is essential as regional prosperity depends on the economic stability and vitality of both cohorts (Rast, 2006). Mechanisms that enable a unified front among affluent and marginalized citizens can facilitate regional efforts that meet the needs of both cohorts (Rast, 2006). Planners must establish unified visions at neighborhood, city, and regional levels that will guide growth and combat the early signs of gentrification; a process that involves the engagement of both affluent and marginalized communities (LeVeen, 2004).
In situations where the efforts of public officials neglect the needs of marginalized communities, bottom-up involvement of non-profit entities in the planning processes is necessary. In Lake County, Indiana, a coalition developed among environmental conservation entities, which opposed sprawling development trends in favor of maintaining the quality of life of the suburbs, and an environmental justice group, which represented marginalized communities; this coalition successfully influenced the proposed long range transportation plan to adopt strategies for regional transit opportunities and deemphasize highway expansion (Rast, 2006). Without the concerted effort among the aforementioned agencies to influence public officials’ incorporation of transportation equity planning into their long range plan, the needs of the marginalized communities would have been greatly compromised, as the inequities in transit would not have been addressed (Rast, 2006). The smart growth tactics employed in this case provided a balance among the needs of residents of the suburbs and those of marginalized communities by discouraging continued sprawl and enabling social mobility through increased accessibility to jobs and services among the marginalized (Rast, 2006).

Similarly, in a situation involving Reynoldstown, a post-Civil War African American industrial settlement near Downtown Atlanta, organized, grass-roots efforts providing the catalyst for community enhancement and social mobilization (Neighbor Works America, 2005). Through the Reynoldstown Civic Improvement League (RCIL), consisting of long time residents, the community was able to pressure decision makers into facilities improvements and expansions (Neighbor Works America, 2005). When the Metro Atlanta Rapid Transit Authority (MARTA) proposed the development of a
loading dock to accommodate a transit station and park and ride facility that was constructed ten years prior at the reluctance of the community and the RCIL, the RCIL was proactive in engaging the public and developing a unified front against the development, enabling mediation and concessions among the two entities that would have otherwise not occurred (Neighbor Works America, 2005). The RCIL partnered with a local redevelopment corporation and together the two entities spearheaded economic and community revitalization efforts, providing the financial capacity to purchase vacant lots subject to the economic dynamics of gentrification in an effort to maintain community character (Neighbor Works America, 2005). One of the most progressive approaches to land management employed by the partnership enumerated above was the development of a master plan in conjunction with the City of Atlanta, which was incorporated into the city’s comprehensive plan; prior to the formation of a master plan, a unified vision was established through community engagement and collaboration (Neighbor Works America, 2005).

The Spanish-Speaking Unity Council, a non-profit entity involved in the revitalization of distressed Latin communities, targeted the neighborhood immediately surrounding Bay Area Rapid Transit’s Fruitvale Station for economic rehabilitation (Ellis, 2005). Revitalization stemmed from community opposition, lead by the Unity Council, to a BART proposal for a parking garage on a park and ride lot in between the station and the Fruitvale commercial district as it would lead to air quality degradation and crime as well as lack of spatial cohesion to the surroundings (Fruitvale Village Project Overview, n.d.). A partnership among the Unity Council, BART, and the City of
Oakland was established to facilitate the revitalization effort, which involved the retrofit of existing BART park and ride lots into a mixed use and walkable streetscape, creating what is now referred to as Fruitvale Village (Ellis, 2005; Fruitvale Village Project Overview, n.d.). With the destruction of the former park and ride lots, the mixed use fabric was integrated with existing transit, resulting in a cohesive landscape (Fruitvale Village Project Overview, n.d.). The character and services of Fruitvale Village cater to the cultural values and needs of the Latin community, including: the inclusion of large employers, workforce training programs, and restrictions on retail leasing in order to maintain local Latin merchants (Ellis, 2005; Fruitvale Village Project Overview, n.d.). The aforementioned strategies necessitated revitalization of the Fruitvale community, as well as social mobility among residents, while maintaining unique cultural characteristics. Similar strategies should be employed when addressing heirs’ properties to enable economic prosperity and social equity while maintaining and accommodating cultural values.

According to Hum (2010), minority-dominated locales would lack representation in planning processes without the collective voice that community-based organizations permit. Again citing New York City, nearly sixty advisory community boards appointed at the district level voice the interests of citizens and influencing and shaping city policies (Hum, 2010). Advisory community boards reconcile conflict that arises at the district level and translates these concerns into coherent policy recommendations (Hum, 2010). Where public entities fail to incorporate the ideals of marginalized communities, non-profit entities intervene and are fundamental in engaging marginalized communities as
well as voicing their concerns to decision makers (Hum, 2010). Non-profit entities are typically sensitive to the cultural epistemologies of these communities; they establish trust among citizens and facilitate social learning and collaboration, which leads to the establishment of unified growth objectives (Hum, 2010). These non-profit advocacy groups educate policy-makers and the general public of these unified growth objectives, which are incorporated into policy documents (Hum, 2010). Mutual understanding of the cultural epistemologies of incoming suburban development as well as existing heirs’ properties, as discussed by Alanen and Melnick (2000) in reference to the Gullah culture, is essential in establishing trust, cultural and community integration, as well as acceptance. Cultural understanding and acceptance can lead to community integration and cohesion where common values and interests regarding future development are shared among all residents (Neighborhood Works America, 2005). Community-wide civic events that enable social interaction and the development pride of place will aid in establishing a socially integrated community; for instance, Reynoldstown Community proudly displays its heritage in the semi-annual Wheelbarrow Festival, which provides a source of economic revenue for the community by drawing many visitors to the event as well as reinforce pride and community sentiment among residents (Neighbor Works America, 2005).

**Fiscal Approaches**

In gentrifying locales, Levy suggests the use of housing trust funds, inclusionary zoning techniques, and Low-Income Housing Tax Credits (LIHTC) as methods of providing affordable housing while mitigating displacement and social homogenization
as a result of gentrification (Levy, et al., 2006a). Housing trust funds involve the public dedication of funding, at the local or state level, for the development or rehabilitation of affordable housing; this is a mechanism that is only feasible in areas facing growth pressures and a subsequent shortage of affordable housing (Levy, et al., 2006b). Through inclusionary zoning, planners can require that a minimum percentage of affordable housing be developed and maintained as affordable for a specified period of time as a condition of approval of a development proposal (Levy, et al., 2006b). The federal Low-Income Housing Tax Credit (LIHTC) program, typically administered by states, provides developers with tax incentives for the development of affordable housing (Levy, et al., 2006b). However, inclusionary zoning and Low-Income Tax Credits are oriented toward the creation of affordable housing instead of retention or asset enhancement of marginalized communities, which is the primary problem associated with heirs’ properties. As mentioned earlier, because of clouded titles, owners of heirs’ properties are not always eligible for public funding programs for the enhancement of their dwellings; maintaining affordability of adequate housing among these individuals presents a planning challenge. Levy, et al. (2006a) states that cooperation among lending companies, local governments, community leaders, and non-profit agencies is essential to retain affordable housing, as well as building assets among low-income communities. Although owners of heirs’ properties cannot obtain the equity in their land, innovative and cooperative approaches to maintaining land ownership is essential in combating further land loss as a result of gentrification. Strategies that may benefit owners of heirs’ properties include grants for housing rehabilitation and property tax assistance or
deference when property values have escalated as a result of gentrification (Levy, et al., 2006b). Such policies, adopted at the state or local level, can impose requirements for tenancy, age, as well as income in order to qualify for assistance (Levy, et al., 2006b). Pursuant to Direct Single Family Housing Loans and Grants 7 C.F.R §3500 (1996), Section 502 and 504 loans and grants, administered through the United States Department of Agriculture – Rural development (USDA-RD), are available for the rehabilitation of substandard housing owned and occupied by low-income rural residents that are unable to obtain funding through mainstream sources. Manufactured homes that are affixed upon or will be affixed upon a permanent foundation are eligible for funding. Funding includes initial user fees and installation of utilities as well as property tax deference at the time of loan closing. Loans for housing improvements cannot exceed $20,000 and grant funding, which is only available for senior citizens and disabled persons, is restricted to improvements necessary for their safety and accessibility and cannot exceed $7,500. Potential lenders must demonstrate the financial capacity to repay loan obligations. Payment subsidies are available for owner-occupied housing in which residents possess adjusted incomes that are below the threshold for moderate-income standing, and housing loans have an amortization period in excess of 25 years.

Individuals that lack the necessary credit, because of outstanding federal or state debts, and where housing conditions will remain substandard after investment will not qualify for these programs. Proof of legitimate homeownership is necessary; in the case of multiple shareholders, all must be loan signatories, which can present an impediment for heirs’ properties. However, shareholders with a collective interest of fifty percent are
eligible for a mortgage, if the shareholders can collaborate on terms of the mortgage. Grants, on the other hand, do not require mortgaging of the property and, in turn, are applicable to heirs’ properties without unanimous consent of shareholders.

Community Development Block Grant (CDBG) funding, administered through the Department of Housing and Urban Development (HUD), provides funding opportunities for the redevelopment to communities of high concentrations of low to moderate income persons (Cytron, 2008). Redevelopment initiatives consist of job training and literacy programs, educational and civic opportunities for youth, as well as infrastructure, safety, and energy efficiency improvements (Cytron, 2008). Some critics argue that this form of funding has not been equitably allocated to the most-deserving individuals as the eligibility formula established by HUD may not incorporate all necessary factors and, in turn, all needy communities into its analysis (Cytron, 2008). The eligibility formula incorporates characteristics associated with age of housing stock, income, and population (Cytron, 2008). Additionally, the difficulty local governments face in identifying heirs’ properties can hinder the allocation of this form of funding.

As the extension of infrastructure to communities of heirs’ properties can present a fiscal challenge because of the economic constraints of these properties, Community Development Block Grants (CDBGs) can provide a source of funding for the construction and enhancement of water and sewer infrastructure (Cytron, 2008). Through the adoption of Water and Waste Loans and Grants 7 C.F.R §1780 (1997), the Rural Utilities Service (RUS), a branch of the United States Department of Agriculture-Rural Development (USDA-RD), was authorized to administer loans and grants to state
and local governments and public service districts or authorities for the extension, enhancement, and initial user fees of sewer, water, and stormwater infrastructure, where fiscally feasible, to low-income rural communities. Funding can also be used for project planning, administration, and engineering as well as legal services and land assembly. In order to be approved for funding, applicants must have a financial strategy in place to repay the loan and adequately maintain facilities. Areas eligible for funding must not exceed a population of 10,000; areas consisting of fewer than 5,500 individuals have priority (United States Department of Agriculture – Rural Development, 2010).

**Social Mobilization**

Partnerships with development firms, governmental planning entities, transit authorities, and non-profit entities can collaborate on the creation of workforce training programs (Myerson 2006). As growth encroaches into rural locales, accessibility of existing residents to continuing educational opportunities as well as jobs should be emphasized in order to avoid the spatial isolation of heirs’ properties and subsequent economic decline due gentrification and inaccessibility to jobs or education.

Publically driven education initiatives and programs available to assist in property retention include outreach to marginalized communities to aid in their understanding of the implications and process of gentrification, and the legal dimensions of property ownership in order to prevent unscrupulous land seizure by third parties (LeVeen, 2004; Neighborhood Works, America 2005). This is especially fundamental in heirs’ property situations where landowners are unaware of the vulnerability of clouded titles in growth-
prone areas as well as the many non-profit organizations available that provide discounted legal services.

Legal Tools

The establishment of conservation easements can provide a means of land conservation for greenfields that are threatened by growth pressures through legally binding contracts that perpetually restrict certain land uses (Rivers, 2007b; Morisette, 2001). Conservation easements, which accompany tax incentives, can specify the continuance of existing land uses, prohibit or permit public use of the land per access easement, and prohibit subdivision of the land (Morisette, 2001). Landowners will maintain all rights of the land that are in place before the establishment of the easement (Morisette, 2001). Conservation easements can enable public recreational and educational uses as well as preserve greenspace, ecologically sensitive areas, and historically or culturally significant areas (Rivers, 2007b). Once a conservation easement is established, property is either sold or donated to a land trust or governmental entity for maintenance (Rivers, 2007b; Morisette 2001). Although this provides a possible tool for the preservation of heirs’ property, certain implications are worth noting. The unanimous consent of all shareholders is necessary to establish a conservation easement and all will have to reach a consensus on its terms; Rivers (2007b) suggests clearing the title of the land before establishing the easement in order to identify all heirs. Distributing the tax proceeds among all heirs is difficult (Rivers, 2007b) and may be insignificant when divided. Lastly, if heirs’ lack tax burdens, there may be no financial incentive to the easement (Rivers, 2007b).
Limited liability companies (LLCs) are another way for multiple land owners to retain property; shareholders will relinquish their shares to the LLC, which is owned collectively by all heirs, or sell them to other family members (Way, 2009; Dyer, 2007). Shareholders possess interests in the LLC instead of the property and no one shareholder is solely responsible or accountable for the financial obligations of the property, ameliorating the risks associated with clouded titles and the lack of ownership accountability (Way, 2009). As an LLC, the property is then eligible for mortgage programs and can be modified without unanimous consent from all property owners rather than the consent from the majority (Way, 2009). Additionally, shareholders can tailor the terms of the LLC around their specific interests and needs, enabling additional protections (Way, 2009). Similar to the establishment of conservation easements, LLCs require the unanimous consent of and consensus among all heirs, which can present a challenge in situations involving many heirs.

In summary, the varying strategies delineated above provide a means for property retention and integration from the perspectives of land use planning, social mobilization and advocacy planning, property law, and fiscal policy. These strategies are not mutually inclusive and should be used in conjunction with other measures. Table 2 displays the aforementioned strategies of mitigating displacement and the subsequent implication that may arise in application of heir’s property.
<table>
<thead>
<tr>
<th>Strategies:</th>
<th>Setbacks in Application to Heirs' Properties:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Spatial</strong></td>
<td></td>
</tr>
<tr>
<td>Regional Smart Growth/ &quot;Equity Planning&quot;</td>
<td>Identification of heirs properties, engagement in planning process, and governmental distrust</td>
</tr>
<tr>
<td>SmartCode</td>
<td>Market influences can hinder affordability</td>
</tr>
<tr>
<td><strong>Community Engagement</strong></td>
<td></td>
</tr>
<tr>
<td>Community Collaboration/Coordination</td>
<td>Governmental distrust, difficulty in identifying heirs</td>
</tr>
<tr>
<td>Bottom-Up/Grassroots Efforts</td>
<td>Collaboration among heirs can present a challenge</td>
</tr>
<tr>
<td><strong>Social Mobilization</strong></td>
<td></td>
</tr>
<tr>
<td>Educational Services</td>
<td>Distrust in government and the legal system</td>
</tr>
<tr>
<td>Accessibility to jobs and educational opportunities</td>
<td>Land assembly and obtaining trust among heirs</td>
</tr>
<tr>
<td><strong>Fiscal Approaches</strong></td>
<td></td>
</tr>
<tr>
<td>United States Department of Agriculture (USDA) Direct Single Family Housing Loans and Grants; Sections 502/504</td>
<td>Loans are limited to individuals with creditworthiness/capability to repay and require consent of shares from at least half of the collective interest of the property</td>
</tr>
<tr>
<td>United States Dept. of Agriculture (USDA) Water and Waste Loans and Grants</td>
<td>Limited to locations that are fiscally feasible and funding strategies must be in place to receive funding. Difficulty in finding heirs.</td>
</tr>
<tr>
<td>United States Department of Housing and Urban Development (HUD) Community Development Block Grants</td>
<td>Difficulty in identifying communities/heirs’ properties</td>
</tr>
<tr>
<td><strong>Legal Tools</strong></td>
<td></td>
</tr>
<tr>
<td>Conservation Easements</td>
<td>Unanimous consent among all shareholders is required and a consensus on terms/lack of tax burdens may diminish financial incentive</td>
</tr>
<tr>
<td>Limited Liability Corporation (LLC)</td>
<td>Unanimous consent of shareholders/consensus on terms</td>
</tr>
</tbody>
</table>
CHAPTER 2: RESEARCH METHODOLOGY

Social, spatial, cultural, economic, and legal implications contribute to land loss of heirs’ properties, and the literature fails to address strategies that can be employed to mitigate this displacement. The literature posits that heirs’ property issues associated with displacement and spatial isolation have emerged in the following states: Alabama, Georgia, Florida, South Carolina, North Carolina, Mississippi, and Louisiana (Lyson and Falk, 1993; Cross, 2008; Appleseed, n.d.; Mitchell, 2000). However, the literature has been decidedly silent in addressing planning strategies for the preservation and integration of heirs’ properties with adjacent uses as well as fails to address strategies to mitigate displacement resulting from rural gentrification. The objective of this research was to determine if and what kind of strategies have been employed by municipal and county land use planners to enable the preservation, as well as integration, of heirs’ properties with adjacent uses within the seven selected states.

This methodology consists of two parts: 1) planning document review of located planning and zoning documentation for the jurisdictions identified for analysis and 2) a survey of planning and administrative personnel within these jurisdictions. During planning document review, the following elements aided in determining possible tools that practicing planners employ to address heirs’ properties: existing funding and land use regulatory strategies; educational strategies for awareness of the implications of clouded titles and available pro bono legal services; and strategies for multijurisdictional coordination employed by county and municipal planners of both the Black Belt region, as well as the Gullah-Geechee Corridor. Those findings were affirmed and additional
strategies were uncovered through an Internet-based survey of county and municipal planning personnel. One hundred and one (101) planning documents were located for the planning document review, representing one sample of the population of 232 jurisdictions selected for analysis. One hundred and sixty four (164) planning and administrative contacts of 157 jurisdictions were identified for survey distribution, representing the second sample of 232 jurisdictions. These two samples overlap. Table 3 displays the representation of each sample of the population.

<table>
<thead>
<tr>
<th>Table 3 Sample Representation of the Population of 232 Jurisdictions</th>
</tr>
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<tbody>
<tr>
<td><strong>Sample 1</strong></td>
</tr>
<tr>
<td>Content Analysis</td>
</tr>
<tr>
<td>Sample Size: 101 Jurisdictions of Located Planning Documentation</td>
</tr>
<tr>
<td>Percentage of Population: 43.5%</td>
</tr>
</tbody>
</table>

The findings from both the planning document review and survey are organized into a planning framework that comprises the varying techniques employed by the surveyed municipalities and counties.

