

Tangled Titles: When a home is not your own

The solutions to the complicated matter of tangled titles are surprisingly simple.



by Tim Kozlowski, staff attorney



A home's title tells us who owns and has a right to live in it. "Holding title" to a home means you have legal rights and responsibilities and control of the property. But in reality, it means so much more - especially for low-income Americans whose families have struggled for generations to maintain housing stability, pass down family homes, and build generational wealth.

Holding title to a home brings a wide scope of benefits associated with homeownership. These could include more obvious and immediate financial benefits like the ability to make improvements, sell the home, secure insurance, get a loan or emergency mortgage assistance, interact effectively with utility departments, save on property taxes, or access special grants or disaster recovery assistance. [Benefits get even broader](#) when we look down from a systems level, as homeownership can equate to greater long-term economic stability, access to higher quality education, increased community and social engagement, and improved health and wellbeing.

Unfortunately - in our work at the intersection of poverty, housing, and the law - our low-income clients often tell us the house they call home is not titled in their name. Local experts feel these tangled title situations are more likely to occur in low-income households and some estimate [title issues could plague 30%+ of houses](#) in certain poorer regions throughout northeast Ohio. While circumstances vary, tangled titles frequently come about in foreclosure cases when the homeowner has passed away. Often, the owner was a parent or other close

relative who intended to leave the house to the resident as a forever home. The owner may have died without a will or, if a will was executed, nothing was done to begin the probate process. To complicate matters, the resident often has siblings who express no interest in the property because it needs investment and they have other permanent living arrangements. Place on top of this a mortgage lender or loan servicer who is not easy to deal with even when the original homeowner/borrower is alive, and you have a recipe for the divestment of wealth for this family through the sale of the home in foreclosure.

Case examples of how tangled titles hinder financial wellbeing are plentiful. Imagine a roof leak threatening a home. When the person who lives in and cares about a home is the homeowner on its title, accessing grants or loans to make necessary repairs is a simple process that can happen before major damage occurs. But when the title is tangled, these resources often aren't available. What was a small or slow leak can worsen over time, finding its way into the home's framing, causing rot and mold, and compromising its structural integrity. As the condition of the home deteriorates, the value of the home does the same - taking down with it all hopes for the financial and long-term benefits that usually accompany homeownership. And aftermath doesn't usually stop with just the residents and their heirs - with decline in a home often causing a problem for the city and decreasing the value of homes in the surrounding neighborhood.

The solutions to the complicated matter of tangled titles that can haunt families for years, threaten generational wealth-building, and bring blight to entire neighborhoods are surprisingly simple. Most revolve around education and simple legal assistance.

To prevent these issues in the first place, we need to continue to spread the message that [estate planning is important for all families](#) - even those who live at or around the poverty line. In reality, few low-income Americans have estate planning documents in place to transfer a family home into a relative's name upon their death. While [55% of American households](#) making over \$75,000 per year have a will, only 31% of those making under \$30,000 do. A lack of estate planning - particularly among our most disadvantaged community members - is, in fact, widening the wealth gap and crippling community investment efforts in the neighborhoods that need it the most.

When title issues are already a reality, legal help is often required. This area is ripe for assistance not just from legal aid organizations, but also the private bar whose members are often looking for ways to dedicate their skills to help their neighbors in need. Many private attorneys are experienced and well-versed in probate law and can quickly and competently draft wills, draft survivorship deeds, and probate basic estates. Their simple contribution of a few volunteer hours could be an easy way to make a big impact for local low-income families - a win for all.

Finally, for inspiration, we can turn to the [City of Philadelphia's work in conjunction with the Pew Charitable Trust](#). As we see anecdotally in Ohio, the Trust's studies found that tangled titles are most likely in the Philadelphia neighborhoods that have "relatively low housing values, low incomes, and high poverty rates". This is resulting in clusters of title issues in already disadvantaged and marginalized communities as, according to the report, "(t)he incidence of tangled titles is highest in parts of North, Upper North, West, and Southwest Philadelphia, areas that account for more than half of the city's tangled titles but only about a third of all

residential properties.” In response to these realities, the City has launched an innovative response - and it’s working. Their “[Tangled Titles Fund](#)” provides awards to low-income persons seeking to clear legal title to their homes.” These life-changing grants can cover “administrative, legal, and other costs that may arise in resolving a homeownership issue.”

We must stay passionate about the tangled titles and issues like it to ensure wealth, equity, and resources stay in our communities that need them most. The family home is foundational to this concept, providing an irreplaceable springboard for individuals and community stability, wellbeing, and investment.

This article is part of Legal Aid’s [“Big Ideas” series](#).

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