119TH CONGRESS

2D SESSION

H. R. _____

FOUNDATIONAL BLACK AMERICAN (FBA) HEIRS' PROPERTY AND FAMILY LAND PRESERVATION ACT

To establish programs within the Department of Agriculture to address documented historical discrimination and resulting agricultural land loss affecting Foundational Black American farmers and their descendants; to preserve family-owned agricultural land; to resolve heirs' property and title issues; to expand equitable access to agricultural credit and Department of Agriculture programs; to assist beginning farmers; to establish mechanisms for the acquisition, restoration, and preservation of agricultural land; to strengthen civil-rights accountability in agricultural programs; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr./Ms. __________________ introduced the following bill; which was referred to the Committee on Agriculture, and in addition to such other committees as may have jurisdiction, for a period to be subsequently determined by the Speaker.

A BILL

To preserve multigenerational family land held by Foundational Black American families; to prevent involuntary loss through title defects, partition sales, tax delinquency, foreclosure, and disaster; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Foundational Black American Heirs’ Property and Family Land Preservation Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SECTION 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) Heirs' property commonly arises when real property passes through intestate succession or when successive generations do not complete probate, resulting in multiple descendants holding fractional interests without a clear, marketable title.

(2) Unclear title can prevent families from obtaining conventional mortgages, home-repair financing, agricultural credit, disaster assistance, conservation funds, and other public or private benefits that require proof of ownership or authority to encumber property.

(3) Foundational Black American families have experienced a distinctive, documented history of chattel slavery, Reconstruction-era violence, discriminatory land and credit policy, racial terror, Jim Crow segregation, exclusion from or unequal administration of public programs, redlining, racially restrictive covenants, predatory land contracts, discriminatory tax assessment, and forced or coercive dispossession.

(4) These governmental and government-enabled practices impaired the acquisition, recording, financing, inheritance, and retention of land by Black American families and contributed to substantial intergenerational land and wealth loss.

(5) Partition sales have sometimes enabled a person holding a small fractional interest to force the sale of an entire family property, including by sale procedures that fail to provide cotenants adequate notice, a meaningful opportunity to buy out the selling interest, or a sale price reflecting fair-market value.

(6) The cost of probate, surveys, title examination, genealogical research, mediation, appraisals, delinquent taxes, insurance, and legal representation frequently exceeds the resources of families seeking to preserve modest-value property.

(7) Rural, urban, and suburban heirs' properties all warrant protection. Family homes, vacant lots, farms, forests, places of worship, and culturally significant land can each carry economic, residential, ecological, and historical value.

(8) Preventing involuntary land loss stabilizes neighborhoods, protects the tax base, supports food and housing security, encourages responsible land stewardship, and strengthens family wealth.

(9) Existing programs provide important assistance but remain fragmented by geography, property type, agency jurisdiction, and eligibility requirements. A coordinated national response is necessary.

(10) A carefully tailored remedial program for Foundational Black American families is warranted to address the continuing consequences of specifically identified discrimination and dispossession, while allowing income-based and community-wide services where required by the Constitution or necessary to administer the program effectively.

(11) Congress has authority to enact this Act under the Thirteenth Amendment, section 5 of the Fourteenth Amendment, the Commerce Clause, the Spending Clause, the Property Clause, and the Necessary and Proper Clause.

SECTION 3. PURPOSES.

The purposes of this Act are—

(1) to prevent the involuntary loss of multigenerational real property owned by eligible Foundational Black American families;

(2) to provide affordable legal, financial, archival, and technical assistance for title clearing, probate, estate planning, tax stabilization, and land management;

(3) to ensure fair notice, appraisal, buyout, and sale procedures in partition actions supported by Federal jurisdiction or funds;

(4) to restore access to agricultural, housing, disaster, conservation, and credit programs that unclear title may otherwise obstruct;

(5) to improve public records and ownership documentation without creating a public registry of individual racial or ethnic identity;

(6) to support voluntary family governance, mediation, trusts, cooperatives, and community land stewardship; and

(7) to establish accountable, evidence-based Federal coordination while preserving State and Tribal laws that provide greater protection.

SECTION 4. DEFINITIONS.

In this Act:

(1) ELIGIBLE FBA HOUSEHOLD.—The term “eligible FBA household” means a household in which at least one owner, cotenant, heir, devisee, or person with a documented or reasonably supportable successor interest—

(A) self-identifies as a Foundational Black American; and

(B) demonstrates, under flexible evidentiary standards established by the Secretary, descent from at least one person who was enslaved within the United States or its territories, or from a Black American person who was legally or customarily subjected to the United States system of Jim Crow segregation before July 2, 1964.

Documentary evidence may include vital, census, probate, military, church, family Bible, Freedmen’s Bureau, plantation, property, school, Tribal, or other reliable records; sworn family histories corroborated when reasonably possible; or a determination by a qualified genealogist. No DNA test shall be required.

(2) HEIRS’ PROPERTY.—The term “heirs’ property” means real property held by two or more persons as tenants in common, or property reasonably believed to have passed by intestacy or incomplete probate, for which title is divided, unclear, unrecorded, or not readily marketable. The term includes property meeting a State definition of heirs’ property or tenancy-in-common property inherited from a relative.