**CHAPTER 3: PLANNING AND ZONING DOCUMENT REVIEW**

A manual content analysis began with a review of the land use planning tactics employed by county and municipal planners to preserve and integrate heirs’ property with adjacent uses within jurisdictions of the Black Belt, Gullah-Geechee Corridor, and the literature-based group. Jurisdictions that were specifically identified from the literature are referred to as the “literature-based group” throughout this document. To further focus the geographic area of research, municipalities and counties were selected
for analysis if they were: 1) located in Black Belt counties that continued to have a majority concentration of African Americans according to 2000 Census data; 2) specifically identified Gullah-Geechee Corridor communities identified from the National Park Service’s corridor delineation; or 3) any additional counties or municipalities specifically identified in the literature as encountering difficulties with the preservation and integration of heirs’ properties with adjacent uses. 2000 Census data was used to select counties of the Black Belt because, at the time of this research study, 2010 Census demographic data was not available. The source of data for planning document review included municipal and county websites, where the following were obtained: zoning ordinances and comprehensive plans, funding mechanisms and initiatives, additional social or legal services, and contact information. Of the 232 identified jurisdictions, 157 (68 percent) were located within the Black Belt, 50 (22 percent) were located within the Gullah-Geechee Corridor, and 25 (11 percent) were derived from the literature. One county, Jasper County, South Carolina, is contained within both the Gullah-Geechee Corridor and the Black Belt. Figure 4 displays all of the counties selected for analysis, while Figure 5 reveals the distribution of jurisdictions selected for planning document review by state. One municipality was selected from each county, the county seat, as well as any additional municipality specifically identified in the literature for having encountered issues associated with heirs’ property. In addition, the City of Raleigh, North Carolina was selected based upon findings from the literature. A complete listing of these jurisdictions is included in Appendix A.
Figure 4: Counties Selected for Analysis

Source: US Census Bureau
Figure 5: Distribution of Jurisdictions Selected for Analysis by State

**Population Characteristics**

Figure 6 displays the 2010 US Census population distribution for counties selected for analysis. Black Belt counties are more rural in nature while counties from the literature-based group and within the Gullah-Geechee Corridor contain higher population concentrations and are more urban in nature. Understanding population distribution will indicate the availability of funding for planning activities, informing the capacity to plan within each jurisdiction.
A manual content analysis was performed for all located planning and zoning documents to ascertain the specific and general regulatory strategies that are employed to preserve and integrate heirs’ property with surrounding uses. Strategies that are specifically applicable to the preservation and integration of heirs’ property with surrounding uses are those that explicitly mention heirs’ property, clouded title of ownership, family lands or subdivisions, intestate succession, early settlements among emancipated slaves, and the Gullah-Geechee community. Strategies that are generally
applicable to the preservation and integration of heirs’ property with surrounding uses are those that address the following: rural preservation, shared civic space planning, multijurisdictional and/or interagency coordination, smart growth, Form-Based Code, natural resource protection, multimodal transportation connectivity, downtown revitalization, cultural and historic preservation, cluster development, group development, manufactured homes, and public participation. Of the 232 jurisdictions identified for analysis, zoning and planning documents of 101 jurisdictions were located in the seven states selected for analysis and serve as the population sample. The remaining 131 jurisdictions lack land use regulation or planning documentation in a digital format, or are within the process of updating comprehensive plans and zoning ordinances. Figure 7 displays the jurisdictions in which planning documentation was located.
Less planning documentation was located from jurisdictions of fewer than 18,594 in population, which characterizes many Black Belt communities. More planning documentation was located from jurisdictions along the Atlantic Seaboard, Gulf Coast, and Research Triangle than those of the Black Belt. Table 4 displays the percentage of jurisdictions of located planning documentation for the Black Belt, Gullah-Geechee Corridor, and other communities that were identified from the literature, indicating the representation of each of these regions in this analysis.
Table 4: Percentage of Jurisdictions of Located Planning Documentation

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Belt</td>
<td>31%</td>
</tr>
<tr>
<td>Gullah-Geechee Corridor</td>
<td>84%</td>
</tr>
<tr>
<td>Other</td>
<td>72%</td>
</tr>
</tbody>
</table>

Thus, the framework of strategies to preserve and integrate heirs’ property are informed by the planning strategies employed within these 101 jurisdictions, which are more urban in nature, and are not applicable to economically depressed communities of Georgia, Mississippi, Louisiana, and Alabama that lack resources for planning activities. In communities that lack resources for planning activities, education and outreach of legal advocacy services and federal or state conservation initiatives provide the most effective means of preserving heirs’ properties. Many jurisdictions in Louisiana and Georgia engage in regional-based planning through metropolitan planning organizations or consolidated governments. This can be attributed to statutory requirements and recommendations for regional planning (LA. Rev. Stat. Ann. Chapter 33, Section 131 (2011); Ga. Code. Ann. Title 50, Chapter 8, Section 7.1 (2011)). Figure 8 displays the jurisdictions of located planning documentation in relation to African American concentration.
Figure 8: Jurisdictions of Located Planning Documentation and Concentration of African Americans

While Black Belt jurisdictions have a majority concentration of African Americans and are more rural in nature, many jurisdictions of located planning documentation that are contained within the Gullah-Geechee Corridor or from the literature-based group have a concentration of African Americans of less than 39.33 percent and are more urban in nature. Therefore, strategies identified within these 101 jurisdictions are most applicable to communities of similar economies, demographics, and planning structure. Table 5 displays the percentage of jurisdictions by state in which planning documentation was obtained, which informs the representation of each state in this sample.
Table 5: Percentage of Jurisdictions by State in which Planning Documentation was Obtained

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage Per State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>14.29 percent</td>
</tr>
<tr>
<td>Mississippi</td>
<td>24.56 percent</td>
</tr>
<tr>
<td>Georgia</td>
<td>41.30 percent</td>
</tr>
<tr>
<td>Louisiana</td>
<td>44.83 percent</td>
</tr>
<tr>
<td>North Carolina</td>
<td>57.69 percent</td>
</tr>
<tr>
<td>South Carolina</td>
<td>66.67 percent</td>
</tr>
<tr>
<td>Florida</td>
<td>75.00 percent</td>
</tr>
</tbody>
</table>

In addition to land use regulatory strategies, informational prompts provided on municipal and county websites noting legal outreach services available to heirs’ property owners, the probate process, the public planning process, funding opportunities for rehabilitation of substandard housing or utility expansion, and cultural and historical resources were identified.

**Summary of Planning Document Review Findings and Trends**

Both specifically and generally-applicable strategies were identified in the planning document review. Specifically-applicable strategies are those that explicitly mention heirs’ property. Generally-applicable strategies are those that apply to all citizens and implicate the preservation and integration of heirs’ property. Generally-applicable strategies were grouped into six categories: smart growth, integration and cohesion, cultural and historic preservation, accessibility and mobility, economic development and social mobility, and manufactured home regulation. These categories are not mutually exclusive.
Specifically-Applicable Strategies

Sixteen (roughly 16 percent) jurisdictions from the states of Louisiana, Georgia, South Carolina, and North Carolina employ strategies that are specifically applicable to the preservation and integration of heirs’ property with surrounding uses. The majority of these jurisdictions, 11, are located within the Gullah-Geechee Corridor, which can be attributed to the cohesive and distinguishable nature of the Gullah-Geechee community as well as educational and outreach efforts of the National Park Service. Many of these specifically-applicable standards were adopted after the delineation of the Gullah-Geechee Corridor in 2006 (National Park Service, 2010a). Three of these jurisdictions were from the literature-based group and include two communities from Louisiana’s Gulf Coast and one community from North Carolina’s Research Triangle. Like the Gullah-Geechee Corridor jurisdictions, these jurisdictions are more urban in nature and have lower concentrations of African Americans than Black Belt jurisdictions. Only two jurisdictions are located within the Black Belt, jurisdictions with a majority concentration of African Americans, and they are located in South Carolina. Ten of the 16 jurisdictions are located within South Carolina (65 percent); nine are located within the Gullah-Geechee Corridor and two are located within the Black Belt. Of the jurisdictions identified, eleven are unincorporated, five are incorporated, and one is a consolidated county-municipal government. The majority of specifically-applicable strategies employed within unincorporated areas can be attributed to their rural nature and increased quantity of heirs’ properties in comparison to municipalities.
The majority of the strategies employed perpetuate traditional settlement patterns through relaxed subdivision regulations and zoning flexibility. Only one jurisdiction, located in the Gullah-Geechee Corridor of South Carolina, suggested the coordination with non-profit advocacy groups and/or the establishment of a non-profit legal entity to assist heirs in resolving clouded titles. Only four jurisdictions, each located within the Gullah-Geechee Corridor, aim to integrate heirs’ properties through the establishment of overlay districts, master-planned trail networks, and streetscaping to promote walkability. The distinguishable and cohesive identity of the Gullah-Geechee community most likely aids in its identification for the implementation of overlays and targeted integration efforts. The Town of Hilton Head Island identified the use of Transfer of Development Rights (TDRs) and Purchase of Development Rights (PDRs) as a mechanism to address the issues of heirs’ properties (Town of Hilton Head Island, 2010). Orange County, North Carolina, coordinates with the North Carolina Department of Agriculture and Consumer Services in the implementation of the Century Farm Program, which targets century-long family-maintained farming enterprises for preservation efforts (Orange County Government, 2008; North Carolina Department of Agriculture and Consumer Services, 2008). A summary of these strategies is included in Table 6.
<table>
<thead>
<tr>
<th>Application to Heirs’ Property</th>
<th>Application to the Gullah-Geechee Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlement Area Classification</td>
<td>Character and historical preservation overlays for Gullah Community</td>
</tr>
<tr>
<td>Family compound or family group developments</td>
<td>Integration of Gullah-Geechee Heritage Corridor with community-wide trail network</td>
</tr>
<tr>
<td><strong>Zoning exemptions to allow for multiple primary dwelling units</strong></td>
<td>Federal funding for preservation of culturally and historically significant Gullah-Geechee sites</td>
</tr>
<tr>
<td>Flexibility of subdivision standards</td>
<td></td>
</tr>
<tr>
<td><strong>Century Farm Program</strong></td>
<td></td>
</tr>
<tr>
<td>Establish partnerships with non-profit advocacy groups involved in heirs’ property</td>
<td></td>
</tr>
<tr>
<td>Establishment of a non-profit legal entity or ombudsman for heirs’ property assistance</td>
<td></td>
</tr>
<tr>
<td>Transfer of Development Rights (TDR) or Purchase of Development Rights (PDR) program</td>
<td></td>
</tr>
</tbody>
</table>

*Indicates Strategies Employed in the Black Belt/**Indicates Strategies Employed within Jurisdictions From the literature-based group

Orange County Government, 2008; Town of Hilton Head Island, 2010; Hampton County Unified Development Ordinance, §9.4 (1994); Fairfield County, 2011; City of Beaufort, South Carolina and The Lawrence Group Architects of the Carolinas, Inc., 2009

Figure 9 displays the distribution of these jurisdictions.
These specifically-applicable strategies are employed within communities of populations of no fewer than 18,595, which can be attributed to an increased availability of resources for planning activities. It is uncertain why a majority of these jurisdictions are located in South Carolina. Ten of the sixteen jurisdictions identified are clustered together along the coast of South Carolina and Georgia, which could explain why similar strategies are employed within these jurisdictions. Similarly, the Cities of Brunswick, Georgia and Darien, Georgia are clustered together within the middle-coastal region of Georgia. Sapelo Island Heritage Authority, established by statute, conserves historic African American communities of Hog Hammock and Sapelo Island, located in the City
of Darien, for public use through acquisition (Georgia Department of Natural Resources, 2011). Thus, preservation of heirs’ properties in the City of Darien is greatly enhanced through statutory protections. However, Lafourche and Iberia Parishes are not clustered. Orange County, North Carolina, was the only jurisdiction identified from the Research Triangle. Figure 10 displays the distribution of the jurisdictions in relation to the concentration of African Americans.

![Image: Jurisdictions that Employ Specifically-Applicable Strategies]

Figure 10: Distribution of Jurisdictions that Employ Specifically-Applicable Strategies in Relation to African American Concentration
As stated previously, only two jurisdictions located in the Black Belt employ specifically-applicable strategies, indicating that in communities with the highest concentrations of African Americans and lower population distributions, the issue of heirs’ property is not specifically addressed. This reveals a racial disparity and social injustice disproportionately borne by African Americans of the neediest communities throughout the Black Belt. Remaining jurisdictions that employ specifically-applicable strategies have concentrations of African Americans ranging from 11.89 – 50.00 percent. There are no jurisdictions that implement specifically-applicable strategies with an African American concentration of less than 11.89 percent, suggesting the possibility of sustained displacement of African Americans associated with a lack of legal outreach and implementation of protective mechanisms to retain heirs’ properties. Aside from the consolidated planning effort of Chatham County and Savannah, Georgia, few cities and counties addressed multijurisdictional coordination in the preservation and integration of heirs’ properties with adjacent uses. The Town of Mount Pleasant Comprehensive Plan addressed coordination with Charleston County to facilitate preservation efforts of the Sweetgrass Basket Community, which are located within unincorporated doughnut holes (EDAW- AECOM, 2009). Similarly, Charleston County coordinates with the Town of Mount Pleasant in the designation of the Sweetgrass Basket Stand Special Consideration Area, which abuts the jurisdictional boundary of Mount Pleasant (Charleston County Zoning and Land Development Regulations Ordinance; §5.5.1 (amended 2011)).
Generally-Applicable Strategies

Many strategies that are generally applicable to the preservation and integration of heirs’ property with surrounding uses emerged in planning and zoning documentation throughout the seven states selected for analysis. Black Belt planning strategies are basic in nature when compared to strategies employed in the Gullah-Geechee Corridor. However, throughout all jurisdictions, ameliorating sprawl through smart growth strategies, natural resource protection, character and historic preservation, mixed use development, multimodal transportation connectivity, and public participation in the planning process were reoccurring themes. A summary of common themes and strategies is included in Table 7.

| Table 7: Generally-Applicable Strategies Throughout the Southeastern United States |
|--------------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Smart Growth & Rural Preservation    | Integration & Cohesion          | Culture & Historic Preservation | Accessibility & Mobility        | Economic Dev. & Social Mobility | Manufactured Home Reg.          |
| Infill development, brownfield remediation, multijurisdictional coordination, downtown revitalization, cluster development, concentrated development, density gradient, accessory dwellings, group residential developments access to water resources, UGBs, and TDRs | Civic space planning, expansion of infrastructure, mixed housing, increased public participation in planning process | Historic and character preservation overlays, compatibility of uses, and Form-Based Code | Pedestrian interconnectivity, multimodal transportation connectivity, mixed use, TND, and complete streets | Cultural tourism, ecotourism, community redev- elopment through CDBG | Exclusive in nature |
For the most part, manufactured home regulation was exclusive in nature, limiting their placement to specified locations; very few jurisdictions permit flexibility in the placement of manufactured homes. Although cluster developments permit zoning flexibility that may perpetuate traditional settlement patterns, it is a smart growth strategy for this analysis as parcels are typically subdivided and manufactured homes are typically restricted.

As many jurisdictions are located along the coast, many additional standards and restrictions are imposed on the placement of manufactured homes in flood or hurricane-prone areas. For instance, manufactured homes are typically restricted from or required to be permanently affixed or raised upon stilts within Federal Emergency Management Agency (FEMA) flood zones. In addition, manufactured homes are subject to federal safety standards enumerated within the *National manufactured Housing Construction and Safety Standards Act of 1974*. Mobile homes, those manufactured prior to the 1974 legislation, are considered nonconformities and are restricted from placement onsite. In the situation where heirs’ properties are restricted from the placement of manufactured homes in FEMA flood plains, alternative funding mechanisms, such as grants through the United States Department of Housing and Urban Development (HUD) or Low Income Housing Tax Credits (LIHTC), would have to be explored in order to provide affordable housing for these communities.

The strategies employed within North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana will now be examined more closely. The Black Belt consists of rural, inland communities of that extend from North Carolina down to
Louisiana. The Gullah-Geechee Corridor consists of urbanized, coastal communities that extend from Southern North Carolina to Northern Florida. The literature based group consists of communities of the Gulf Coast of Louisiana and Mississippi and the North Carolina Research Triangle.

**Alabama**

All of the jurisdictions selected for analysis in Alabama are within the Black Belt. Planning and zoning documents for three municipalities of 21 jurisdictions were obtained, which can be attributed to the rural nature of these communities and diminished funding for planning activities.

*Specifically-Applicable Strategies*

Of these three municipalities, no standards were employed that specifically address the preservation and integration of heirs’ property with surrounding uses (City of Livingston Government, Goodwyn, Mills and Cawood, Inc., and the University of West Alabama, 2009; City of Selma Code of Ordinances: Appendix A – Zoning (amended 1994); City of Selma Government and Goodwyn, Mills and Cawood, Inc, 2009; City of Demopolis Zoning Ordinance (amended 2008); City of Demopolis, Goodwyn, Mills and Cawood, Inc., and the University of West Alabama, 2008; City of Livingston Code of Ordinances (2008)). With the lack of land use strategies specifically targeted to the preservation and integration of heirs’ properties, heirs are unable to perpetuate traditional settlement patterns. Zoning constraints and legal constraints associated with subdivision standards and their specific social needs related to spatial isolation remain unaddressed, presenting social injustices.
Generally-Applicable Strategies

Within the three jurisdictions of located planning documentation, common themes emerged pursuant to the six categories identified above. These strategies are summarized in Table 8.

<table>
<thead>
<tr>
<th>Smart Growth and Rural Preservation</th>
<th>Integration and Cohesion</th>
<th>Culture and Historic Preservation</th>
<th>Accessibility and Mobility</th>
<th>Economic Development and Social Mobility</th>
<th>Manufactured Home Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brownfield remediation, downtown revitalization, intergovernmental coordination, and infill development</td>
<td>Infrastructure expansion to historic communities and civic and recreational space planning</td>
<td>Historic preservation</td>
<td>Mixed use corridors, complete streets, and, interconnected greenway networks</td>
<td>Community redevelopment and rehabilitation of substandard housing, job training programs</td>
<td>Exclusive in nature</td>
</tr>
</tbody>
</table>

Generally-applicable strategies that necessitate smart growth, or those which ameliorate growth pressure in exurban areas, include brownfield remediation, downtown revitalization, and infill development. Infill development and downtown revitalization are reoccurring themes throughout each jurisdiction. Intergovernmental coordination can promote land use planning consistency and efficiency through information and resource sharing. Strategies that promote integration and cohesion include infrastructure expansion to historic communities and civic and recreational space planning. Civic and recreational space planning in areas accessible to both existing and incoming residents provides opportunities for interaction and cultural understanding. Historic preservation of sites and neighborhoods of historical significance maintains the historical integrity and cultural identity of communities as well as provides educational opportunities of
community history and culture. However, these historic preservation efforts are implemented as a component of downtown redevelopment initiatives, and they do not involve the historic preservation of rural villages. Strategies that necessitate accessibility and mobility include the following: mixed use development, complete streets, and interconnected greenway networks. All of these mechanisms ameliorate reliance on the automobile and promote equitable accessibility to jobs, services, and educational facilities. The expansion of pedestrian facilities should be coordinated with mixed use developments, downtown redevelopment efforts, and public facilities in order to promote accessibility, economic vitality, and efficiency. Equitable access to job centers necessitates the social mobility of those that lack private automobile transportation. Lastly, strategies that necessitate economic development and social mobility include community development initiatives and workforce training programs. Community redevelopment and rehabilitation of heirs’ property settlements would improve the economic capacity and social wellbeing of owners. The City of Livingston’s *Comprehensive Community Master Plan* identifies the distribution of public funding, in the form of grants or loans, to redevelopment authorities and public-private entities for community redevelopment (City of Livingston Government, Goodwyn, Mills and Cawood, Inc., and the University of West Alabama, 2009). Although, as mentioned previously, loans may be a challenge for heirs’ property residents to obtain, grants may be a practicable alternative, if heirs’ property settlements can be identified. However, for the most part, these community redevelopment efforts are implemented in conjunction with downtown revitalization efforts and do not involve the redevelopment of rural
communities and, in terms of the preservation of heirs’ property, serve as a smart growth mechanism. As heirs’ property owners are typically skilled in agriculture, workforce training programs can enhance their job marketability, promote social mobility, and combat gentrification. Manufactured home standards were exclusive in nature, limiting their development to specified locales through special exception. As heirs’ property owners are often limited to manufactured home purchases, exclusivity of manufactured homes can present a social injustice and deny heirs’ affordable, non-mortgage housing.

Although it is uncertain whether the 85 percent of jurisdictions in which planning documentation was not located lack land use regulation, economic dynamics will equally influence their land use decisions. Although heirs’ properties face fewer growth pressures in rural communities as compared to more urbanized communities, economically-driven land use that is not controlled by land use regulation may to negatively impact the preservation and integration of heirs’ property.

Additional Services and Informational Prompts

Ten of the 21 jurisdictions selected for analysis had a government website; three of which provided informational prompts and resources for heirs’ property owners on their websites (Dallas County Government, 2011; Macon County Government, 2011; City of Selma, 2009). Informational resources included the following: description of the probate process, Black Belt genealogical resources, the Black Belt Heritage Area, and education and job training opportunities.
Mississippi

Fifty seven (57) Mississippi jurisdictions were selected for analysis, 51 of which are contained within the Black Belt. The remaining six were derived from the literature and are located along the Gulf Coast. Planning documents of 14 of the 57 jurisdictions were obtained, ten of which are located within the Black Belt, and the remaining four jurisdictions are located along the Gulf Coast. Additionally, five are counties and nine are municipalities. The lack of located planning documentation in the unincorporated areas can be attributed to diminished resources and their rural nature.

Specifically-Applicable Strategies

Within the planning documents of these 14 jurisdictions, no standards are employed that specifically address the preservation and integration of heirs’ property with surrounding uses. Like Alabama, rigidity of subdivision regulation and zoning will continue to impede the ability for heirs’ to perpetuate traditional settlement patterns. Likewise, the spatial isolation of heirs’ property remains unaddressed because of the lack of strategies specifically targeted at the integration of heirs’ property with surrounding uses.

