

118TH CONGRESS
2D SESSION

S. 4899

To establish a grant program for States that adopt the Uniform Partition of Heirs Property Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2024

Ms. BUTLER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To establish a grant program for States that adopt the Uniform Partition of Heirs Property Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Heirs Estate Inherit-
5 ance Resolution and Succession Act of 2024” or the
6 “HEIRS Act of 2024”.

7 **SEC. 2. GRANTS FOR ELIGIBLE ENTITIES THAT ADOPT THE**
8 **UNIFORM PARTITION OF HEIRS PROPERTY**
9 **ACT.**

10 (a) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State or unit of general local govern-
4 ment, as those terms are defined in section 102
5 of the Housing and Community Development
6 Act of 1974 (42 U.S.C. 5302);

7 (B) a territory; or

8 (C) a Tribal government.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Housing and Urban Development.

11 (b) GRANT PROGRAM.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary shall es-
13 tablish a grant program that provides amounts to eligible
14 entities that have enacted or adopted the Uniform Parti-
15 tion of Heirs Property Act as approved and recommended
16 for enactment in all the States by the National Conference
17 of Commissioners on Uniform State Laws in 2010 or a
18 similar law that the Secretary determines is a substantial
19 equivalent.

20 (c) USE OF AMOUNTS.—

21 (1) IN GENERAL.—An eligible entity that re-
22 ceives a grant under this section shall use the grant
23 amounts to assist residents of the eligible entity with
24 bona fide expenses relating to establishing and docu-

1 menting property ownership rights or settling a de-
 2 cedent's estate, including—

3 (A) fees and costs related to—

4 (i) obtaining title reports and title ab-
 5 stracts, copies of public records, and land
 6 surveys;

7 (ii) estate planning; or

8 (iii) heirs search or tracing services;

9 (B) recording and filing fees;

10 (C) notary fees; and

11 (D) legal fees and expenses.

12 (2) LAYERING OF ASSISTANCE.—An eligible en-
 13 tity that receives a grant under this section may use
 14 the grant amounts to assist residents of the eligible
 15 entity who are receiving assistance from other
 16 sources, including Federal, State, local, private, pub-
 17 lic, and nonprofit sources.

18 (d) REGULATIONS AND CRITERIA FOR SELECTION.—

19 Not later than 1 year after the date of enactment of this
 20 Act, the Secretary shall promulgate regulations to carry
 21 out this section that include criteria for the selection of
 22 grant recipients.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 24 are authorized to be appropriated to the Secretary

1 \$30,000,000 for each of year fiscal years 2025 through
 2 2035 to carry out this section.

3 **SEC. 3. GRANTS TO PROVIDE ASSISTANCE RELATING TO**
 4 **HEIRS' PROPERTY RESOLUTION.**

5 (a) DEFINITIONS.—In this section:

6 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 7 ty” means—

8 (A) a HUD-approved housing counseling
 9 agency;

10 (B) a legal services clinic operated by an
 11 institution of higher education, as defined in
 12 section 101 of the Higher Education Act of
 13 1965 (20 U.S.C. 1001); or

14 (C) a qualifying nonprofit.

15 (2) HEIRS' PROPERTY.—The term “heirs' prop-
 16 erty” means residential property—

17 (A) for which title passed by operation of
 18 law through intestacy; and

19 (B) that is held by 2 or more heirs as ten-
 20 ants in common.

21 (3) HUD-APPROVED HOUSING COUNSELING
 22 AGENCY.—The term “HUD-approved housing coun-
 23 seling agency” means a housing counseling agency
 24 found eligible to receive assistance by the Secretary

1 under section 106(a)(2) of the Housing and Urban
2 Development Act of 1968 (12 U.S.C. 1701x(a)(2)).

3 (4) LOW- OR MODERATE-INCOME PERSON.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), the term “low- or moderate-
6 income person” means a homeowner whose
7 household income does not exceed 120 percent
8 of the median income for the area, as deter-
9 mined by the Secretary, within which—

10 (i) the heirs’ property which respect to
11 which the homeowner is seeking assistance
12 is located; or

13 (ii) the place of residence of the home-
14 owner is located.

15 (B) EXCEPTION.—With respect to an area
16 described in subparagraph (A) that is a high-
17 cost area, as determined by the Secretary, the
18 term “low- or moderate-income person” means
19 a homeowner whose household income does not
20 exceed 140 percent of the median income for
21 the area, as determined by the Secretary.

22 (5) QUALIFYING NONPROFIT.—The term
23 “qualifying nonprofit” means a nonprofit, mission-
24 driven entity that, as determined by the Secretary—

1 (A) has a track record of providing assist-
 2 ance to homeowners;

3 (B) targets services to minority persons
 4 and low- or moderate-income persons; or

5 (C) provides services in neighborhoods that
 6 have a high concentration of—

7 (i) minority persons; and

8 (ii) low- or moderate-income persons.

9 (6) SECRETARY.—The term “Secretary” means
 10 the Secretary of Housing and Urban Development.

11 (b) GRANT PROGRAM.—The Secretary shall carry out
 12 a program under this section to provide grants to eligible
 13 entities to use to provide housing counseling, legal assist-
 14 ance, and financial assistance related to title clearing and
 15 home retention efforts for owners of heirs’ property.

16 (c) AWARDS.—The Secretary shall consider the fol-
 17 lowing when awarding grants under this section:

18 (1) Whether the eligible entity has a proven
 19 track record of—

20 (A) providing assistance to homeowners;

21 (B) targeting services to minority persons
 22 and low- or moderate-income persons; and

23 (C) providing services in neighborhoods
 24 that have a high concentration of—

25 (i) minority persons; and

1 (ii) low- or moderate-income persons.

2 (2) Whether the eligible entity has planned or
3 existing partnerships with other eligible entities.

4 (3) Whether the eligible entity is located in an
5 area with a high number of owners of heirs' prop-
6 erty, as determined by the Secretary.

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretary, for grants
9 under this section, \$10,000,000 for each of fiscal years
10 2025 through 2029.

11 **SEC. 4. HEIRS' PROPERTY HOUSING COUNSELING.**

12 Section 106(g) of the Housing and Urban Develop-
13 ment Act of 1968 (12 U.S.C. 1701x(g)) is amended by
14 adding at the end the following:

15 “(6) COUNSELING WITH RESPECT TO HEIRS’
16 PROPERTY.—

17 “(A) IN GENERAL.—A nonprofit organiza-
18 tion that receives amounts under this section
19 shall, when providing homeownership counseling
20 services to a consumer—

21 “(i) explain to the consumer what
22 heirs' property is, the risks associated with
23 heirs' property, and how to avoid heirs'
24 property issues; and

“(ii) inform the consumer of all available estate planning and title clearing options, assistance, and services, including those offered under sections 2 and 3 of the Heirs Estate Inheritance Resolution and Succession Act of 2024.

“(B) REFERRAL.—The Secretary shall ensure that each nonprofit organization that receives amounts under this section knows how to refer consumers, where appropriate, to mission-driven nonprofit organizations and legal services clinics operated by institutions of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that are capable of assisting a consumer to clear title and with general estate planning.

“(C) DEFINITION OF HEIRS’ PROPERTY.—For purposes of this paragraph, the term ‘heirs’ property’ means residential property—

“(i) for which title passed by operation of law through intestacy; and

“(ii) that is held by 2 or more heirs as tenants in common.”.

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