



# Heir Property in Louisiana

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Lessons Learned Post-Disaster  
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# Hurricane Katrina August 29, 2005

## 80% of City Flooded, Stranding Thousands

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# Heir Property Issues Emerge

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

# Changes to Small Succession Laws

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- Study resolution in 2008
- 2009 - Act 81 – allowing use of heirship affidavit for:
  - Immovable property (houses, land, funeral plots)
  - Decedent's portion of estate valued at \$75,000 or less at time of death
  - Compromises with clerks' offices
  - Intent – easier and cheaper to clear title
  - Cast the net wider (2011 and 2012 sessions)



# Education and Outreach



# Collaboration: Louisiana Appleseed, pro bono and legal services

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- Funded by community foundation (Greater New Orleans Foundation – GNOF)
- Two-year project
- Helped save 740 homes in the New Orleans area
- Economic benefit of more than \$10 million
- Little interest elsewhere in the state until . . .



DR-4277 August 12, 2016 - 1/3 of State  
Impacted in 21 Parishes

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# Katrina

v.

# 2016 Flood

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- August 29, 2005: Hurricane Katrina destroys or damages nearly 80% of metro New Orleans homes and structures
  - 400,000+ residents are displaced (*The Washington Post*).
  - FEMA fields 1.5 million Gulf region requests for aid. – 3 States
  - Costliest disaster in U.S. history - \$67.8 billion in insured losses on homes, businesses and cars
- August 12-14, 2016 – 6.9 Trillion Gallons of Rain Fell in the Greater Baton Rouge, Northshore, and Lafayette areas.
  - 1/3 of Louisiana Parishes in the Disaster Declaration – 21 parishes
  - “Cajun Navy” and Armed Forces evacuated over 10,000 people
  - 154,000 Households Registered with FEMA
  - Costliest Disaster Since Super Storm Sandy



# Collaborative: La. Appleseed, pro bono, legal services, law schools

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



# Advocacy – Small Successions Affidavit

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- 2017 Legislative Session – HB129
- Expand use of affidavit to decedent's portion of estate valued at \$125,000 or less
- If decedent passed away more than 20 years ago, can use affidavit, regardless of estate value
- Compromises – passed unanimously
- Sent to governor for signature



# What's Different This Time?

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



## Challenges



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