Generally-Applicable Strategies

Generally applicable strategies enumerated in zoning ordinances, comprehensive plans, and small area plans that necessitate the preservation and integration of heirs’ properties with surrounding are included in Table 9. These strategies are divided into two groups, Black Belt jurisdictions and other jurisdictions, which were selected for analysis from the literature.
Table 9: Generally-Applicable Strategies within Mississippi Jurisdictions

<table>
<thead>
<tr>
<th></th>
<th>Smart Growth and Rural Pres.</th>
<th>Integration &amp; Cohesion</th>
<th>Culture and Historic Pres.</th>
<th>Accessibility &amp; Mobility</th>
<th>Economic Dev. &amp; Social Mobility</th>
<th>Manufactured Home Reg.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Black Belt</strong></td>
<td>Infill dev., cluster dev., Main Street revitalization, natural resource preservation, nodal development trends</td>
<td>Expansion of municipal community facilities and infrastructure to unincorporated areas, equitable distribution of public services, compatibility of uses. Improved race relations and integration, mixed housing communities.</td>
<td>Historic preservation of sites of significant historic value and character preservation</td>
<td>Mixed use and interconnectivity, multimodal accessibility to jobs, educational facilities, services, and civic opportunities</td>
<td>Revitalization of substandard housing through CDBG</td>
<td>Permitted in all residential districts</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Infill dev., multijurisdictional and interagency coordination</td>
<td>Mixed housing, festivals to promote social interaction and community</td>
<td>Character pres., and compatibility of uses</td>
<td>Mixed use and multimodal transportation connectivity.</td>
<td>Revitalization of substandard housing through CDBG</td>
<td>Permitted in all residential districts. Manufactured homes as accessory dwelling units.</td>
</tr>
</tbody>
</table>

Many tactics employed in Alabama are also employed in Mississippi. Character preservation, revitalization of substandard housing, infill development, mixed housing opportunities and multimodal transportation connectivity were reoccurring themes throughout Mississippi jurisdictions. Mixed housing types promote the integration of an economically diverse array of individuals into a vibrant social fabric. As growth extends to rural locales and envelops heirs’ property settlements, promoting a mixture of housing types that accommodate a variety of incomes may assuage the process of gentrification.
CDBG funding was identified in both Black Belt and Gulf Coast jurisdictions as a mechanism to facilitate community revitalization and economic development. Lastly, the equitable distribution of public services, expansion of services to unincorporated areas, as well as improved race relations and social integration were reoccurring themes throughout Black Belt jurisdictions. The City of Cleveland, located within the Black Belt, cited the delineation of a planning area with extraterritorial jurisdiction and Harrison County, located along the Gulf Coast, cited the delineation of a water service area in their comprehensive plans as mechanisms to distribute municipal services to unincorporated areas and limit suburban expansion (Slaughter & Associates, PLLC, 2008; The Ohio State University, Knowlton School of Architecture, Project Manager, Gulf Regional Planning Commission, and Southern Mississippi Planning and Development District, 2008). Cluster development and nodal development trends, which relieve development pressure from the fringes, were cited as smart growth tactics used within Black Belt jurisdictions. Nodal development trends can provide a mechanism to deter sprawl and enable the densities necessary for a walkable fabric. As cluster developments enable flexibility in the placement of dwellings and allowable densities, they appear a mechanism to facilitate historical settlement trends of heirs’ property. However, in the context identified above, individual parcels are required to be subdivided, presenting a legal impediment for heirs. Harrison County, located along the Gulf Coast, and Hinds County and the City of Greenwood, located within the Black Belt, adopted relaxed manufactured home standards, permitting them by right in all or most residential districts (Hinds County Zoning Ordinance, Article V – XIX (n/d); City of
Greenwood Code of Ordinances: Appendix A, Article IV (1973); Harrison County Zoning Ordinance, §IV (amended 2008). Manufactured home flexibility in these counties can be attributed to the rural nature of these lands and increased demand for manufactured housing as affordable, non-mortgage housing. The 2010 Strategic Plan of the City of Pascagoula, which is located along the Gulf Coast and within the literature-based group, identified community festivals as a means to enhance civic engagement, social understanding, and community vibrancy (City of Pascagoula Government, 2010).

Additional Services and Informational Prompts

Twenty-five (25 or 43%) of the jurisdictions selected for analysis possess government websites. Of those 25 jurisdictions, four provide informational prompts or services that are conducive to the preservation and integration of heirs’ properties with surrounding uses. The government website of Copiah County, located within the Black Belt, includes prompts to the Mississippi State University (MSU) Coordinated Access to the Research and Extension System (CARES), which is the MSU agricultural and forestry experiment station and provides various services to the agricultural industry as well as information on the probate process and implications associated with clouded title of landownership (Mississippi State University Extension Service, 2011; Copiah County, n/d). The City of Jackson’s Association of Neighborhoods is a unique approach to cultivating community involvement in the planning process, facilitating grassroots mobilization through the establishment of a unified voice, and settling land use conflicts (City of Jackson, 2010). The City Neighborhood Division Manager assists the organization of communities into Neighborhood Associations, which are then recognized
by the City and are notified regularly of planning proposals that affect their communities and upcoming meetings more generally (City of Jackson, 2010). Educational and skill enhancing workshops are held regularly for Neighborhood Associations as well (City of Jackson, 2010). The City of Jackson’s municipal website also includes informational prompts of City history and culture (City of Jackson, 2010). The municipal website of the Town of Port Gibson, located within the Black Belt, provides informational prompts of town history and culture, including Cultural Crossroads, which provides educational opportunities of local culture to persons of diverse ethnic backgrounds (Port Gibson, n/d., Cultural Crossroads, 2003). The municipal website of Coahoma County, located within the Black Belt, provides informational prompts of the Mississippi Homestead Tax Exemption (Coahoma County, 2010).

**Louisiana**

Planning and zoning documentation from 13 jurisdictions was obtained for analysis, three of which are located within the Black Belt and the remaining ten are located along the Gulf Coast and from the literature-based group. Additionally, seven of which are parish governments, four are municipalities, and two are a consolidated governments. Substantially less planning documentation within Louisiana municipalities can be attributed to statutory provisions concerning regional-based planning for local governments (LA. Rev. Stat. Ann. Chapter 33, Section 131 (2011)).

**Specifically-Applicable Strategies**

Lafourche and Iberia Parishes, each located along the Gulf Coast, specifically address heirs’ property through the eligibility of relaxed subdivision development
standards for family subdivisions (Iberia Parish Zoning Regulations, §3-2(d) (2010); Lafourche Parish Code of Ordinances, §19:334 (amended 2008)). Lafourche Parish requires that parent tracks be family-owned for at least ten years in order to qualify as a family subdivision; Iberia Parish, on the other hand, has no time specification for qualification of a family subdivision (Iberia Parish Zoning Regulations, §3-2(d) (2010); Lafourche Parish Code of Ordinances, §19:334 (amended 2008)). In addition, Lafourche Parish restricts future land sales of the approved subdivision to family members unless the property goes into mortgage default; if a property owner desires to sell the property to non-family, the property will have to be changed to a public subdivision and all fees and standards apply therein (Lafourche Parish Code of Ordinances, §19:334 (amended 2008)). While the aforementioned subdivision exemptions simplify the subdivision process for heirs’ properties and the deed restrictions placed upon family subdivisions within Lafourche Parish necessitate preservation, the probate process may present a hindrance. Consequently, the lack of zoning flexibility restricts traditional settlement patterns of heirs’ properties, when the establishment of family subdivisions may not be feasible.

*Generally-Applicable Strategies*

Aside from the specifically-applicable strategies identified above, several generally-applicable strategies emerge throughout planning and zoning documentation and are summarized in Table 10.
<table>
<thead>
<tr>
<th>Black Belt</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cluster development in rural locales, density gradient, downtown revitalization</td>
<td>Densification, infill development, natural resource conservation, downtown revitalization</td>
</tr>
<tr>
<td>Promote diverse involvement in public policy formation</td>
<td>Incorporation of additional parks/recreational centers</td>
</tr>
<tr>
<td>Character preservation, context sensitive design</td>
<td>Rural and historic character preservation, neighborhood preservation, Form-Based Code, construction of museums, Traditional Neighborhood Development (TND)</td>
</tr>
<tr>
<td>Walkability, mixed use, and multimodal transportation connectivity</td>
<td>Streetscaping, Pedestrian Overlay Districts (PODS), Transit Oriented Development (TOD), multimodal transportation connectivity, and TND</td>
</tr>
<tr>
<td>Ecotourism and community development</td>
<td>Cultural tourism, ecotourism, community development</td>
</tr>
</tbody>
</table>

Many of the generally-applicable strategies that were identified previously are also used in Louisiana. Character preservation, development along a density gradient, context-sensitivity, and form-based design were reoccurring themes throughout Louisiana jurisdictions. West Feliciana Parish, located within the Black Belt, has proposed a *Form-Based Code Toolkit* that maintains the existing character through the implementation of design standards and use restrictions along a density gradient (West Feliciana Parish Government, 2010). West Feliciana Parish *Form-Based Toolkit*, a locally-modified version of the statewide, *Louisiana Land Use Toolkit*, will supersede the existing development ordinance (Center for Planning Excellence and Code Studio, 2010; West
Feliciana Parish Government, 2010). Jurisdictions within both the Black Belt and along the Gulf Coast identified cultural tourism and ecotourism as a means of promoting economic growth, social understanding of community culture and history, as well as cultural, historic, and ecological preservation. Several communities within the Black Belt and along the Gulf Coast are participants or striving for participation in the Louisiana Office of Cultural Development’s Statewide Mainstreet Program, which provides a source of funding, technical expertise, and outreach for downtown revitalization efforts (Louisiana Department of Culture, Recreation, and Tourism, 2011). The Louisiana Comprehensive Historic Preservation Plan asserts the difficulty in preserving heir-owned historic resources as divisive property interests and infighting can impede preservation (Louisiana Department of Culture, Recreation, and Tourism, 2008). Jefferson Parish, located along the Gulf Coast, identified the use of Pedestrian Overlay Districts (PODs) and Traditional Neighborhood Development (TND) as mechanisms of creating walkable communities in a mixed use fabric (New Orleans Regional Planning Commission and University of Washington Department of Urban Planning and Design, 2006). In addition to the implementation of TND and POD overlays and Form-Based Code, West Feliciana Parish and Jefferson Parish, identified the importance of enhanced public involvement in the planning process in their comprehensive plans (West Feliciana Parish Government, 2008; New Orleans Regional Planning Commission and University of Washington Department of Urban Planning and Design, 2006). West Feliciana Parish Comprehensive Plan identified diverse public education and involvement in the policy formation process as a plan objective (West Feliciana Parish Government, 2008). Jefferson Parish
identified public participation and consensus building as fundamental to the plan formation process (New Orleans Regional Planning Commission and University of Washington Department of Urban Planning and Design, 2006). Manufactured home regulation in Louisiana was exclusive in nature, restricting its use to specified areas through special exception or conditional use permit.

Additional Services and Informational Prompts

The municipal website for the City of Lake Providence provides a link from the home screen to information regarding statutory standards for unclaimed property and telephone contacts (Lake Providence Government, 2009).

Florida

Seven jurisdictions were selected for analysis from Florida. Five are located within the Gullah-Geechee Corridor and two are located within the Black Belt. Planning and zoning documentation was obtained for six of the seven communities. Three of these are county governments and three are municipalities. Planning documentation was not obtained for one municipality within the Black Belt, the Town of Quincy, which, according to 2010 Census data, has a population just under 8,000. Therefore, planning and zoning documentation for Gadsden County informs land use strategies used within the Black Belt of Florida. The local government for the City of Jacksonville, the largest city in Florida for this analysis, and Duval County are consolidated (City of Jacksonville Government, 2011).
Specifically-Applicable Strategies

No standards are employed that specifically address the preservation and integration of heirs’ property with surrounding uses within the planning and zoning documentation obtained.

Generally-Applicable Strategies

Despite the lack of specifically-applicable strategies, many generally-applicable strategies that implicate the preservation and integration of heirs’ property with surrounding uses emerged in planning and zoning documentation and are summarized in the Table 11. These strategies are divided into two groups, Gullah-Geechee Corridor and Black Belt, according to jurisdictional location.

| Table 11: Generally-Applicable Strategies within Florida Jurisdictions |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| **S**mart Growth & R**u**ral Pres. | Integration & Cohesion | Culture and Historic Pres. | Accessibility & Mobility | Economic Dev. & Social Mobility | Manufactured Home Reg. |
| **Gullah Geechee Corridor** | Cluster development, concentrated and infill development, density gradient, multijurisdictional coordination | Maintain public access to water resources | Scenic and historic preservation, design standards, character preservation through compatibility of uses | TND, mixed use, Transit Oriented Development (TOD), multimodal transportation connectivity | CDBG funding for community dev., Neighborhood Action Plan program | Exclusive in nature |
| **Black Belt** | Natural resource protection, cluster development, urban service boundary | Expansion of transit services | Character preservation through compatible and orderly development | Mixed use development | | Exclusive in nature |

(Source: Gadsden County Government, 2001)

Many of the generally-applicable strategies that were identified previously are also used in Florida. Primary objectives among all Florida jurisdictions included
ameliorating sprawl and promoting a variety of transportation options. Cluster development, mixed use development, multimodal transportation connectivity, and the maintenance of character through design standards and use restrictions were reoccurring strategies throughout Florida jurisdictions. Cluster development is cited as a mechanism to curb suburban sprawl and is not perceived as a mechanism of perpetuating traditional African American settlement patterns among heirs’ properties because of the challenges heirs face in subdividing land and restrictions placed on manufactured housing. For instance, manufactured homes are restricted from clustering in Gadsden County, Florida, a Black Belt jurisdiction (Gadsden County Land Development Code, §4.4102 (2005)). In addition to the use of cluster development as a mechanism to curb sprawl, Gadsden County instituted an urban service boundary as a mechanism to restrict sprawling development trends and assuage exurban development pressure (Gadsden County Government, 2001). Several jurisdictions within the Gullah-Geechee Corridor identified CDBG funding as a mechanism of facilitating community redevelopment initiatives and employ historical and scenic overlays with context-sensitive architectural and dimensional standards to preserve historical resources and communities. The comprehensive plan for Fernandina Beach, located within the Gullah-Geechee Corridor, identified the maintenance of public access to water resources as an objective (City of Fernandina Beach Department of Community Development Office of Planning and Zoning, 2004, 2010 Amended). As the Gullah-Geechee community maintains subsistence culture, sustained access to water resources within a growing landscape is
essential for cultural preservation. Manufactured home regulation was exclusive in nature, limiting their placement within specified districts only.

Additional Services and Informational Prompts

The government website of Nassau County, located within the Gullah-Geechee Corridor, provides a prompt to the Nassau County Extension Service, a partnership with the University of Florida’s Institute of Food and Agricultural Science (IFAS) and Nassau County Government, which provides agricultural and land management services to the public (Nassau County, 2011). The governmental website for Gadsden County, located in the Black Belt, provides a link to Workforce Plus, a workforce development, training, and recruitment service through partnerships with local schools and businesses (Gadsden County, 2011; Workforce Plus, 2011).

Georgia

Forty Six (46) jurisdictions were selected for analysis from Georgia. Twelve (12) are located within the Gullah-Geechee Corridor and 34 are located within the Black Belt. Planning and zoning documentation for 19 jurisdictions was obtained. Of those 19 jurisdictions, nine are located within the Gullah-Geechee Corridor and ten are located within the Black Belt. Four jurisdictions are county governments, eight are municipal governments, and seven are consolidated municipal-county governments or in the process thereof. Four consolidated governments are located within the Black Belt and three consolidated governments are located within the Gullah-Geechee Corridor. The significant quantity of consolidated governments can be attributed to statutory provisions
concerning regional planning for “regionally important resources” (Ga. Code. Ann. Title 50, Chapter 8, Section 7.1 (2011)).

*Specifically-Applicable Strategies*

Three jurisdictions within the Gullah-Geechee Corridor specifically address heirs’ property through the mention of the Gullah-Geechee Community and early emancipated slave settlements in their comprehensive plans. Two of these are municipal governments and one is a consolidated government. The City of Darien is formulating a master-planned trail network that is interconnected with existing trailways that span the state of Georgia, including the Gullah-Geechee Heritage Corridor (Ecological Planning Group, 2008). Linking the Gullah-Geechee heritage corridor with services, jobs, and educational opportunities will promote integration, accessibility, and mobility of the Gullah-Geechee community as well as cultural understanding among visitors. As mentioned previously, Ga. Code. Ann. §12-3-441 (2010) established the *Sapelo Island Heritage Authority* to conserve the sea island communities of Hog Hammock and Sapelo Island, located in the city of Darien, for public use through acquisition (Georgia Department of Natural Resources, 2011). The efforts of the *Sapelo Island Heritage Authority* preserve sites of historic and cultural significance, preserve the integrity of nearby Gullah Communities, and promote public understanding of the cultural and historic dimensions of the Gullah Community (Georgia Department of Natural Resources, 2011). The joint *Chatham County – Savannah Comprehensive Plan* identifies early communities of emancipated slaves and addresses the transformation that resulted from suburbanization, roadway expansion, and urban renewal (2006). These communities have been targeted for historic
preservation and many have been placed on the National Register of Historic Places (Chatham County – Savannah Comprehensive Plan, 2006). The historic and cultural character of these communities is maintained through architectural and design standards (Chatham County – Savannah Comprehensive Plan, 2006). Where suburbanization and urban renewal have modified the historical and cultural character of traditional African American settlements, streetscaping improvements and traffic calming techniques have been implemented or are underway as a means to reinstate the preexisting walkable character, inviting public realm, and integrated landscape (Chatham County – Savannah Comprehensive Plan, 2006). A lack of funding, neglect, and substandard housing conditions are identified as impediments to historic preservation; the Chatham County – Savannah Comprehensive Plan identifies local, state, and national grant opportunities and tax incentives as funding mechanisms that facilitate historic preservation and rehabilitation (2006). Since heritage tourism generates over one billion dollars in annual tourism revenue, ongoing preservation and rehabilitation of historic and cultural resources is essential for continued economic vitality (Chatham County – Savannah Comprehensive Plan, 2006). The City of Brunswick Community Participation Program, a component of the comprehensive plan, cited the National Park Service’s incipient Gullah-Geechee Heritage Corridor effort and recognized that funding may be available in the future for the preservation of significant Gullah-Geechee historical and cultural sites (EDAW, Inc. and Malvada Consulting, 2007).
Generally-Applicable Strategies

Aside from the specifically-applicable strategies to preserve and integrate heirs’ property with surrounding uses identified above, several generally-applicable strategies emerge in planning and zoning documentation, which are summarized in the Table 12. Strategies are separated into Gullah-Geechee Corridor and Black Belt, according to jurisdictional location.

<table>
<thead>
<tr>
<th>Table 12: Generally-Applicable Strategies within Georgia Jurisdictions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gullah/ Geechee Corridor</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Black Belt</strong></td>
</tr>
</tbody>
</table>

Many of the generally-applicable strategies identified previously are also employed throughout Georgia. Historic preservation over suburban expansion was a predominant objective among many Georgia jurisdictions. The preservation of character,
historical resources, identity, and culture were dominating themes therein. In addition, cultural tourism was recognized as a means of garnering tourism revenue and promoting preservation and education of cultural and historical resources. Mixed uses, interconnectivity, multimodal transportation connectivity were reoccurring strategies to enhance the accessibility and mobility of citizens. To facilitate an integrated and cohesive environment, Bryan County, located in the Gullah-Geechee Corridor, instituted a credit-based scheme for the private development of civic and recreational space, pedestrian facilities, cultural, historic, and natural resource preservation, and streetscaping; developers earn points for added amenities and quality site design, which are then exchanged for flexibility of dimensional standards (Zoning Ordinance, §1018 (1995)). Several jurisdictions have adopted standards for group residential developments, permitting residential clusters of at least two primary dwelling units on one parcel if compliant with underlying dimensional standards and emergency medical personnel are not impeded. Planning Commission approval is necessary for group residential developments in Chatham County and the City of Savannah Planning Commission (City of Savannah Zoning Regulations, §8-3056 (1995); Chatham County Zoning Regulations, §5-5 (2004)). As the subdivision of land is not necessary for the placement of additional primary dwelling units, this serves as a mechanism to perpetuate traditional African American settlement patterns among heirs’ properties. The comprehensive plan of the City of Darien, located within the Gullah-Geechee Corridor, identified the preservation of the local fishing industry through smart growth tactics and ecologically sensitive development to curtail non-point source pollution (Ecological Planning Group, 2008).
As the Gullah-Geechee community maintains a subsistence culture, amelioration of ecological degradation through ecologically sensitive development standards will curb the environmental injustices associated with suburbanization and maintain cultural traditions. The Joint Comprehensive plan of Camden County and the Cities of Kingsland, St. Mary’s, and Woodbine, located within the Gullah-Geechee Corridor, identified Rural Village Areas, which exist along major highway corridors and are targeted for economic development as well as historic and heritage preservation (Coastal Georgia Regional Development Center, 2007). The comprehensive plan asserts that economic development efforts must be aligned with historic and cultural preservation efforts (Coastal Georgia Regional Development Center, 2007). The plan proposes the adoption of architectural and design standards, an historic preservation ordinance, ecological preservation corridor districts for major thoroughfares, and marketing strategies to bolster ecotourism and cultural tourism (Coastal Georgia Regional Development Center, 2007). Similarly, the Comprehensive Plan of Burke County, located within the Black Belt, identifies Rural Villages, which are targeted for streetscaping, improved interconnectivity, character preservation through design and architectural standards, compatible economic development, and property maintenance and rehabilitation initiatives (MACTEC Engineering and Consulting, Inc., 2007). Lastly, manufactured home regulation is exclusive in nature, limiting their placement to specified locales.
Additional Services and Informational Prompts

The governmental website for Chatham County provides a prompt to information regarding alternative dispute resolution to mediate civil cases (Chatham County Government, 2003). Several governmental websites include prompts to the University of Georgia’s College of Agricultural and Environmental Sciences Cooperative Extension, which provides information regarding the implications of and measures to resolve clouded title of landownership (The University of Georgia Cooperative Extension, 2011). The governmental website of DeKalb County, located within the Black Belt, provides a prompt to OneDeKalb; a central hub for civic and neighborhood associations throughout the county that aims to unify and mobilize grassroots efforts, engage the public in participatory and communicative planning, and distribute regular updates of proposals and meetings to the public (DeKalb County, 2010a; DeKalb County, 2010b).

South Carolina

Forty-five (45) jurisdictions were selected for analysis from South Carolina. Twenty-three (23) are located within the Gullah-Geechee Corridor and 22 are located within the Black Belt. Planning documentation was obtained for 30 jurisdictions. Of those 30 jurisdictions, 22 are located within the Gullah-Geechee Corridor and eight are located within the Black Belt. Nineteen (19) are municipal governments and 11 are county governments. Fewer counties of located planning documentation can be attributed to their rural nature and diminished resources for planning activities.

Specifically-Applicable Strategies

Of the thirty jurisdictions from which planning documentation was obtained, ten specifically address the preservation and integration of heirs’ property with surrounding
uses. Nine of these jurisdictions are located within the Gullah-Geechee Corridor and two, Hampton and Fairfield Counties, are located within the Black Belt (Hampton County Unified Development Ordinance, §9.4 (1994); Fairfield County, SC, 2011). The specifically-applicable strategies employed throughout the Gullah-Geechee Corridor and Black Belt is summarized in Table 13.

<table>
<thead>
<tr>
<th>Table 13: Specifically-Applicable Strategies for Heirs Property within South Carolina</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application to the Gullah Geechee Corridor</strong></td>
</tr>
<tr>
<td>Settlement Area Classification</td>
</tr>
<tr>
<td>Family compound or family group developments</td>
</tr>
<tr>
<td>Zoning exemptions</td>
</tr>
<tr>
<td>Flexibility of subdivision standards</td>
</tr>
<tr>
<td>Cultural protection overlays for Gullah Community</td>
</tr>
<tr>
<td>Establish partnerships with non-profit advocacy groups involved in heirs' property</td>
</tr>
<tr>
<td>Establishment of a non-profit legal entity or ombudsman for heirs' property assistance</td>
</tr>
<tr>
<td>Transfer of Development Rights (TDR) or Purchase of Development Rights (PDR) program</td>
</tr>
</tbody>
</table>

Town of Hilton Head Island, 2010; Hampton County Unified Development Ordinance, §9.4 (1994); Fairfield County, 2011; City of Beaufort, South Carolina and The Lawrence Group Architects of the Carolinas, Inc., 2009).

The significant quantity of specifically-applicable standards employed throughout the Gullah-Geechee Corridor in comparison to the Black Belt can be attributed to the distinguishable and cohesive Gullah-Geechee Community. Seven of the ten strategies identified above aim to preserve and perpetuate traditional African American settlement patterns without resolving the issue of clouded title of landownership. One of the ten
strategies is specifically tailored to cultural preservation of the Gullah-Geechee community.

**Subdivision and Zoning Flexibility**

Berkeley County exempts subdivisions of heirs’ properties from right of way standards as long as the property will be maintained by immediate family thereafter through intestate succession or forced partition (Berkeley County Code of Ordinances, §59-93 (2001)). This exemption is only valid for the first subdivision of the parent track, not following subdivisions and the transfer of property ownership outside of family (Berkeley County Code of Ordinances, §59-93 (2001)). Similarly, Georgetown County exempts heirs’ properties that were subject to a court ordered partition from subdivision design and improvement standards (Georgetown County Zoning Ordinance; §4-5 (2009)). Georgetown County exempts the clustering of residential uses along heirs’ properties from subdivision requirements as long as the development is compliant with the dimensional requirements per the underlying zoning district (Georgetown County Zoning Ordinance, §8.811 (amended 2009)). Hampton County, located in the Black Belt, grants heirs’ property settlements exempt from principal dwelling unit specifications, permitting multiple primary dwelling units per lot if the following conditions are met: the property at hand is no less than an acre in size and the development is compliant with dimensional standards per the underlying zoning district (Hampton County Unified Development Ordinance, §9.4 (1994)). Fairfield County permits exemptions of dimensional standards of the underlying zoning district for subdivisions deeded to immediate family (Fairfield County, 2011). However, the specific classification of
immediate family, which is characterized as parents, children, and grandparents, may exclude certain heirs’ property groups. Also, the stipulation that the subdivisions be deeded may also impede the ability for heirs’ properties to benefit from this exemption.

Family Compounds

Beaufort County permits *Family Compounds* on properties that have been family-owned for at least 50 years as a form of affordable housing and means of perpetuating traditional settlement patterns in the rural area only (Beaufort County Zoning and Development Standards Ordinance §106-2105 (1999)). Through a density bonus, *Family Compounds* are eligible for increased allowable densities in a traditional cluster configuration, where each residence is separated by a distance of less than 50 feet; South Carolina Department of Health and Environmental Control (SC DHEC) approval of septic suitability is necessary before the issuance of zoning permits (Beaufort County Zoning and Development Standards Ordinance, §106-2105 (1999)). Residents of the *Family Compound* must be of family relation for the first five years following zoning permit approval (Beaufort County Zoning and Development Standards Ordinance, §106-2105 (1999)). Similarly, Colleton County permits *Family Group Developments* through special exception, if two conditions are met: the development complies with dimensional standards per the underlying zoning district and a notarized document is recorded with the register of deeds, specifying that the property will not be subdivided in the future (Colleton County Zoning Ordinance, §3.2.11 (2011)).
Settlement Areas and Cultural Conservation Overlays

Charleston County has adopted the use of Settlement Areas as a means of preserving and integrating historical African American settlements, which include historical settlements and heirs’ properties (Charleston County Zoning and Land Development Regulations Ordinance, §4.7.6 (amended 2011); Charleston County, et al., 2008). The Charleston County Comprehensive Plan identifies the following land use objectives for Settlement Areas: preservation of the aesthetic character, scale, density, and functionality, the incorporation of multimodal transportation opportunities into through trailways and transit linkages, and the identification of additional Settlement Areas (Charleston County, et al., 2008). Similarly, Berkeley County implemented standards to preserve and integrate Rural Village Areas, which are marked by traditional settlement patterns that possess a distinct cultural identity (Berkeley County Code of Ordinances, §6. 2- §6.3 (2001)). These standards include: perpetuating traditional settlement patterns through increased allowable densities than what is permitted elsewhere in the rural landscape, restricting incompatible uses, necessitating infill development, and promoting the development of institutional and civic uses and public facilities (Berkeley County Code of Ordinances, §6. 2- §6.3 (2001)). Manufactured homes are an allowable housing type in Rural Village Areas (Berkeley County Code of Ordinances, §6. 2- §6.3 (2001)). The Town of Mount Pleasant Comprehensive Plan identified several historical African American settlement areas, which are protected through Community Conservation Overlays; family compounds are permitted therein as a mechanism to perpetuate traditional settlement patterns (EDAW- AECOM, 2009). In addition to the
implementation of these overlays, the Town of Mount Pleasant Comprehensive Plan asserts that gentrification, growth pressure, and roadway expansion have been detrimental to these communities, which are targeted for increased pedestrian connectivity, low density development, and preservation of sweetgrass basket areas (EDAW – AECOM, 2009). Beaufort County employs Cultural Protection Overlay Districts as a mechanism to preserve the Gullah-Geechee Community on St. Helena Island through the perpetuation of traditional settlement patterns and cultural traditions; this overlay aims to ameliorate gentrification and displacement by restricting encroaching development, such as gated-communities, resort development, and golf courses (Beaufort County Zoning and Development Standards Ordinance, Appendix C (1999)).

Charleston County, through collaboration with the Town of Mount Pleasant, has designated a Sweetgrass Basket Stand Special Consideration Area near Mount Pleasant along Highway 17, a major arterial, as a mechanism of preserving sweetgrass basket-making and roadside vending as well as the residential character of the Gullah-Geechee community that resides nearby (Charleston County Zoning and Land Development Regulations Ordinance, §5.5.1 (amended 2011)). The Town of Mount Pleasant has also implemented a Cultural Landscape District, discussed in greater detail in the subsequent section, within the municipal core and it encompasses many historic African American communities (EDAW - AECOM, 2009). The plan further identified the need for enhanced pedestrian interconnectivity of Sweetgrass Basket Areas with other areas of cultural and historic significance, as well as additional educational and tourism facilities, to enhance cultural understanding and tourism and improve accessibility for residents and
visitors (EDAW – AECOM, 2009). The Town of Mount Pleasant recognizes the cultural significance of sweetgrass basket areas, within jurisdictional boundaries and within unincorporated Charleston County, and asserts that these resources should be protected and promoted for their intrinsic value and tourism potential through overlay districts that coordinate land use planning with Charleston County, restrict incompatible uses, and enhance accessibility (EDAW - AECOM, 2009). Charleston County is striving to establish a mixed-use rural village, while maintaining housing affordability along Highway 17, a Gullah-Geechee residential corridor (Charleston County Zoning and Land Development Regulations Ordinance, §5.5.1 (amended 2011)). In addition, the Town of Hilton Head Comprehensive Plan (Town of Hilton Head Island, 2010) proposed the use of a Transfer of Development Rights (TDR) or Purchase of Development Rights (PDR) program to tackle the issues associated with heirs’ property, which may present a challenge in implementation because of the convoluted nature of heirs’ property.

Non-Profit Advocacy

The Town of Hilton Head Comprehensive Plan (2010) identifies the establishment of partnerships with non-profit advocacy groups to educate heirs’ property owners of the implications of and strategies to resolve clouded title of ownership. The Town of Beaufort comprehensive plan, Vision Beaufort, identified the establishment of a non-profit legal entity and/or ombudsman to provide educational outreach (City of Beaufort, South Carolina and The Lawrence Group Architects of the Carolinas, Inc., 2009).
**Generally-Applicable Strategies**

Aside from the nine specifically-applicable strategies for the preservation and integration of heirs’ property identified above, several generally-applicable strategies emerged throughout the 30 jurisdictions of located planning documentation. These findings are organized according jurisdictional characteristics and are summarized in Table 14.

<table>
<thead>
<tr>
<th>Table 14: Generally-Applicable Strategies within South Carolina Jurisdictions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gullah Geechee Corridor</strong></td>
</tr>
<tr>
<td>Infill development, Urban Growth Boundary (UGB), multijurisdictional coordination, Transfer of Development Rights (TDRs), concentration of uses, nodal/cluster development, density gradient, greenspace acquisition, incentive and performance zoning, SmartCode, and accessory dwellings</td>
</tr>
<tr>
<td><strong>Black Belt</strong></td>
</tr>
<tr>
<td>Natural resource protection, cluster development, and group residential development</td>
</tr>
</tbody>
</table>
Many of the generally-applicable strategies that have been employed throughout the Southeastern United States are also employed in South Carolina. Historical preservation, multimodal transportation connectivity, and mixed housing were predominant land use objectives throughout South Carolina jurisdictions. Traditional Neighborhood Development (TND), mixed use floating and conditional zoning, and complete streets were strategies employed within the Gullah-Geechee Corridor to facilitate a walkable and mixed use fabric. The use of cultural preservation districts and overlays frequently emerged within Gullah-Geechee Corridor counties as a mechanism to facilitate cultural preservation. The Town of Mount Pleasant identified the use of a Cultural Landscape District within the municipal core to preserve its cultural significance, enhance accessibility and interconnectivity, promote cultural tourism, encourage limited and light-imprint development as well as open space, and preserve agricultural lands in order to maintain the agricultural heritage (EDAW - AECOM, 2009). Many Gullah-Geechee jurisdictions employ innovative tactics to manage growth and curb sprawl, including: Urban Growth Boundaries (UGB), Transfer of Development Rights (TDRs), nodal development trends, incentive and performance zoning, development along a density gradient, and SmartCode. Development along a density gradient and SmartCode are mechanisms to promote the compatibility of uses and maintain the existing character. Nodal development trends promote mixed uses, multimodal transportation feasibility, and curb sprawl. The quantity of innovative tactics employed in the Gullah-Geechee Corridor when compared to Black Belt communities is most likely attributed to significant coastal growth pressures, higher population
distribution and increased resources available for planning activities, as well as increased awareness of the Gullah-Geechee community through the efforts of the National Park Service.

Several Gullah-Geechee Corridor jurisdictions permit manufactured homes and accessory dwelling units in all residential zoning classifications; however, some jurisdictions restrict manufactured homes as accessory dwelling units to rural zoning classifications. As accessory dwelling units can be placed upon properties without the subdivision of land, they can provide a means of perpetuating traditional settlement patterns and become a source of affordable housing for owners of heirs’ properties. Therefore, exclusivity of manufactured homes as accessory dwelling units may be a detriment to heirs’ property owners.

Black Belt planning strategies are basic in nature when compared to strategies employed in the Gullah-Geechee Corridor. The City of Manning, located within the Black Belt, implemented a Group Residential Floating District, which allows for clustering of residential uses through special exception, as long as the development is compliant with use standards per the underlying zoning district and the property at hand is at least 20,000 square feet (Zoning Ordinance for the City of Manning, §712 (revised 2002). No standards are employed that specifically target integration and cohesion. The regulation of manufactured homes is exclusive in nature, permitted only in specified areas.
Additional Services and Informational Prompts

The governmental website of Charleston County provides archived webcasts of Council meetings, promoting accessibility to the planning process (Charleston County Government, 2011). The municipal website for the Town of Hilton Head features a narrative of community history and culture, including mention of early African American settlements and Gullah culture (Town of Hilton Head Island, 2009). The municipal website for the City of Beaufort provides prompts to community festivals, including the Gullah Festival (City of Beaufort, 2011).

North Carolina

Twenty-six (26) jurisdictions were identified for analysis from North Carolina. Of these 26 jurisdictions, nine are located within the Gullah-Geechee Corridor, 13 are located within the Black Belt, and four were from the literature-based group. Planning documentation was obtained for 15 of the 26 jurisdictions. Eight of these 15 jurisdictions are county governments and seven are municipal governments. Planning documentation was obtained for all jurisdictions from the literature-based group, seven Gullah-Geechee Corridor jurisdictions, and four Black Belt jurisdictions. Eight of these jurisdictions are county governments and nine are municipal governments.

Specifically-Applicable Strategies

Of these 15 jurisdictions, only one specifically addresses the preservation of heirs’ property. The Orange County, North Carolina 2030 Comprehensive Plan (Orange County Government, 2008), a jurisdiction from the literature-based group, discusses the North Carolina Century Farm Program; this program acknowledges and protects century-long family-maintained farming enterprises, some of which are identified as held
among heirs. Fifteen (15) Orange County farms are included in this program, which the comprehensive plan identifies as cultural and historic resources that necessitate protection through the Century Farm Program, National Register of Historic Places, local preservation initiatives, and private efforts, such as voluntary agricultural districts and conservation easements (Orange County Government, 2008). These preservation efforts accompany tax incentives for participation (Orange County Government, 2008).

Generally-Applicable Strategies

Although Orange County is the only county that specifically addresses heirs’ property, many jurisdictions generally address the preservation and integration of heirs’ property with surrounding uses in their planning and zoning documentation. A summary of these strategies, which are organized according to jurisdictional inclusion into the Gullah-Geechee Corridor, Black Belt, and other, are included in Table 15. Strategies employed within jurisdictions from the literature-based group are included in the category, other.
### Table 15: Generally-Applicable Strategies within North Carolina Jurisdictions

<table>
<thead>
<tr>
<th></th>
<th>Smart Growth &amp; Rural Preservation</th>
<th>Integration &amp; Cohesion</th>
<th>Culture &amp; Historic Pres.</th>
<th>Accessibility &amp; Mobility</th>
<th>Economic Dev. &amp; Social Mobility</th>
<th>Manufactured Home Reg.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gullah Geechee Corridor</strong></td>
<td>Group residential, cluster development, density bonuses, infill development, and adaptive use, accessory dwelling units</td>
<td>CDBG and other grants for infrastructure improvements &amp; expansion, integration of traditional communities, increase public participation</td>
<td>Special overlays for character preservation</td>
<td>Pedestrian interconnectivity and mixed use overlays</td>
<td>CDBG funding for rehab efforts</td>
<td></td>
</tr>
<tr>
<td><strong>Black Belt</strong></td>
<td>Cluster development, accessory dwelling units</td>
<td>Historic and character preservation overlays</td>
<td></td>
<td></td>
<td>Permitted by right in all residential districts</td>
<td></td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>Urban Growth Boundary (UGB), Transfer of Development Rights (TDRs), downtown redevelopment, cluster/concentrated development, and multijurisdictional coordination, and coordination with area colleges</td>
<td>Annexation agreements, land setasides for parks, engage marginalized populations in the planning process</td>
<td>Form-Based Code Overlays, Historic Preservation Overlays, Special Highway Overlays, and conservation easements and land acquisitions</td>
<td>Multimodal transportation connectivity, Transit Oriented Development (TOD), interconnectivity, Pedestrian Business Overlays, Traditional Neighborhood Development (TND), and traffic calming</td>
<td>CDBG and HOME for rehab efforts and heritage tourism</td>
<td>Permitted in agricultural and medium-density residential districts</td>
</tr>
</tbody>
</table>

Many of the strategies identified previously throughout the Southeastern United States are also employed in North Carolina. The jurisdictions from the literature-based group, which include those of the *Research Triangle*, employ more innovative and
progressive growth management tactics, such as Urban Growth Boundaries (UGB), Transfer of Development Rights (TDRs), Transit Oriented Development (TOD), and Form-Based Code overlays, in comparison to jurisdictions of the Black Belt and Gullah-Geechee Corridor. This can be attributed to significant growth pressures, higher population distributions, and increased available resources for planning activities. Likewise, planning and zoning documentation obtained from jurisdictions from the Black Belt were basic in nature when compared to jurisdictions of the Gullah-Geechee Corridor and from the literature-based group.

Historic and character preservation through special overlays and rural preservation through cluster development were commonly identified strategies throughout all North Carolina jurisdictions. Jurisdictions of the Gullah-Geechee Corridor and from the literature-based group employ mixed use overlays as a means of facilitating a mixed use, walkable landscape. New Hanover County, located in the Gullah-Geechee Corridor, instituted an Exceptional Design Zoning District, which promotes pedestrian and bicycle interconnectivity, mixed uses, streetscaping, and civic spaces (New Hanover Zoning Ordinance, §53.6 (2010)). The City of Wilmington, located within the Gullah-Geechee Corridor, has implemented an incentive-based approach for the private development of green stormwater infrastructure and smart growth in areas designated for water resource management (Code of Ordinances of the City of Wilmington, North Carolina, §18-541 (amended 2010)). Developers are awarded density bonuses for the incorporation of green stormwater management techniques that mitigate water resource degradation (Code of Ordinances of the City of Wilmington, North Carolina, §18-541).
§ 18-541 (amended 2010)). This strategy combines smart growth tactics with water resource management strategies in order to maintain the ecological integrity of coastal resources and the rural hinterlands.

The need for increased public involvement and engagement in the planning process emerged in jurisdictions of both the Gullah-Geechee Corridor and those from the literature-based group. The Comprehensive Plan for the City of Chapel Hill explicitly identified the engagement and outreach to marginalized communities in the planning process (Town of Chapel Hill Government, 2000).

In addition to targeting marginalized communities for engagement in the planning process, Chapel Hill, in a concerted effort to ameliorate blight and displacement associated with gentrification, has partnered with area non-profit entities to rehabilitate substandard housing, provide homebuyer assistance, and develop affordable housing through distribution of HOME, CDBG, and locally-generated funding (Town of Chapel Hill Government, 2000). Additionally, CDBG funding was identified as a funding source for the rehabilitation of substandard housing and infrastructure expansion. Brunswick County, located in the Gullah-Geechee Corridor, identified the extension of water infrastructure through grants to “traditional communities” (Brunswick County Government and North Carolina Department of Commerce Division of Community Assistance, 2004, p. 27).

Jurisdictions of the Gullah-Geechee Corridor and Black Belt permit the placement of accessory dwelling units. Pender and Brunswick Counties, located in the Gullah-Geechee Corridor, permit the placement of additional primary dwelling units on a single
piece of property (Brunswick County Unified Development Ordinance, §4.8.4(C) (2007)); Pender County, North Carolina Zoning Ordinance, §9.3 (amended 2009)). Pender County permits up to three primary dwelling units on a single parcel if the development complies with the dimensional standards of the underlying zoning district; the approval of a Planned Development (PD), special permit, or manufactured home park is necessary for the placement of four or more primary dwelling units (Pender County, North Carolina Zoning Ordinance, §9.3 (amended 2009)). Brunswick County permits the placement of multiple primary dwelling units in the rural area only on properties of at least one acre in size (Brunswick County Unified Development Ordinance, §4.8.4(C) (2007)). Brunswick County permits only two primary dwelling units on properties ranging from one acre to ten acres and allows an additional primary dwelling for every acre increase in property size thereafter (Brunswick County Unified Development Ordinance, §4.8.4(C) (2007)). Select jurisdictions of the Black Belt and identified from the literature incorporate manufactured home flexibility in zoning documentation, allowing their placement in rural and suburban residential districts.

*Additional Services and Informational Prompts*

The Orange County governmental website provides an informational prompt to the *Lands Legacy Program*, which is a cooperative land conservation effort among Orange County, local land trusts, Orange Water and Sewer Authority, and area universities for the acquisition of lands of cultural, historic, and agricultural significance with local, state, and federal funding (Orange County Government, 2011b). In order to facilitate community development objectives, the municipal website of the Town of
Chapel Hill provides prompts to information of and applications for CDBG and HOME funding (Town of Chapel Hill, 2011). Additionally, the government websites of Warren, Hertford, Bertie, and Orange Counties provide links to the North Carolina State University and North Carolina Agricultural and Technical State University Cooperative Extension. These websites provide educational resources to owners of heirs’ properties, informing them about the implications of clouded title of ownership and management approaches to retain their lands (NC State University and A&T State University, 2011; Orange County Government, 2011a; Bertie County Government, 2011; Warren County Government, n/d; Hertford County, n/d).

**Chapter 3: Survey of Planners and Administrators**

The planning document review aided in filling the research gap by revealing specifically and generally-applicable strategies to preserve and integrate heirs’ property; however, their effectiveness in preserving and integrating heirs’ property is not clear. The survey will close this research gap by augmenting planning document review findings, determining the utility of the identified planning strategies and revealing challenges to implementation. An internet survey was selected as the appropriate method of analysis for this research effort because of the time and cost efficiency when compared with mailed surveys (Duetskens, et al., 2004). An Internet-based survey was distributed to planning and administrative personal of 157 jurisdictions. The survey population of 232 jurisdictions was narrowed by the ability to locate e-mail contact information. E-mail contacts were obtained from municipal and county websites as well.
as through telephone inquiries. Contact information was identified for 164 planning and administrative personnel of 157 jurisdictions, 68 percent of the jurisdictions initially selected for analysis. The population of this survey consists of 164 planning directors and administrative personnel within the jurisdictions identified that possess African American heirs’ properties and the unit of analysis is the planner or administrator. The surveys are addressed to the administrator or planning director as he/she will possess the knowledge to answer the questions or distribute the survey to the individual that is best equipped to do so. Table 16 displays the percentage of located planning contacts by state, providing an indication of the survey sample’s representation of the entire population.

<table>
<thead>
<tr>
<th>Table 16: Percentage of Located Contacts by State</th>
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<tbody>
<tr>
<td>State</td>
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<tr>
<td>------------------------</td>
</tr>
<tr>
<td>Georgia</td>
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<tr>
<td>Alabama</td>
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<tr>
<td>Louisiana</td>
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<tr>
<td>Florida</td>
</tr>
<tr>
<td>North Carolina</td>
</tr>
<tr>
<td>Mississippi</td>
</tr>
<tr>
<td>South Carolina</td>
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</tbody>
</table>

**Survey Design and Implementation**

According to Dillman (2000), “only minor coverage problems” will emerge when surveys are distributed to governmental officials that have immediate internet access (356). A basic monthly subscription was purchased from Survey Monkey. Following the guidelines and recommendations enumerated in Dillman’s book, *Mail and Internet*
Surveys: The Tailored Design Method (2000), survey questions were concise and unambiguous, accompanying a glossary of technical planning terms to ensure uniform interpretation of questions and maximize response rates. The survey consisted of short and long open-ended questions, Likert-scale questions, and partially closed-ended questions (Dillman, 2000). Likert-scale questions were used to gauge the capacity of planners to plan for heirs’ properties and the extent to which heirs’ properties are integrated with surrounding uses and involved in land development decisions. Partially closed-ended questions were used to account for all possible responses (Dillman, 2000). Because of the subjective nature of open-ended questions, Dillman (2000) discourages their use; however, for purposes of this research effort, open-ended questions provide contextual insights into the political influences that affect heirs’ properties and strategies not otherwise identified in the literature or revealed in the planning document review.

As the survey population includes a diverse array of jurisdictions of varying sizes and economies, the survey was divided into three tracks: (1) the whole survey track, (2) the no land use regulation track, and (3) the no heirs’ property track. The whole survey track aimed to uncover the strategies that county and municipal planners employ to preserve and/or integrate heirs’ property with surrounding uses, external factors that influence the land use of heirs’ properties, the capacity to plan for heirs’ properties, and the extent to which heirs’ properties are spatially integrated and involved in development decisions. The whole survey track consisted of 22 questions; 13 partially closed and closed-ended questions, six short open-ended questions, and three long open-ended questions. The second survey track was targeted to jurisdictions that lack land use
regulation and included and was identical to the first survey except in the questions involving land use regulation. The second survey track consisted of 20 questions; 11 partially closed-ended and closed-ended questions, six short open-ended questions, and three long open-ended questions. The third survey track consisted of six closed-ended multiple choice and short open-ended questions and asked no questions regarding the characteristics of heirs’ property or land use regulation. The final question on each of the surveys inquired whether the respondent would be willing to participate in a follow-up telephone interview. According to Weiss (1994), follow-up interviews can augment information derived in surveys, filling in research gaps and revealing processes not attainable in surveys. The purpose of the follow-up interviews is to expand upon survey results and understand the specific local challenges and processes involving the implementation of planning strategies that address heirs’ property. However, telephone interviews were not feasible within the timeframe of this research study and may be pursued in future research. A survey map, which displays the path of each survey track, is included in Appendix B. The three survey tracks and the glossary of terms are included in Appendix C.

**Survey Administration and Response Rate**

*Survey Administration*

An initial e-mail invitation to participate in this research effort was distributed to the survey population. The e-mail included a link to the survey as well as information relevant to the research effort and a glossary of terms as attachments. As the majority of respondents typically respond to internet surveys within the first five days after initial
dispersal (Duetskens, et al., 2004; Thomas, 2004), a follow-up reminder, including the same information as the initial invitation, was distributed one and two weeks after initial dispersal, each encompassing a time gap of five business days. According to Duetskens, et al. (2004), the timing of follow-up letters does not significantly affect internet survey response rates as duplicative follow-up letters can be bothersome and appear like spam. According to Thomas (2004), distributing follow-up reminders one week after the initial e-mail invitation “will result in another, smaller spike in responses” (p. 123). The survey was open for a period of three weeks.

**Response Rate**

According to Thomas (2004), questionnaire length, difficulty, and quantity of open-ended questions can deter respondents. This questionnaire addresses sensitive issues relating to racial inequities, environmental injustices, and marginalized populations. Survey respondents may experience discomfort upon answering questions. Certain risks accompany this research and include the identification of respondents through the direct and indirect disclosure of confidential information. When invited to participate in this research study, respondents were informed of these risks and discomforts as well as assured that necessary precautions would be taken for the life of this research to minimize these risks.

According to Kaplowitz et al. (2004), surveys distributed through e-mail typically garner a response rate of 20 percent. Seven e-mails bounced back upon the initial e-mail distribution; the correct e-mail addresses were identified for two of the seven bounce-backs. Therefore, the survey population decreased from 164 to 159 planning and
administrative personnel. Although a response was required to progress to subsequent survey questions, respondents maintained the ability to exit the survey at any time. Thirty six (36) individuals responded to the survey, yielding a response rate of 22 percent; however, only 27 individuals (75 percent of all survey respondents) completed the entire survey. The response rate for individuals that completed the survey is 17 percent. Only four respondents reported the absence of land use regulation. One respondent confirmed the absence of heirs’ property. Table 17 displays the response rate per survey track.

<table>
<thead>
<tr>
<th>Track</th>
<th>Number of Respondents</th>
<th>Response Rate</th>
<th>Response Rate of Completed Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Track One</td>
<td>31</td>
<td>20%</td>
<td>15%</td>
</tr>
<tr>
<td>Track Two</td>
<td>4</td>
<td>2.5%</td>
<td>1.25%</td>
</tr>
<tr>
<td>Track Three</td>
<td>1</td>
<td>.62%</td>
<td>.62%</td>
</tr>
</tbody>
</table>

The majority of survey respondents are from jurisdictions in South Carolina, which can be attributed to familiarity with and connections to Clemson University, as well as recognition of the Gullah-Geechee community because of efforts of the National Park Service. This is a form of bias as South Carolina jurisdictions were most likely to participate in this survey. Figure 11: Distribution of Respondents by State displays the distribution of survey respondents by state.
The distribution of respondents by state is a function of the quantity of contacts identified for each state. The response rate by state is an indicator of each state’s representation in this research study. Table 18 displays the percentage of respondents and non-respondents for each state selected for analysis. The percentage of non-respondents provides an indication of non-response error. There were no respondents from Alabama and 90 percent of Mississippi and Louisiana contacts did not participate in this research effort, presenting the possibility of non-response error as these jurisdictions differ economically, socially, and demographically from the jurisdictions for which individuals responded (Dillman, 2000). The jurisdictions that did not participate in this research effort, despite having heirs’ properties, suggests that planning for heirs’ property is not a primary policy objective. Assessments on behalf of these jurisdictions will be based upon planning document review findings as opposed to survey results.
<table>
<thead>
<tr>
<th>State</th>
<th>Contacts</th>
<th>Respondents (%)</th>
<th>Non-Respondents (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>13</td>
<td>0.00%</td>
<td>100.00%</td>
</tr>
<tr>
<td>Florida</td>
<td>6</td>
<td>33.33%</td>
<td>66.67%</td>
</tr>
<tr>
<td>Georgia</td>
<td>23</td>
<td>21.74%</td>
<td>78.26%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>21</td>
<td>9.52%</td>
<td>90.48%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>44</td>
<td>9.09%</td>
<td>90.91%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>20</td>
<td>35.00%</td>
<td>65.00%</td>
</tr>
<tr>
<td>South Carolina</td>
<td>37</td>
<td>43.24%</td>
<td>56.76%</td>
</tr>
</tbody>
</table>

Because 61 percent of survey respondents were from county or parish governments and 39 percent were from municipal governments, it is important to recognize that municipalities are not well-represented. Figure 12 displays the distribution of survey respondents in relation to 2010 population distribution.
Four jurisdictions for which planning documentation was not located responded to the survey; these jurisdictions lack land use planning and have populations of fewer than 42,841. Figure 13 displays the distribution of survey respondents in relation to the concentration of African Americans by county. The majority of respondents are from jurisdictions with concentrations of African Americans ranging from 11.89 – 39.33 percent.
The survey started with questions about jurisdictional characteristics to identify the participating communities in this research effort. Figure 14 displays survey representation by jurisdictional inclusion into the Black Belt and Gullah-Geechee Corridor and selection from the literature.
Over 50 percent of survey respondents reported that they serve jurisdictions within the Gullah-Geechee Corridor, with representation from nine of the eleven jurisdictions that the planning document review revealed employ planning strategies specifically-applicable to the preservation and integration of heirs’ properties with surrounding uses. When assessing the strategies employed within these jurisdictions, it is important to recognize that the Gullah-Geechee community is a distinguishable and cohesive subset of early African American settlements. Thirty (30) percent of survey respondents indicated that they serve jurisdictions within the Black Belt. One respondent serves a jurisdiction located in both the Gullah-Geechee Corridor and Black Belt. Nearly ten percent of respondents serve jurisdictions that were from the literature-based group. One respondent did not reveal the jurisdiction for which he or she serves. Ten of the twelve Gullah-Geechee Corridor jurisdictions that were identified in the planning
document review as employing strategies specifically-applicable to the preservation and integration of heirs’ property responded to the survey. There was no representation from jurisdictions of the Black Belt and Gulf Coast that, according to the planning document review, employ strategies specifically-applicable to the preservation and integration of heirs’ properties with surrounding uses.

Respondents were also asked about their employment tenure with the jurisdiction in order to gauge their knowledge of and experience with heirs’ properties. Respondents were asked if heirs’ properties are present in their jurisdiction in order to filter out respondents of jurisdictions that do not possess heirs’ properties. Respondents that reported that heirs’ properties were not present in their jurisdiction were prompted to survey track three. Figure 15 illustrates the distribution of respondents that indicated whether or not heirs’ properties exist in their jurisdictions or if they did not know.

![Distribution of Respondents Regarding the Presence of Heirs' Properties](image)

*Figure 15: Distribution of Respondents Regarding the Presence of Heirs' Property*
Over 50 percent of respondents reported that heirs’ properties exist in their jurisdictions. Nearly 40% of respondents indicated that they did not know if heirs’ properties existed in their jurisdictions. This percentage is concerning, suggesting that heirs’ property is not considered in land use planning, and that property and culture loss will persist or that heirs’ properties have sustained such a significant loss that they may not remain in the jurisdiction. One unincorporated Gullah-Geechee Corridor community that employed strategies specifically-applicable to heirs’ property in the planning document review selected “don’t know” when asked if heirs’ properties were present. Additionally, this response suggests that heirs’ properties are not engaged in the planning process. One respondent from the Town of Hillsborough, North Carolina, which was from the literature-based group, indicated that heirs’ property did not exist.

After revealing general information about their communities and employment tenure, respondents were then asked questions regarding planning for heirs’ property. The survey revealed that a majority (55 percent) do not track heirs’ properties, hindering the ability to employ strategies that would engage them in the planning process and to plan for them (see Figure 16). As a result, in subsequent survey questions, few of these respondents reported the implementation of strategies specifically targeted toward the preservation and integration of heirs’ properties and their engagement in the land development process, as well as substantial integration of heirs’ properties. Seventy five (75) percent of respondents that revealed that their jurisdictions do not regulate land use, indentified that they employ no mechanisms to track heirs’ property.
Close to 33 percent of jurisdictions indicated that they track heirs’ properties in an ad hoc fashion when situations involving heirs’ property emerge in the planning process. Nearly 15 percent of jurisdictions reported that they take a systematic approach through Geographic Information Systems (GIS) software, a tax assessor’s database, etc; however, all of these respondents revealed that this mechanism is augmented by ad hoc tracking approaches and local insights of the location of historic African American communities. The majority of jurisdictions (66 percent) that employ specifically-applicable strategies indicated taking systematic and ad hoc approaches to tracking heirs’ property. Only two jurisdictions, Cameron Parish, Louisiana and Beaufort County, South Carolina, specified that they track heirs’ properties through local insights of historic African American
communities. It is concerning that so few Gullah-Geechee Corridor counties identified this tactic given their distinct cultural character, suggesting that the location of these communities does not aid in the identification of heirs’ properties. Roughly 12 percent of jurisdictions indicated that they employ other mechanisms to track heirs’ properties and were asked to specify the tactic employed. These respondents reported that heirs’ properties are not generally tracked, but a GIS and/or tax assessor’s database is used in the occasion that they are, when heirs’ properties emerge in the planning process, and “don’t know”. It is uncertain as to why these respondents did not select any of the other four categories.

When survey respondents were to estimate the number of acres of land within their jurisdictions that are held in heirs’ property, over 70% indicated that they did not know. This demonstrates that difficulties in the accurate quantification of heirs’ property emerge regardless of the mechanism employed to track heirs’ property. Of the respondents that provided an estimate of heirs’ properties within their jurisdictions, the majority of counties indicated upwards of 2,000 acres, while municipalities selected “very little” or “less than 1 percent”. This confirms the assumption that counties typically possess larger quantities of heirs’ properties than municipalities, as well as implies that significant loss of heirs’ properties has occurred in municipalities and/or heirs’ are not able to annex into incorporated areas because of financial constraints. Two respondents, from Georgetown County, South Carolina and the City of West Point, Mississippi, specified upwards of 2000 acres of heirs’ properties within their jurisdictions. Georgetown County identified that they take a systematic approach through

125
the use of GIS, tax assessor’s database, etc. to tracking heirs’ properties while the City of West Point, Mississippi reported that they do not track heirs’ property. A respondent from a Gulf Coast community in Mississippi stated that heirs’ properties are present within many historic African American communities; however, the quantity of these properties is unknown as they have been subdivided repeatedly for family members and only small, mostly undevelopable, tracks remain. This respondent further elaborated that many of the outbuildings and septic drainfields extend into neighboring lots because of size constraints. St. Johns County, Florida reported that they had zero acres of heirs’ properties within their jurisdiction, but responded with “don’t know” when asked if heirs’ properties were present.

Respondents were asked if land use was regulated in their jurisdictions in order to filter respondents to survey track one or track two. Over 75 percent of respondents indicated that land use was regulated in their jurisdictions. Four respondents confirmed that planning was regulated in four jurisdictions of which planning documentation was not obtained during planning document review. Four respondents (11 percent) selected, “don’t know” when asked if land use is regulated in their jurisdictions. These respondents continued on survey track one. Four respondents (11 percent) indicated that land use is not regulated in their jurisdictions, and were prompted to survey track two.

The respondents that reported that land use is regulated in their jurisdictions or that they did not know if land use was regulated in their jurisdictions were then asked to gauge, on a Likert-scale of one to seven, the extent to which they are able to plan for
heirs’ properties. However, only the responses among individuals that specified, with confidence, that land use is regulated in their jurisdictions are included in the statistical analysis for this question. More respondents reported an increased capacity to plan for heirs’ property than a diminished capacity, regardless of the mechanisms employed to track heirs’ property; this implies that planners feel as though the needs of heirs’ properties are recognized and accounted for in planning activities, regardless of their ability to identify heirs’ properties. Figure 17 illustrates the frequency distribution of responses among the individuals that identified that land use is regulated in their jurisdictions.

A majority of respondents selected “neutral” or “moderate” ability to plan for heirs’ property. Close to 13 percent of respondents identified a “significant ability” to plan for
heirs’ properties. 16 percent of respondents reported an “insignificant ability” to plan for heirs’ property. 16 percent of respondents indicated “no ability” to plan for heirs’ properties. No respondent selected “extreme ability” to plan for heirs’ property.

Is there a relationship among tracking heirs’ property and the capacity to plan for heirs’ property? When computing cross tabulations for responses of both the mechanisms employed to track heirs’ properties and the capacity to plan for heirs’ properties, certain conclusions can be made. Table 19 displays the column percents or cross tabulations for these two questions.

| Table 19: Cross Tabulations for Tracking Mechanisms and Extent to Plan for Heirs’ Property |
|-----------------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------------------------------------|
|                                               | Taking a systematic approach through the use of GIS, tax assessor's database, etc. | When situations involving heirs' property emerge in the planning process | Location of historic African American communities through community knowledge | We do not |
| (1) No ability                                | 20.00%                                       | 0.00%                                           | 0.00%                                           | 28.57%                                           |
| (2) Insignificant ability                     | 0.00%                                        | 10.00%                                         | 0.00%                                           | 28.57%                                           |
| (3) Slight ability                            | 0.00%                                        | 10.00%                                         | 0.00%                                           | 7.14%                                            |
| (4) Neutral ability                           | 20.00%                                       | 20.00%                                         | 0.00%                                           | 21.43%                                           |
| (5) Moderate ability                          | 20.00%                                       | 40.00%                                         | 100.00%                                         | 7.14%                                            |
| (6) Significant ability                       | 40.00%                                       | 20.00%                                         | 0.00%                                           | 7.14%                                            |
| (7) Extreme ability                           | 0.00%                                        | 0.00%                                         | 0.00%                                           | 0.00%                                            |

Cross tabulations reveal that 40 percent of individuals that reported using a systematic approach that is coupled with additional mechanisms, such as an ad hoc approach or the location of historic African American communities, are significantly able to plan for heirs’ property. Twenty (20) percent of individuals that indicated taking a systematic approach to tracking heirs’ property selected “no ability” to plan for heirs’ properties; this
is most likely attributed to the limitations of tax assessors’ data for purposes of identification of heirs’ properties and owners. Forty (40) percent of individuals that reported taking an ad hoc approach to tracking heirs’ property are moderately able to plan for heirs’ property. Twenty (20) percent of individuals that identified taking an ad hoc approach to tracking heirs’ property are significantly able to plan for heirs’ property. The one respondent that reported applying local knowledge of historic African American communities to track heirs’ property selected “moderate ability” to plan for heirs’ property. Nearly 60 percent of individuals that specified that they take no action to track heirs’ property reported no ability or insignificant ability to plan for heirs’ property. Only two respondents that identified that no action is taken to track heirs’ property reported a significant or moderate ability to plan for heirs’ property. Areas represented with a zero percent in Table 19 denote the absence of responses for the two variables identified. This table reveals that employing mechanisms to track heirs’ property increases the ability to plan for heirs’ property. Tracking heirs’ properties through systematic approaches augmented with additional mechanisms, such as ad hoc tracking approaches or the location of historic African American communities, appear to be most effective in enhancing the ability to plan for heirs’ property.

When asked what planning strategies are employed [and/or proposed] to preserve and integrate heirs’ property with surrounding uses, nearly 30 percent of respondents indicated that no strategies are employed. Twenty-one (21) percent of respondents reported that they did not know what strategies were employed to preserve and integrate heirs’ property with surrounding uses. As a majority of respondents selected “none” or
“don’t know” suggests that the preservation and integration of heirs’ properties is not a primary policy objective. Thus, heirs’ properties are susceptible to property and culture loss as well as the implications of spatial isolation in these jurisdictions. The following strategies were not selected as a means to preserve and integrate heirs’ property with surrounding uses: educational and workforce training programs, SmartCode, infrastructure investment and expansion, and floating zones. Of 28 total respondents, only three (ten percent) identified mixed use development as a tactic employed in their jurisdictions. Only two respondents (seven percent each) identified multimodal transportation connectivity as well as Form-Based Code as strategies. Only one respondent (3.6 percent) indicated the utilization of Smart Growth strategies. These statistics are surprising, as mixed use development, multimodal transportation connectivity, Form-Based Code, and Smart Growth were predominant generally-applicable themes and strategies identified throughout the study population during planning document review. This indicates that their implementation is not targeted toward the preservation and integration of heirs’ properties with surrounding uses. Only two respondents indicated that their jurisdictions employ special zoning districts or zoning overlay districts to target this objective, which confirms the planning document review findings. Widely used tactics, on the other hand, consist of the following: community outreach and engagement in the planning process (21 percent of respondents), manufactured homes as an allowable type of housing at the rural-suburban interface (14 percent of respondents), accessory dwelling units are permissible at the suburban-rural interface (17 percent of respondents), relaxed or exempt subdivision standards (14
percent), and community redevelopment through small area plans, community plans, or corridor plans (14 percent of respondents). These findings support planning document review findings. However, permissibility of accessory dwelling units does not perpetuate the traditional settlement patterns of heirs’ property settlements if manufactured homes are not a permitted housing type; therefore, the survey should have inquired if manufactured homes are an allowable housing type for accessory dwelling units within the rural suburban interface. According to the planning document review, manufactured home regulation is exclusive, for the most part. Figure 18 displays the distribution of the strategies employed to preserve and integrate heirs’ properties with surrounding uses.
Figure 18: Planning Strategies for the Preservation and Integration of Heirs’ Property
Other identified strategies include the following: Urban Growth Boundaries (UGB) or Service District Boundaries, Development Agreements, Federal, State, and local funding strategies, and increased allowable densities at the suburban-rural interface. Four respondents indicated that their jurisdictions employ other strategies to preserve and integrate heirs’ properties and were asked to specify the strategy that is employed. One respondent indicated that his/her jurisdiction is in the process of adopting a general zoning ordinance, and heirs’ property, in the context identified in the research, is not addressed. A respondent from a South Carolina Lowcountry jurisdiction indicated that properties must be probated in order to undergo the planning process; this is a mechanism to identify the individual legally accountable for the property at hand. This respondent elaborated, stating that this requirement can be problematic for heirs’ properties because of legal costs and lengthy processing. Similarly, a respondent from Mississippi specified that property is required to have a clear title before undergoing the planning process; in which case, heirs’ properties are treated as any other parcel. Lastly, a respondent from Colleton County, South Carolina revealed that their jurisdiction has adopted special zoning categories to address the preservation and integration of heirs’ properties, which was confirmed in the planning document review.

Respondents were then asked to identify the organizations of which their jurisdictions coordinate with to preserve and integrate heirs’ properties with surrounding uses. The majority of respondents (55 percent) indicated that their jurisdictions do not coordinate with neighboring jurisdictions, federal and state governmental agencies, area non-profits/advocacy groups, educational institutions, churches, or similar institutions.
The lack of coordination impedes consistency and efficiency of land use, collaborative preservation initiatives, economic development initiatives, and the extension or improvement of inadequate or deficient infrastructure. This is especially problematic in areas where heirs’ properties are located within doughnut holes of the unincorporated area or abut jurisdictional boundaries and are unable to annex into adjacent municipalities. Roughly 30 percent of respondents reported that their jurisdictions coordinate with county governments; however, 75 percent of these respondents were county governments, revealing a lack of coordination of municipalities with the county. 17 percent of respondents indicated that their jurisdictions coordinate with area non-profits/advocacy groups; 60 percent of these respondents reported that they do not track heirs’ property and have a “neutral” or “moderate” ability to plan for heirs’ property, suggesting that advocacy and non-profit services can aid in the planning of heirs’ property. Nearly 14 percent of respondents identified that their jurisdictions coordinate with churches. No respondent reported that they coordinate with a Chamber of Commerce, which can impede collaborative economic development initiatives targeted at heirs’ properties. Only two respondents selected “don’t know”. Additional organizations of which respondents indicated that their jurisdictions coordinate with include the following: adjacent municipalities (10 percent of respondents), federal agencies (3 percent of respondents), state agencies (3 percent of respondents), economic/community development corporations (7 percent of respondents), regional planning entities (10 percent of respondents), public service authorities (3 percent of respondents), and educational institutions (7 percent of respondents). Four respondents reported that their
jurisdictions coordinate with other agencies. When asked to specify the organizations of which their jurisdictions coordinate, three revealed the following: lawyers, the heirs’ themselves, and community associations. The respondent that stated coordination with the heirs’ themselves reported a “neutral ability” to plan for heirs’ property and disclosed that a clear title of landownership was required for planning activities. While heirs’ properties are engaged and involved in planning, clouded titles may impede the ability to plan for heirs’ properties. One respondent expressed that their planning efforts are not specifically targeted to heirs’ property preservation and integration; rather, they perpetuate the health, safety, and wellbeing of the general public. Figure 19 illustrates the frequency of agencies of which jurisdictions coordinate as well as those jurisdictions that do not engage in coordination activities.
When asked what medium was used to disseminate information regarding strong community advocacy groups/programs involved in heirs’ property, 35 percent of respondents reported that there are no such advocacy groups or programs. Twenty-four (24) percent of respondents indicated that they do not know of any such advocacy groups or programs. Non-profit advocacy groups and extension agencies have been identified in each state of analysis through the literature and planning document review, denoting that planners, with employment tenures of upwards of 30 years, were unfamiliar with the
services available to assist heirs’ properties. Thus, there is a lack of interaction and coordination among non-profit advocacy services and public planners, impeding the ability for planners to disseminate information on these services to heirs’ properties when they are encountered in the planning process, compromising their preservation. Of the respondents that specified that advocacy groups/programs are involved with heirs’ properties, the most widely used mediums of disseminating this information include the following: the planning agency verbally informs heirs’ property owners of these services when they are encountered in the planning process (20 percent of respondents) and brochures and pamphlets are available at government offices (17 percent of respondents). Two respondents indicated that their jurisdictions provide informational prompts of these services on their websites, which confirms planning document review findings. One respondent from Beaufort County, South Carolina revealed that the planning agency engages in educational and outreach services specifically targeted at heirs’ property. One respondent identified the utilization of other mediums to disseminate this information within his/her jurisdiction and specified that area non-profit agencies disseminate this information through brochures and forums. Only one respondent indicated that his/her jurisdiction does not take action in this matter. Figure 20 displays the frequency of medians employed to disseminate advocacy information to heirs’ property owners as well as those jurisdictions that do not employ such tactics.
Figure 20: Frequency of Medians Used To Disseminate Advocacy Information

When asked of the mechanisms employed to engage heirs’ property owners in the development decision process, 33 percent of respondents revealed that their jurisdictions employ no such mechanisms. Close to 77 percent of these respondents indicated that they take no approach to track heirs’ property, suggesting that tracking heirs’ property enhances the ability to employ mechanisms to engage heirs’ properties in the
development decision process. Thirty (30) percent of respondents specified that their jurisdictions engage heirs’ properties in the land development process through large-circulation newspapers. Nearly 26 percent of respondents indicated that their jurisdictions engage heirs’ properties through mailed notices that are distributed to all affected property owners as well as temporary signage, which are standard, generally-applicable procedures. Respondents of two Gullah-Geechee Corridor jurisdictions and one Black Belt community of North Carolina reported that they engage heirs’ properties through locally distributed newsletters and African American focus newsletters. In addition to locally distributed newsletters and African American focus newsletters, the same North Carolina Black Belt community identified advocacy planning as a means to engage heirs’ properties. This community indicated the use of multiple tracking mechanisms, which aids in the identification of heirs’ properties for the implementation of strategies targeted at their engagement. Roughly 15 percent of respondents revealed that they engage heirs’ properties in the land development process through advertisements posted on municipal or county websites. However, this approach is limited to only those that have access to the internet. Two respondents from Gullah-Geechee Corridor communities in South Carolina reported the use of phone calls or e-mails to a neighborhood representative or “voice” to engage heirs’ properties in land development decisions. Twenty-two (22) percent of respondents selected “other”. When asked to specify, one respondent stated that heirs’ properties are engaged in land development decisions when they are encountered in the permitting process. Three respondents noted that specific groups, such as heirs’ property, are not targeted in the
land development process. One of these respondents revealed that specific approaches to garner public input are based upon community goals and needs. One respondent indicated that heirs’ properties are involved in the land development process when land within redevelopment areas that is held among heirs is subject to public acquisition. One respondent reported that their use of temporary signage is compliant with state requirements for the advertisement of public hearings. Figure 21 displays the frequency for the mechanisms employed to engage heirs’ properties in land development decisions.

Figure 21: Mechanisms to Engage Heirs’ Properties in Land Development Decisions
Despite the challenges faced in employing strategies to engage heirs’ properties in the planning process because of an inability to track heirs’ properties and identify owners, their participation will continue to be impaired by the absence of strategies employed to target their engagement in these processes. When respondents were asked to gauge on a Likert-scale of one to seven, the extent to which heirs’ properties are involved in development decisions, 30 percent reported no involvement of heirs’ properties in development decisions. All of these respondents indicated the absence, or that they did not know, of mechanisms employed to engage heirs’ properties and roughly 90 percent of these respondents specified the absence, or that they did not know, of mechanisms employed to track heirs’ property. Nearly half of all respondents selected either “insignificant” or “slight” involvement; all of these respondents indicated using only standard procedures, with the exception of two communities that place phone calls or e-mails to a neighborhood representative or “voice”, to engage heirs’ properties in the development decision process. This suggests that the aforementioned strategies are not effective in garnering the participation of heirs’ properties. As a result, the needs and interests of these individuals are not heard in the public planning process and are not incorporated into planning documentation. However, while two jurisdictions that employ specifically-applicable strategies to preserve and integrate heirs’ property identified “moderate” and “neutral” involvement, the remaining nine jurisdictions that employ specifically-applicable strategies selected “insignificant” and “slight” involvement, revealing that these strategies are employed without substantial influence of heirs’ properties. While the majority of respondents that indicated “insignificant” involvement
of heirs’ properties reported employing mechanisms to track heirs’ property, the majority of respondents that identified “slight” involvement indicated that no mechanisms are employed to track heirs’ property. This implies that strategies used to track heirs’ properties are not comprehensive in their identification of the properties as well as the individual shareholders. Six participants (22 percent) selected either “neutral” or “moderate” involvement and reported the use of standard strategies applied in conjunction with the following strategies: advocacy planning, advertisements posted on government websites, locally distributed newsletters and African American focus newsletters, and notices posted in churches/recreational centers/civic centers. Only one respondent (3.7 percent), identified extreme involvement and revealed the use of only standard strategies and coordination with advocacy services, churches, and the heirs’ themselves to preserve and integrate heirs’ properties. Figure 22 illustrates the distribution of responses.
Respondents were then asked of the strategies that are employed within their jurisdictions to encourage interaction and understanding among existing heirs’ properties and incoming residents. Selection choices included spatial integration and educational strategies, marketing approaches for tourism purposes, “no action taken in this matter”, “don’t know”, and “other” with the option to specify. The majority of respondents (63 percent) indicated that their jurisdictions take no action in this matter; without efforts taken to facilitate social understanding, social and political conflicts over land use and development preferences will persist when these two cultural identities collide. Five respondents (19 percent) selected “don’t know”. Four respondents (15 percent) identified the use of educational strategies such as historical markers, kiosks, signage, the
preservation of significant historic and cultural sites, and the preservation of historical and cultural character as mechanisms to necessitate understanding among incoming residents. Three respondents selected “other” strategies employed to facilitate understanding. When asked to specify, two respondents revealed that planning efforts are not targeted to a specific group; rather, they facilitate community-wide objectives. A respondent from the Town of Mount Pleasant specified that all of the strategies that were identified as selection options are incorporated into the Cultural Landscape District, which is consistent with planning document review findings (EDAW – AECOM, 2009). See Figure 23.

![Strategies to Encourage Social Interaction and Understanding](image)

**Figure 23: Strategies to Promote Social Interaction and Understanding**

When asked of the percentage of heirs’ properties served by water and sewer infrastructure, nearly 60 percent of respondents indicated that they did not know.
Seventy two (72) percent of respondents that reported that they do not track heirs’ property identified that they did not know the percentage of heirs’ properties served by water and sewer. This suggests that planners that lack the ability to track heirs’ property are not able to address their water quality and sanitation needs. Thirty (30) percent of respondents specified that only 0-20 percent of heirs’ properties are served by water and sewer infrastructure. Because over 80 percent of respondents selected either “don’t know” or “0-20 percent”, heirs’ properties may bear a severe environmental injustice in the lack of potable drinking water. Only three respondents (11 percent) from the incorporated areas of Moncks Corner, South Carolina, Beaufort, South Carolina, and Hilton Head Island, South Carolina indicated that 60-80 percent of heirs’ properties are served by water and sewer. See Figure 24.

![Approximate Provision of Water and Sewer Infrastructure to Heirs' Properties](image)

**Figure 24: Approximate Provision of Water and Sewer Infrastructure to Heirs' Properties**
After responding to questions regarding the strategies implemented to facilitate social understanding and interaction and the extent to which heirs’ properties are served by water and sewer infrastructure, respondents were asked to specify, on a Likert-scale of one to seven, the extent to which heirs’ properties are integrated with adjacent uses. Nearly 35% of respondents selected “no integration” of heirs’ properties with surrounding uses, suggesting deficient public services as well as the lack of multimodal transportation connectivity, shared public spaces and facilities, and aesthetic fluidity of character and scale (see Figure 25). Nearly 89 percent of respondents that indicated the absence of integration also reported “don’t know” when asked of the availability of public sewer and water to heirs’ properties. Twenty-three (23) percent of respondents identified that there is insignificant integration among heirs’ properties and surrounding uses. Eighty four (84) percent of these respondents selected “0-20 percent” of heirs’ properties served by water and sewer. As the majority of respondents indicated the absence of or insignificant integration, heirs’ properties are burdened by severe environmental and social injustices associated with the inadequate provision of public services and facilities as well as limited accessibility to jobs, services, and educational facilities. Two respondents selected “slight integration” of heirs’ properties with surrounding uses. Twenty-three (23) percent reported “neutral integration” of heirs’ properties and surrounding uses. Only two respondents, each located in the Gullah-Geechee Corridor of South Carolina, revealed significant integration of heirs’ properties with surrounding uses; these respondents also selected “60-80 percent” of heirs’ properties served by water and sewer. These two respondents revealed using the
following strategies in concert to preserve and integrate heirs’ properties: Form-Based Code, multimodal transportation accessibility, community redevelopment through small area plans, mixed use development, federal, state, and local funding strategies, legal outreach services, civic involvement and interaction to cultivate community understanding, community outreach and engagement in the planning process, and development agreements. Only one respondent from an urban, coastal municipality in Florida selected “extreme integration” of heirs’ properties with surrounding uses, but also reported “don’t know” of the percentage of heirs’ properties that are served by public sewer and water, no involvement of heirs’ properties in the planning process, and no planning strategies employed specifically targeted toward the preservation and integration of heirs’ properties. This suggests that generally-applicable strategies have been sufficient in facilitating integration, these strategies, which were identified in the planning document review include: mixed-use overlays, infill development, environmentally-friendly development, and the use of Community Development Block Grants for redevelopment initiatives. The one respondent that specified “extreme” involvement of heirs’ properties reported insignificant integration, implying the possibility of an ideological distortion, where the needs of these communities are not incorporated into planning documentation. Nearly 43 percent of respondents that indicated that their jurisdictions do not employ any land use strategies targeted at heirs’ property selected “no” integration of heirs’ properties. Respondents that identified that they implement special zoning or overlay districts targeted at the preservation and integration of heirs’ property revealed “insignificant” integration. Of the four
jurisdictions that do not regulate land use, one did not answer, two selected either “no” or “insignificant” integration and one specified “neutral” integration. These respondents also reported “no” or “insignificant” involvement of heirs’ properties in development decisions and specified that their jurisdictions engage in minimal coordination with outside agencies and jurisdictions. This suggests that jurisdictions that lack land use planning do not coordinate with non-profit advocacy groups to identify and engage heirs’ properties, limiting their capacity to address the needs and interests of these communities.

Figure 25: Extent to Which Heirs' Properties are Integrated with Surrounding Uses

The last partially closed-ended multiple choice question asked respondents to indicate all of the causal factors that contribute to the loss of heirs’ properties. Close to 40 percent of respondents selected “don’t know”, suggesting that planners do not know of the appropriate mechanisms to employ to combat this loss. Nearly 35 percent of
respondents specified “clouded titles” as the primary cause of loss of heirs’ properties. These respondents were from jurisdictions of varying sizes, economies, and demographics and include those that employ strategies targeted at heirs’ properties as well as lack land use regulation. This indicates that the most effective mechanism to preserve heirs’ properties is resolving the issue of clouded title of ownership. Roughly 27 percent of respondents selected “the lack of a collective voice among heirs’ properties owners” as a contributing factor to land loss. Twenty three (23) percent of respondents specified development pressure as a causal factor to land loss; nearly 84 percent of these respondents are from jurisdictions in the Gullah-Geechee Corridor of South Carolina, which face coastal growth pressures, and one respondent (16 percent) is from Central Mississippi, which is subject to growth pressures from the City of Jackson. Another 23 percent of respondents indicated tax foreclosures as a causal factor to land loss. While 20 percent of respondents reported the lack of representation of heirs’ properties in land development decisions as a causal factor to land loss, 33 percent of respondents employ no strategies targeted toward the engagement of heirs’ properties in the planning process. Nearly eight percent of respondents cited rural gentrification as a cause of land loss, one of which was a jurisdiction that lacks land use regulation. Annexation trends, political pressures, and lack of land use regulation were causal factors each identified by 3.8 percent of respondents. No respondent from a jurisdiction that lacks land use regulation cited the absence of land use regulation as a causal factor of land loss. However, the incorporation of land use regulation in the jurisdiction that cited rural gentrification as a cause of loss may promote the retention of heirs’ properties, if smart growth and social
mobilization strategies are included. Two respondents indicated other causal factors that contribute to land loss. When asked to specify, these respondents revealed code enforcement liens and the inability to accurately track heirs’ properties as casual factors to land loss. While planners do not have control over issues associated clouded titles, tax foreclosures, and the lack of a collective voice among heirs’ property residents, they do have control over the representation of heirs’ properties in the planning process as well as development pressure and rural gentrification. However, the majority of jurisdictions fail to implement strategies targeted toward the preservation and integration of heirs’ property as well as their engagement in the planning process. As a result, heirs’ properties remain susceptible to further property and culture loss. See Figure 26.
Figure 26: Factors that Contribute to the Loss of Heirs’ Property

After answering 18 (or 16 depending on survey track) short open-ended, Likert-scale questions, closed-ended, and partially closed-ended questions, respondents were asked three long open-ended questions aimed at uncovering contextual insights related to the political influences that affect heirs’ properties and strategies to balance competing interests in order to preserve and integrate heirs’ property with surrounding uses. The first long open-ended question asked respondents of the actions that they have taken to minimize the loss of heirs’ property when it is the result of eminent domain through...
roadway, infrastructure expansion, or similar mechanisms. Seventy five (75) percent of respondents stated “don’t know”, “have not encountered this situation”, or “not applicable”. One respondent revealed that no action is taken in this matter. However, the following strategies were identified as actions taken to minimize this loss: municipal attorneys work with heirs in clearing titles; mediation; just compensation; and compensation of development rights through a Transfer of Development Rights (TDR) program.

The second open-ended question asked respondents how they balance multiple competing interests in order to preserve and integrate heirs’ properties with surrounding uses. Sixty (60) percent of respondents specified that they “did not know”, “not applicable”, or that they “have not encountered this situation”. One respondent that indicated “don’t know” further expressed that the actions employ depend on the context of the multiple competing interests, and the preservation of heirs’ property is not a priority. Three respondents revealed that the public planning process is generally applied and not targeted to specific property-ownership groups. Two respondents indicated that no action is typically taken as planning initiatives and zoning decisions are based upon community needs and interests that are adhered to in order to maintain community character. Two respondents specified that they “take no action in this matter”. The following strategies were identified as actions taken to balance the competing interests in order to preserve and integrate heirs’ property with surrounding uses: identified owners are invited to participate in the public planning process, conservation overlay districts, and legal counsel provided by the municipality.
The last long open-ended question asked respondents to describe how political pressures at local, regional, and state levels of government influence any detrimental changes to heirs’ property. Nearly 72 percent of respondents specified “don’t know”, “not applicable”, “none”, “are not experiencing any such pressures at this time”, or “have not encountered this situation”. One person indicated that political pressures are positive in nature; for example, elected officials will vote on behalf of heirs’ property owners. Similarly, a respondent expressed significant minority representation on Council; however, this community specified “insignificant integration” of heirs’ properties with surrounding uses, which suggests that, despite minority representation, the needs of heirs’ properties are not incorporated into policy. One respondent revealed that planning and zoning efforts are not targeted to specific groups; rather, they necessitate the public good. One respondent expressed that increased tax burdens associated with reassessments as well as additional state and local financial burdens impede affordability, resulting in land loss. Another respondent cited policy as “contributing to detrimental changes”.

Summary of Survey Findings

Respondents of unincorporated areas reported significantly more heirs’ properties than those of municipalities, suggesting that significant displacement of heirs’ properties has occurred as a result of growth pressures within municipalities or heirs’ lack the ability to annex into these areas. The majority of jurisdictions are unable to track heirs’ properties. Although many of these jurisdictions are unable to do so because of resource constraints, it greatly impedes their ability to plan for heirs’ property as well as target their participation in the planning process. Only two respondents cited the location of
historic African American communities as a mechanism to track heirs’ property, suggesting that the location of these communities does not aid in the location of heirs’ properties, even in the Gullah-Geechee Corridor. While the majority of respondents selected “neutral” or “moderate” ability to plan for heirs’ property, only two jurisdictions employ strategies targeted toward the preservation and integration of heirs’ property through special zoning districts or overlays. These jurisdictions are located within the Gullah-Geechee Corridor of South Carolina, which can be attributed to the distinguishable nature of the Gullah-Geechee community and the efforts of the National Park Service. However these communities reported “insignificant” integration when asked of the extent to which heirs’ properties are integrated with surrounding uses, indicating implementation obstacles. Over half of the respondents revealed that they did not know of the percentage of heirs’ properties that were served by water and sewer infrastructure or that it was less than 20 percent; although this is a result of the inability to track heirs’ property, this suggests the possibility of a severe environmental injustice borne by these communities in the lack of potable drinking water. The majority of respondents specified that their jurisdictions do not employ strategies to cultivate social learning and cultural understanding among existing heirs’ properties and incoming residents; thus, conflict over growth objectives will persist. The majority of jurisdictions do not employ strategies specifically targeted to the participation of heirs’ properties in the planning process despite that their lack of representation is cited as a cause of loss by nearly 20 percent of respondents. A respondent from Gulf Coast community in Mississippi selected “extreme” involvement of heirs’ properties in the planning process.
and specified coordination with advocacy groups, churches, and the heirs’ themselves.
This implies that coordination with advocacy services and churches can promote the
involvement of heirs’ properties in the planning process through grassroots mobilization.
However, this respondent also indicated “insignificant” integration of heirs’ property,
revealing disconnect between the public planning process and plan and policy formation.
A majority of respondents specified that their jurisdictions do not coordinate with outside
agencies or jurisdictions in the preservation and integration of heirs’ property. In
conclusion, the majority of respondents reported “no” or “insignificant” integration of
heirs’ properties with surrounding uses as a result of the following deficiencies: the
inability to track heirs’ properties; lack of coordination with other jurisdictions and
agencies; and absence of strategies targeted toward the preservation and integration of
heirs’ property and their engagement in the development decision process. Clouded titles
were selected as the primary cause of land loss among jurisdictions of varying sizes,
economies, and demographics, which indicates that the most effective mechanism to
preserve heirs’ properties is through resolving the issue of clouded title of ownership.

Anecdotal Findings

These findings were derived from outside conversation through telephone and
email. One individual reported difficulty taking the survey because of the specificity of
the use of heirs’ property in the context of this analysis. The study population was
selected based upon the historical and cultural dimensions of African bondage and
settlement patterns of emancipated slaves, as posited in the literature. A regional planner
for a sixteen county region indicated that he/she was unable to take the survey as the
majority of member counties are small, lack local planners, and have not addressed the issue of heirs’ property because of the time and resources involved in clearing titles. As federal and state funding for redevelopment projects is competitive, incorporating the time and money to clear titles into grant proposals minimizes project scope and, in turn, renders project proposals less competitive. Some of the larger counties within this sixteen-county region have instituted a land bank authority to mitigate heirs’ property issues, but find that a multijurisdictional authority should be explored as a more effective and cost-efficient approach. This respondent elaborated further, stating that, for the most part, issues of heirs’ properties have been evaded by planners with rare exceptions. A planner from a rural, coastal jurisdiction asserted the black community’s common and unfortunate practice of failing to resolve clouded titles and the implications that were borne by these property owners following a devastating hurricane, impeding their ability to rebuild. In addition, this respondent specified that the lack of land use regulation has contributed to the placement of buildings on or near property lines, resulting in property value depreciation. The Zoning Officer of a rural, Black Belt jurisdiction indicated that his/her jurisdiction has a substantial quantity of heirs’ property, but it is not specifically addressed in land use regulations. A planner from a Gullah-Geechee Corridor jurisdiction indicated that attempts to implement provisions for family lands were made in the past, but county lawyers were uncertain of its legal validity.

**Legal Defensibility of Standards for Family Lands**

Many jurisdictions implemented standards for family subdivisions. As anecdotal findings indicate that their legal defensibility may be challenged, jurisdictions must
ensure that they have legal standing on the basis that fundamental, Constitutional rights are not impeded prior to their implementation (Village of Belle Terre v. Boraas, 416 U.S. 1, 94 S. Ct. 1536, 39 L.Ed.2d 797 (1974)). Specificity regarding what constitutes a “family” can present a legal challenge on the basis of exclusivity. However, in the case of Belle Terre, no fundamental rights were impeded; restrictions imposed to limit non-traditional groups were upheld as a mechanism to maintain public interests and wellbeing associated with character preservation and quality of life. However, as the courts may sway in favor of non-traditional group settlements and disregard Belle Terre, planners must work with county and municipal lawyers to devise family subdivision standards that do not restrict fundamental rights of non-traditional groups in order to maintain legal validity (Dvorak v. City of Bloomington, 796 N.E.2d 236 (Ind.2003); State v. Champoux, 252 Neb. 769, 566 N.W.2d 763 (1997); City of Brookings v. Winker, 554 N.W.2d 827 (S.D.1996); Dinan v. Board of Zoning Appeals of Town of Stratford, 220 Conn. 61, 595 A.2d 864 (1991)).

CHAPTER 4: COMPREHENSIVE RESULTS: IDENTIFYING INCONSISTENCIES WITH THE PLANNING DOCUMENT REVIEW AND SURVEY RESULTS

The survey revealed that counties possess significantly more heirs’ properties than municipalities, explaining why the majority of specifically-applicable strategies are employed within unincorporated areas. Findings from both the planning document review and the survey reveal that few jurisdictions employ strategies specifically targeted toward the preservation and integration of heirs’ property. However, certain
inconsistencies emerge when comparing findings from these two methods of analysis. While nearly 60 percent of respondents indicated that advocacy services are not available in their communities, the planning document review and literature revealed non-profit advocacy services and extension agencies in every state, conveying a lack of information sharing and coordination of planners and advocacy services. The planning document review indicated predominant generally-applicable strategies, including mixed use development, Form-Based Code, multimodal transportation connectivity, smart growth, infrastructure investment and expansion, and multijurisdictional coordination. However, the majority of jurisdictions, as identified in the survey, do not target their implementation to the preservation and integration of heirs’ property. One respondent from an urban, coastal municipality in Florida reported “extreme” integration while taking no actions specifically targeted at heirs’ property; however, the planning document review exposed the implementation of certain generally-applicable strategies, which include: mixed-use overlays; infill development; environmentally-friendly development; and the use of CDBG funding for redevelopment initiatives. The two communities that specified that heirs’ properties are significantly integrated with surrounding uses reported employing general strategies targeted to heirs’ property in concert, which include: multimodal transportation accessibility; Form-Based Code; mixed use development; development agreements; community development through small area plans or similar instruments; civic involvement and interaction to cultivate community understanding; federal, state, and local funding strategies; legal outreach services, and coordination with lawyers to preserve and integrate heirs’ properties. Of the Gullah-Geechee Corridor
jurisdictions that employ specifically-applicable strategies, 50 percent of respondents selected “neutral” or “significant” integration, while another 50 percent of respondents specified “no” or “insignificant” integration; thus, contextual factors affect their implementation. Two of the three communities which, according to the planning document review, employ strategies specifically targeted toward the integration of heirs’ properties through master-planned trail networks and streetscaping improvements, reported no or insignificant integration of heirs’ properties, suggesting implementation challenges as well. However, the planning documents in which this information was cited were adopted within the past five years, indicating that implementation of these improvements may still be underway or stalled because of economic recession.

According to the survey, all of the jurisdictions that cited the implementation of special zoning districts or zoning overlays indicated “insignificant” integration of heirs’ property. However, Charleston County, South Carolina, with its implementation of Settlement Areas and Sweetgrass Basket Stand Special Consideration Area, reported “neutral” integration. One Gullah-Geechee Corridor community that, according to the planning document review, targets early communities of emancipated slaves for preservation, revitalization, and integration, indicated, “don’t know” when asked of the presence of heirs’ property in his/her jurisdiction, denoting significant loss of heirs’ property despite the implementation of specifically-applicable strategies.
**Framework of Applicable Strategies**

Based upon the findings from the planning document review and literature, several recommendations for the preservation and integration of heirs’ properties were identified. These recommendations are summarized in Table 20.

<table>
<thead>
<tr>
<th><strong>Table 20: Recommendations to Preserve and Integrate Heirs’ Properties Identified from Planning Document Review and Literature</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Specifically-applicable strategies should be employed in conjunction with smart growth strategies to curb development pressure</td>
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<tr>
<td>The implementation of historic/cultural preservation and mixed use overlays within rural villages and corridors</td>
</tr>
<tr>
<td>Manufactured homes and accessory dwelling units as an allowable housing type at the rural-suburban fringe</td>
</tr>
<tr>
<td>Engage in multijurisdictional and interagency coordination in order to facilitate consistent land use planning and target the needs of heirs’ properties located adjacent to jurisdictional boundaries</td>
</tr>
<tr>
<td>Educate incoming residents on the cultural and historic dimensions of early African American settlements, presenting opportunities for heritage tourism, to facilitate cultural understanding</td>
</tr>
<tr>
<td><em>The placement of manufactured housing is contingent upon FEMA requirements and hazard vulnerability</em></td>
</tr>
</tbody>
</table>

Many of the specifically-applicable strategies that were identified from planning document review merely accommodate the issue of heirs’ property by facilitating the perpetuation of traditional settlement patterns in light of clouded titles and, while they conceivably perpetuate cultural traditions, their efficacy in preserving these lands is unknown. In addition, the efficacy of generally and specifically-applicable strategies in preserving and integrating heirs’ property is dependent upon contextual circumstances.

The framework of strategies is generated by the overlap of the findings identified in the planning document review and the survey. The survey provided insight into the actual implementation of the strategies obtained from planning document review. Thus,
this framework contains only those strategies that were deemed effective by survey respondents. Certain tools used in Charleston County, South Carolina promoted integration and include the following: Settlement Areas, floating zoning districts for family lands that are targeted for preservation and integration, and Sweetgrass Basket Stand Special Consideration Area, a special overlay district that maintains the cultural components and character of the Gullah-Geechee Community. Certain generally-applicable strategies, when targeted toward the preservation and integration of heirs’ property in concert, were found to necessitate significant integration and include the following: multimodal transportation accessibility; Form-Based Code; mixed use development; development agreements; infill development; community development through small area plans or similar instruments; civic involvement and interaction to cultivate community understanding; federal, state, and local funding strategies; legal outreach services; coordination with lawyers to preserve and integrate heirs’ properties; and environmentally-friendly development. Standard, generally-applicable mechanisms to engage heirs’ properties in the planning process applied in conjunction with certain strategies can drastically improve their involvement. These strategies include the following: advocacy planning; notices posted in churches/recreational and civic centers; notices posted on websites; and locally-distributed or African American focus newsletters. The ability to plan for heirs’ property can be greatly enhanced by augmenting systematic mechanisms to track heirs’ property with ad hoc tracking approaches or local insights on the location of historic African American communities. Many respondents that indicated the utilization of these mechanisms reported a higher
capacity to plan for heirs’ property. However, in situations where tracking is not feasible, coordination with advocacy/non-profit services can improve the capacity to plan for heirs’ properties through identification of these communities. As clouded titles were cited as the primary cause of land loss, resolving clouded titles is the most effective mechanism to preserve heirs’ properties; however, in communities that lack land use planning, it is the only mechanism. Therefore, it is imperative that administrators of communities that lack land use regulation coordinate with advocacy and non-profit agencies in order to disseminate information on their services. A summary of these strategies are included in Table 21.
Table 21: Effective Strategies Identified from the Overlap Between Planning Documentation Review and Survey Findings

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Coordinate with area non-profits/advocacy groups</td>
<td>Aid in the identification of heirs’ properties and promote preservation</td>
</tr>
<tr>
<td>Settlement Area floating zone</td>
<td>Promote integration</td>
</tr>
<tr>
<td>Cultural preservation overlay</td>
<td>Promote integration</td>
</tr>
<tr>
<td>The implementation of the following strategies in concert: multimodal transportation accessibility, Form-Based Code, mixed use development, development agreements, infill development, community development through small area plans or similar instruments, civic involvement and interaction, federal, state, and local funding strategies, legal outreach services, coordination with lawyers, and environmentally-friendly development.</td>
<td>Promote integration</td>
</tr>
<tr>
<td>Standard, generally-applicable mechanisms to engage heirs’ properties in the planning process applied in conjunction with the following strategies: advocacy planning, notices posted in churches/recreational and civic centers, notices posted on websites, and locally-distributed or African American focus newsletters.</td>
<td>Promote involvement</td>
</tr>
<tr>
<td>Systematic tracking approaches augmented by ad hoc tracking approaches or the location of historic African American communities</td>
<td>Promote planning capacity</td>
</tr>
</tbody>
</table>

**Limitations to Research**

The survey sample was limited to e-mail contacts that were available from the internet, excluding 32 percent of jurisdictions from the survey analysis. Although a total of five e-mail bounce-backs occurred upon initial survey distribution, the accuracy of the e-mails obtained is uncertain and quantity of surveys that were distributed to the wrong individuals is unknown. Three survey participants reported, through e-mail, technical
malfunction when taking the survey, resulting in failed survey submittals. It is uncertain how many individuals encountered technical malfunctions, decreasing the response-rate.

The low response rate presents the possibility of non-response error (Dillman, 2000). A mail survey or mixed-mode survey may have yielded a higher response rate (Kaplowitz, et al., 2004; Dillman, 2000). The internet survey was augmented by the planning document review, which was limited to planning documentation that was accessible from the internet and in a digital format. Plans and ordinances that were underway, not digitized, or required purchase were not incorporated into this analysis. Because of the sensitive nature of survey questions, respondents may have been less willing to address the political and social influences that implicate the future of heirs’ properties. As the security of internet surveys is sometimes a concern for participants, a mail survey may have resulted in higher response quality (Kaplowitz, et al., 2004).

**Conclusions and Opportunities for Future Research**

African American heirs’ property presents a challenge to planners because of characteristics inherent to the land itself and external environmental characteristics. The literature has been decidedly silent in addressing the strategies that can be employed to preserve and integrate heirs’ property with surrounding uses and mitigate land loss as a result of rural gentrification. This research study sought to close these gaps by identifying the planning strategies that can be employed to preserve and integrate heirs’ properties with surrounding uses and organizing these strategies into a planning framework. Although specifically and generally-applicable strategies have been revealed, their efficacy is dependent upon contextual circumstances. However, survey
findings revealed that the following strategies, when targeted to heirs’ properties, are effective in necessitating significant integration: multimodal transportation accessibility; Form-Based Code; mixed use development; development agreements; community development through small area plans or similar instruments; civic involvement and interaction to cultivate community understanding; federal, state, and local funding strategies; legal outreach services; and coordination with lawyers to preserve and integrate heirs’ properties. The participation of heirs’ properties in development decisions is greatly enhanced when standard strategies are augmented with the following: advocacy planning; notices posted in churches/recreational and civic centers; notices posted on websites; and locally-distributed or African American focus newsletters. However, the implementation of these strategies is contingent upon the ability to track heirs’ property and regulate land use, which may be impeded by resource constraints.

Survey findings reveal that clouded titles are the primary cause of loss of heirs’ property. Therefore, the most effective mechanism that can be employed to preserve heirs’ properties is resolving clouded titles through outreach and advocacy of non-profit legal entities. It is imperative that planners coordinate with these agencies in order to disseminate information on their services to heirs’ properties both directly, when they are encountered in the planning process, and passively, through brochures available at governmental offices and website prompts. Therefore, communities that are unable to track heirs’ property must engage in advocacy planning or coordinate with advocacy and non-profit agencies in order to determine where these properties are located for planning purposes. In communities that lack the capacity to regulate land use, resolving clouded
titles is the only strategy to preserve heirs’ property; thus, it is imperative that administrators coordinate with advocacy and non-profit agencies in order to disseminate information on their services in a more passive fashion.

Future research would address follow-up interviews, which were not feasible in the timeframe of this research study. Interviews of survey respondents and non-respondents are necessary to address inconsistencies and identify the social, economic, and political context associated with planning for heirs’ property. States of poor representation in this research study can be reached through contact with legal advocacy services and extension agencies that address issues associated with heirs’ property, such as National Appleseed and MSU Cares. Uncovering effective strategies and implementation impediments would inform the appropriate mechanisms that should be employed in light of contextual circumstances. Conducting community-wide assessments of these dynamics will aid in the identification of the appropriate strategies to employ as well. As regression analyses of survey variables revealed nonlinear relationships, further statistical analysis of nonlinear trends is necessary in order to reveal relationships among variables.
APPENDICES
## Appendix A

### Jurisdictions Selected for Analysis

<table>
<thead>
<tr>
<th>Alabama</th>
<th>Mississipi, Con't</th>
<th>Clay County</th>
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<tbody>
<tr>
<td>Bullock County</td>
<td>Sharkey County</td>
<td>West Point</td>
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<tr>
<td>Union Springs</td>
<td>Rolling Fork</td>
<td>Jackson County*</td>
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<td>Dallas County</td>
<td>Issaquena County</td>
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<td>Mayersville</td>
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<td>Jackson</td>
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<td>Hale County</td>
<td>Raymond</td>
<td>Bay St. Louis*</td>
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<td>Natchez</td>
<td>West Feliciana Parish</td>
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<td>St. Francisville</td>
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<td>Woodville</td>
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*Denotes Selection from the Literature/**Denotes inclusion into the Gullah-Geechee Corridor
Appendix B

Survey Map

1. State?
2. Jurisdiction(s)?
3. Acreage of jurisdiction?
4. How long have you been a planner in this jurisdiction?
5. Are heirs’ properties present in this jurisdiction?

6. How does your jurisdiction track, map, and/or locate heirs’ property?
7. Approximately how many acres of land are in heirs’ property?
8. Is land use regulated in this jurisdiction?

Yes

Track 1 or Track 2

No

Track 3

Yes

Track 1

No

Track 2
20. On a scale of 1-7, to what extent are owners of heirs’ properties involved in land development decisions?

19. With what agencies or groups do you coordinate to preserve and integrate heirs’ properties with surrounding uses?

18. If you are willing to do a follow up in-depth telephone interview, please write your preferred contact information below:

17. How do political pressures at local, regional, and state levels of government influence any detrimental changes to heirs’ property? Please provide an example.

16. How do you balance multiple competing interests in order to preserve and integrate heirs’ properties with surrounding uses? Please provide an example.

15. When confronted with the loss of heirs’ property from eminent domain (e.g. roadway or infrastructure expansion), what actions have you taken to minimize this loss? Please provide an example.

14. If heirs’ property is disappearing from your jurisdiction, which of the following are causal factor(s) contributing to this loss?

13. On a scale of 1 to 7, how would you describe the extent to which heirs’ properties are integrated with adjacent uses?

12. To your knowledge, approximately what percentage of heirs’ properties is served by public sewer and water?

11. If you encourage interaction and understanding among existing heirs’ properties and incoming residents, what strategies are employed?

10. On a scale of 1 to 7, to what extent are owners of heirs’ properties involved in land development decisions?

9. How do you engage owners of heirs’ properties in development decisions?
Appendix C

Survey

Introduction

I want to preface the following survey with the fact that this is an independent research effort for my Master’s thesis in partial fulfillment of the requirements for the Degree of Master of City and Regional Planning at Clemson University. For the purpose of the survey, heirs’ property is defined as property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has been passed down through generations without clear title of ownership. The object of the survey is to ascertain what strategies are employed by municipal and county land use planners throughout the Southeast to preserve and integrate heirs’ properties with surrounding uses. Your participation is integral to this research. The results from your input will contribute to a database of strategies that will be disseminated to all participating jurisdictions.

Heirs’ properties comprise a unique subset of collective property ownership specific to the Southeastern United States as a legacy of the Civil War and have become cultural enclaves, with many relatives dwelling on the same piece of land. Although there are no exact figures, literature posits that nearly fifty percent of all African American owned lands in the Southeast are held among heirs. As the surrounding landscape develops, growth pressures threaten community integrity and increase property taxes, making it difficult to maintain properties. Encroaching development may disrupt the cultural context of existing settlement patterns. Because of the legal, social, spatial, and cultural dimensions of these properties as well as community sentiment towards government, planning for these properties can be challenging.

Confidentiality will be maintained for certain sections of the survey. They are indicated with the phrase, “Confidentiality will be maintained for these questions” proceeding the section(s).
Glossary of Terms

Please print this glossary as a reference while taking the survey. The terms defined here are used in the survey and are underlined.

**Development Agreement:** A development agreement is a formalized, obligatory agreement among local governments and developers over the future use of a parcel that is subject to development. Development agreements serve as a mechanism of tailoring development proposals to meet community needs and interests by imposing certain development conditions in exchange for publicly-funded improvements.

**Floating Zones and Zoning Overlay Districts:** A floating zone is a type of zoning which accommodates an underlying zoning district and establishes additional standards to maintain a cultural or historical context. A floating zone is not specific to a certain area and establishes detailed conditional use requirements. If a project has been approved and qualifies for conditional standards enumerated in the floating zone, the zone then “floats” to the parcel at hand. It can provide a mechanism for mixed use development or additional flexibility beyond the permitted uses in the underlying zone. **Zoning Overlay districts** function in much the same way; however they are attached to a specific area. These tools require public participation and support during conception and adoption.

**Form-Based Code:** Form-based code is a context-sensitive alternative to conventional zoning. Existing cultural and historical attributes are embraced, ensuring development that is appropriate to the surroundings, in aesthetics, character, scale, and intensity. Strategies embedded in form-based code include design considerations, enabling accessibility through mixed uses and multimodal transportation planning, and community interaction through civic space planning.

**Heirs’ Property:** Property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

**Integrated:** For purposes of this survey, the term “integrated” refers to the cohesion of heirs’ properties with surrounding uses through multimodal transportation connectivity, aesthetic fluidity of character and scale, the provision of public utilities, as well as shared civic spaces and public facilities. Common components of integration include: uninhibited access to surrounding neighborhoods, services, public facilities, and/or jobs, availability of public sewer/water, and complimentary encroaching development (e.g. character and scale) with existing land uses.

**Mixed Use Development:** Mixed use development is development that accommodates a variety of uses, including a variety of housing types, jobs, services, and educational facilities within walking distance of each other. Mixed use developments are typically
oriented toward the pedestrian user, with interconnected sidewalks and greenways, rear parking facilities, civic spaces, and minimal building setbacks.

**Multimodal Transportation Connectivity/Accessibility:** Multimodal transportation connectivity/accessibility incorporates a variety of modes of travel, including pedestrian, bicycle, public transit, and motor vehicle, to promote equitable transportation opportunities to jobs, services, and educational facilities. Multimodal connectivity is most applicable in denser environments with jobs, services, and educational facilities in an accessible proximity. Multimodal transportation connectivity promotes the mobility of all residents, regardless of socio-economic standing.

**Preservation:** For the purposes of this survey, the term “preservation” has dual meanings: (1) protection from land loss/displacement of existing owners/residents from rural gentrification and (2) protection of the cultural and historic characteristics unique to the land. Strategies for the preservation of heirs’ properties can include those that promote social mobilization, cultivate social understanding, restrict rural development, and/or maintain the unique cultural/historical characteristics of the land.

**Rural Gentrification:** Rural gentrification results when development approaches rural lands, contributing to an increase in property values and, in turn, property taxes. As the economic value of the land increases, existing residents may find difficulty in maintaining the existing use of the land, leading to displacement.

**SmartCode or Transect Based Planning:** Context-sensitive development within six zones (seven including special district delineation) that enable a gradual increase in intensity from urban core to rural hinterlands. Existing cultural and historical attributes are embraced, ensuring development that is appropriate to the surroundings, in aesthetics, character, scale, and intensity through the application of form-based code. This also serves as a mechanism to preserve the rural hinterlands through demarcation of areas restricted for development, as well as the density/intensity gradient that the transect permits. Strategies embedded in SmartCode include design considerations, enabling accessibility through mixed uses and multimodal transportation planning, and community interaction through civic space planning. The incorporation of transect-based planning distinguishes SmartCode from form-based code.

**Smart Growth:** Smart Growth aims to protect the ecological and agricultural integrity of the rural landscape as well as promote economically efficient land use and infrastructure investment through strategies that concentrate development toward the central urban area, promote downtown revitalization, and deter suburban sprawl. Such strategies include brownfield redevelopment, or the remediation of chemically contaminated sites for redevelopment, infill development, or the development of vacant sites within the urban area prior to the development of greenfields, as well as adaptive reuse, or the modification of underutilized buildings within the urbanized area for reuse. Smart growth serves as a mechanism to utilize underutilized infrastructure, ameliorate the costs
associated with the expansion of services per suburbanization, as well as enable multimodal transportation connectivity.

**Urban Growth Boundary (UGB)/Service District Boundary:** An UGB is an established, codified boundary of outward expansion that functions in conjunction with zoning/future land use plans; it can be used to delineate the suburban and rural interface to protect the natural resources of the hinterlands, which are marked by more restrictive land use controls. A **service district boundary** delineates a limit on the expansion of services; it should be coordinated with future land use planning to ensure consistency, the protection of natural resources, and limits on sprawl. This would involve coordination between service authorities and planning entities.

**Track One: Whole Survey Track**

For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in the glossary are **underlined**.

1. State: ________
2. Jurisdiction(s): ______________
3. Acreage of Jurisdiction: ______________
4. How long have you been a Planner within this jurisdiction? ________
5. Are heirs’ properties present in this jurisdiction?
   - Yes  
   - No  
   - Don’t know
6. How does your jurisdiction track, map, and/or locate heirs’ property, if it is done?
   a. Check all that apply:
      - Taking a systematic approach through the use of GIS, tax assessor’s database, etc.
      - When situations involving heirs’ property emerge in the planning process
      - Location of historic African American communities through community knowledge
      - We do not
      - Other: ______________

7. Approximately how many acres of land within your jurisdiction are in heirs’ property? __________
8. Is land use regulated in this jurisdiction?
   Yes ☐ No ☐ Don’t know

9. On a scale of 1-7, to what extent are you able to plan for heirs’ properties?

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<tr>
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<td>No ability</td>
<td>Insignificant ability</td>
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<td>Neutral ability</td>
<td>Moderate ability</td>
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10. What strategies are currently employed and/or proposed (If you are in the process of updating your Comprehensive Plan or Zoning Ordinance) to preserve and integrate heirs’ properties with adjacent uses? Check all that apply.

☐ Special zoning districts
☐ Zoning overlays
☐ Floating zones
☐ Increased allowable densities at suburban-rural fringe
☐ Manufactured homes as an allowable type of housing at the suburban-rural interface
☐ Accessory dwelling units are permissible at the suburban-rural interface
☐ Infrastructure investment and expansion
☐ Urban growth boundary (UGB) or service district boundary
☐ Smart Growth
☐ SmartCode
☐ Form-Based Code
☐ None
☐ Community redevelopment through small area plans, community plans, or corridor plans
☐ Community outreach/engagement in the planning process
☐ Civic involvement and interaction to cultivate community understanding
☐ Multimodal accessibility to jobs and services
☐ Exemptions to subdivision regulations or relaxed subdivision regulations
☐ Mixed use development
☐ Development Agreements
☐ Federal, State, and Local funding strategies
☐ Legal outreach services
☐ Educational opportunities/job training programs for job marketability
☐ Don’t know

☐ Other: ___________________________
For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.
Terms defined in the glossary are underlined.

11. With what agencies or groups do you coordinate to preserve and integrate heirs’ properties with surrounding uses? Check all agencies/groups that apply.

☐ Adjacent municipalities
☐ County
☐ Chamber of Commerce
☐ Federal agencies
☐ State agencies
☐ Economic/community development corporations/authorities
☐ Other: _______________

☐ Advocacy groups/Non-profits
☐ Churches
☐ Regional planning entities
☐ Public service authorities
☐ Educational institutions
☐ No coordination
☐ Don’t know

12. If there are strong community advocacy groups/programs involved in heirs’ property, what medium is used to disseminate information about available advocacy services to the owners of heirs’ properties? Check all that apply.

☐ Brochures/pamphlets available at government offices
☐ Bulletin boards in government offices
☐ Links/prompts provided on your website
☐ The planning agency verbally informs heirs’ property owners of advocacy services available upon encountering heirs’ property in the planning process

☐ The planning agency engages in educational and outreach services specifically targeted at heirs’ property
☐ No action taken in this matter
☐ Don’t know
☐ No advocacy groups/programs involved in heirs’ property
☐ Other: _______________

☐ Other: _______________
For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in the glossary are underlined.

13. How do you engage owners of heirs’ properties in development decisions? Check all that apply.

- Large-circulation newspapers
- Locally distributed newsletters or African American focus newsletters
- Notices in churches/recreational centers/civic centers
- Temporary signage
- Notices posted on website
- Mailed notices to all known property owners
- Emails to neighborhood representative or “voice”
- Phone calls to neighborhood representative or “voice”
- Advocacy planning
- None of the above
- Don’t know
- Other: ______________

14. On a scale of 1 to 7, to what extent are owners of heirs’ properties involved in development decisions?

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15. If you encourage interaction and understanding among existing heirs’ properties and incoming residents, what strategies are employed? Check all that apply.

- Shared civic space/greenspace planning
- Shared public facilities
- Educational opportunities such as historical markers/kiosks/signage
- Preservation of significant cultural/historical sites
- Preservation of the historical/cultural character
- Establishment of museums
- Integration through interconnectivity of varying residential areas/communities
- Marketing of historical/cultural character for purposes of tourism
- No action taken in this matter
- Don’t know
- Other: ______________
For the purposes of this survey, African American heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in glossary are underlined.

16. To your knowledge, approximately what percentage of heirs’ properties is served by public sewer and water?

- □ 0-20%
- □ 20-40%
- □ 40-60%
- □ 60-80%
- □ 80-100%
- □ Don’t know

17. On a scale of 1 to 7, how would you describe the extent to which heirs’ properties are integrated with adjacent uses?

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18. If heirs’ property is disappearing from your jurisdiction, which of the following are causal factor(s) contributing to this loss? Check all that apply.

- □ Annexation trends
- □ Political pressures
- □ Lack of land use regulation
- □ Little representation of heirs’ property owners in the planning process
- □ No collective voice among heirs’ property owners
- □ Clouded titles
- □ Lack of non-profit advocacy groups
- □ Rural gentrification
- □ Development pressure
- □ Tax foreclosures
- □ Don’t know
- □ Other: ____________
For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.
Terms defined in the glossary are underlined.

Open-Ended Questions

Write non-applicable or n/a for questions that do not apply to your jurisdiction or don't know for questions to which you do not know the answer. Confidentiality will be maintained these questions.

19. When confronted with the loss of heirs’ property from eminent domain (e.g. roadway or infrastructure expansion), what actions have you taken to minimize this loss? Please provide an example.

20. How do you balance multiple competing interests in order to preserve and integrate heirs’ properties with surrounding uses? Please provide an example.

21. How do political pressures at local, regional, and state levels of government influence any detrimental changes to heirs’ property? Please provide an example.
22. If you are willing to do a follow up in-depth telephone interview, please write your preferred contact information below:
   Name: __________________
   Phone number: __________________
   Email: __________________
   Best time to contact: _____________

   That completes my questions. Thank you for taking the time to complete this survey. Your input is very important in determining a framework of strategies for preservation and integration of heirs’ property with surrounding uses in suburbanizing locales.

   The second component of this study involves a compilation of survey findings into a planning framework of applicable strategies for the preservation and integration of heirs’ property with surrounding uses. Please provide an email address to receive a copy of the study upon completion.

   _______________________________
Survey Track Two: No Land Use Regulation Track

For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.
Terms defined in the glossary are underlined.

1. State: ________
2. Jurisdiction(s): _______________
3. Acreage of Jurisdiction: _______________
4. How long have you been a Planner within this jurisdiction? ______
5. Are heirs’ properties present in this jurisdiction?
   ☐ Yes ☐ No ☐ Don’t know
6. How does your jurisdiction track, map, and/or locate heirs’ property, if it is done?
   a. Check all that apply:
      ☐ Taking a systematic approach through the use of GIS, tax assessor’s database, etc.
      ☐ When situations involving heirs’ property emerge in the planning process
      ☐ Location of historic African American communities through community knowledge
      ☐ We do not
      ☐ Other: __________
5. Approximately how many acres of land within your jurisdiction are in heirs’ property? __________
8. Is land use regulated in this jurisdiction?
   Yes ☐ No ☐ Don’t know
For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.
Terms defined in the glossary are underlined.

9. With what agencies or groups do you coordinate to preserve and integrate heirs’ properties with surrounding uses? Check all agencies/groups that apply.

- □ Adjacent municipalities
- □ County
- □ Chamber of Commerce
- □ Federal agencies
- □ State agencies
- □ Economic/community development corporations/authorities
- □ Other: ____________

10. If there are strong community advocacy groups/programs involved in heirs’ property, what medium is used to disseminate information about available advocacy services to the owners of heirs’ properties? Check all that apply.

- □ Brochures/pamphlets available at government offices
- □ Bulletin boards in government offices
- □ Links/prompts provided on your website
- □ The planning agency verbally informs heirs’ property owners of advocacy services available upon encountering heirs’ property in the planning process
- □ The planning agency engages in educational and outreach services specifically targeted at heirs’ property
- □ No action taken in this matter
- □ Don’t know
- □ No advocacy groups/programs involved in heirs’ property
- □ Other: ____________
For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in the glossary are underlined.

11. How do you engage owners of heirs’ properties in development decisions? Check all that apply.

☐ Large-circulation newspapers
☐ Locally distributed newsletters or African American focus newsletters
☐ Notices in churches/recreational centers/civic centers
☐ Temporary signage
☐ Notices posted on website
☐ Mailed notices to all known property owners
☐ Emails to neighborhood representative or “voice”
☐ Phone calls to neighborhood representative or “voice”
☐ Advocacy planning
☐ None of the above
☐ Don’t know
☐ Other: ____________

12. On a scale of 1 to 7, to what extent are owners of heirs’ properties involved in development decisions?

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13. If you encourage interaction and understanding among existing heirs’ properties and incoming residents, what strategies are employed? Check all that apply.

☐ Shared civic space/greenspace planning
☐ Shared public facilities
☐ Educational opportunities such as historical markers/kiosks/signage
☐ Preservation of significant cultural/historical sites
☐ Preservation of the historical/cultural character
☐ Establishment of museums
☐ Integration through interconnectivity of varying residential areas/communities
☐ Marketing of historical/cultural character for purposes of tourism
☐ No action taken in this matter
For the purposes of this survey, African American heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in glossary are **underlined**.

14. To your knowledge, approximately what percentage of heirs’ properties is served by public sewer and water?
   - [ ] 0-20%
   - [ ] 20-40%
   - [ ] 40-60%
   - [ ] 60-80%
   - [ ] 80-100%
   - [ ] Don’t know

15. On a scale of 1 to 7, how would you describe the extent to which heirs’ properties are integrated with adjacent uses?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td>No integration</td>
<td>Insignificant integration</td>
<td>Slight integration</td>
<td>Neutral integration</td>
<td>Moderate integration</td>
<td>Significant integration</td>
<td>Extreme integration</td>
<td></td>
</tr>
</tbody>
</table>

16. If heirs’ property is disappearing from your jurisdiction, which of the following are causal factor(s) contributing to this loss? Check all that apply.
   - [ ] Annexation trends
   - [ ] Political pressures
   - [ ] Lack of land use regulation
   - [ ] Little representation of heirs’ property owners in the planning process
   - [ ] No collective voice among heirs’ property owners
   - [ ] Clouded titles
   - [ ] Lack of non-profit advocacy groups
   - [ ] Rural gentrification
   - [ ] Development pressure
   - [ ] Tax foreclosures
   - [ ] Don’t know
   - [ ] Other: ______________
For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in the glossary are underlined.

Open-Ended Questions

Write non-applicable or n/a for questions that do not apply to your jurisdiction or don’t know for questions to which you do not know the answer.
Confidentiality will be maintained for these questions.

17. When confronted with the loss of heirs’ property from eminent domain (e.g. roadway or infrastructure expansion), what actions have you taken to minimize this loss? Please provide an example.

18. How do you balance multiple competing interests in order to preserve and integrate heirs’ properties with surrounding uses? Please provide an example.

19. How do political pressures at local, regional, and state levels of government influence any detrimental changes to heirs’ property? Please provide an example.
20. If you are willing to do a follow up in-depth telephone interview, please write your preferred contact information below:

Name: __________________
Phone number: __________________
Email: __________________
Best time to contact: __________

That completes my questions. Thank you for taking the time to complete this survey. Your input is very important in determining a framework of strategies for preservation and integration of heirs’ property with surrounding uses in suburbanizing locales.

The second component of this study involves a compilation of survey findings into a planning framework of applicable strategies for the preservation and integration of heirs’ property with surrounding uses. Please provide an email address to receive a copy of the study upon completion.
Track Three: No Heirs’ Property Track

For the purposes of this survey, heirs’ property refers to property that was acquired by emancipated slaves and/or freedmen after the Civil War, either through reparations or land purchases, and has since been passed down through generations without clear title of ownership.

Terms defined in the glossary are underlined.

1. State: __________
2. Jurisdiction(s): __________
3. Acreage of Jurisdiction: __________
4. How long have you been a Planner within this jurisdiction? ______
5. Are heirs’ properties present in this jurisdiction?
   - Yes
   - No
   - Don’t know
6. If you are willing to do a follow up in-depth telephone interview, please write your preferred contact information below:
   Name: __________________________
   Phone number: ____________________
   Email: __________________________
   Best time to contact: ______________

That completes my questions. Thank you for taking the time to complete this survey. Your input is very important in determining a framework of strategies for preservation and integration of heirs’ property with surrounding uses in suburbanizing locales.

The second component of this study involves a compilation of survey findings into a planning framework of applicable strategies for the preservation and integration of heirs’ property with surrounding uses. Please provide an email address to receive a copy of the study upon completion.
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