(3) FAMILY LAND.—The term “family land” means real property with a present or historic residential, agricultural, forestry, commercial, cultural, religious, burial, or community use that is owned in whole or in part by members of an extended family.

(4) SECRETARY.—Except where otherwise specified, the term “Secretary” means the Secretary of Agriculture, acting through the Office established under section 5.

(5) ELIGIBLE SERVICE PROVIDER.—The term means a nonprofit legal-services organization, law-school clinic, bar-affiliated pro bono program, community development financial institution, land-grant or other institution of higher education, cooperative extension entity, community land trust, qualified housing counseling agency, Tribal organization, unit of State or local government, or other entity approved under section 24.

(6) QUALIFIED EXPENSE.—The term includes reasonable costs of counsel, filing fees, court costs, title examination, title insurance, surveys, appraisals, mediation, genealogy, record retrieval, probate administration, entity formation, estate planning, tax redemption, hazard mitigation, insurance, and other services necessary to preserve or establish ownership.

(7) LOW-INCOME.—The term has the meaning established by the Secretary, which shall not exceed 120 percent of area median income, except that the Secretary may use an alternative rural-income measure where necessary to avoid excluding households in persistent-poverty areas.

(8) UNIFORM PARTITION LAW.—The term means the Uniform Partition of Heirs Property Act, as approved and amended by the Uniform Law Commission, or a State law providing substantially equivalent or greater protections.

SECTION 5. OFFICE OF HEIRS' PROPERTY AND FAMILY LAND PRESERVATION.

(a) ESTABLISHMENT.—There is established within the Department of Agriculture an Office of Heirs' Property and Family Land Preservation, headed by a Director appointed by the Secretary.

(b) DUTIES.—The Office shall—

(1) administer this Act;

(2) coordinate participating agencies;

(3) maintain accessible application and referral systems;

(4) provide technical assistance;

(5) certify service providers;

(6) collect protected program data; and

(7) publish annual performance reports.

(c) REGIONAL CAPACITY.—The Director shall designate regional coordinators and may station personnel in Farm Service Agency offices or enter into reimbursable agreements with other agencies.

(d) ADVISORY BOARD.—The Secretary shall appoint a 15-member advisory board, a majority of whom shall be persons from families affected by heirs' property, including rural and urban landowners, attorneys, genealogists, farmers, housing counselors, State and local officials, researchers, and civil-rights experts. Members shall comply with Federal ethics and conflict-of-interest requirements.

(e) OMBUDSPERSON.—An independent program ombudsperson shall receive complaints, assist applicants, identify systemic barriers, and issue nonbinding recommendations.

SECTION 6. NATIONAL STRATEGY AND INTERAGENCY COUNCIL.

(a) COUNCIL.—The Secretary shall chair an Interagency Council that includes senior representatives of—

(1) the Department of Agriculture;

(2) the Department of Housing and Urban Development;

(3) the Department of Justice;

(4) the Department of the Treasury;

(5) the Department of the Interior;

(6) the Department of Commerce;

(7) the Department of Veterans Affairs;

(8) the Federal Emergency Management Agency;

(9) the Federal Housing Finance Agency;

(10) the Consumer Financial Protection Bureau; and

(11) other appropriate Federal agencies.

(b) STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Council shall publish a 10-year national strategy containing measurable goals for—

(1) title resolution;

(2) land retention;

(3) geographic service coverage;

(4) tax-sale prevention;

(5) disaster-recovery access; and

(6) responsible credit.

(c) SINGLE POINT OF ENTRY.—The Council shall establish a no-wrong-door referral protocol under which an applicant approaching any participating agency is screened for relevant assistance and referred, with the applicant's consent, to appropriate programs.

(d) CONSULTATION.—The Council shall consult affected families, States, Indian Tribes, territories, local governments, civil-rights organizations, legal-services providers, lenders, and land-retention experts.

SECTION 7. FBA HEIRS' PROPERTY LEGAL SERVICES GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with the Attorney General, shall award competitive grants to eligible service providers for free or affordable civil legal assistance to eligible FBA households.

(b) SERVICES.—Services funded under this section may include—

(1) quiet-title actions;

(2) probate and estate administration;

(3) determination of heirs;

(4) defense of partition, foreclosure, tax-sale, condemnation, code-enforcement, and ejectment actions;

(5) negotiation with cotenants and creditors;

(6) deed correction;

(7) title-insurance curative work;

(8) administrative and judicial appeals; and

(9) related legal representation.

(c) PRIORITIES.—Priority shall be given to—

(1) households facing a pending sale or displacement;

(2) low-income households;

(3) elderly or disabled owners;

(4) owner-occupants;

(5) active farmers;

(6) veterans;

(7) disaster survivors; and

(8) properties held by the family for at least 20 years.

(d) ACCESS.—No household shall be denied assistance solely because some cotenants—

(1) cannot be located;

(2) reside outside the State;

(3) disagree about the property; or

(4) lack formal ownership documentation at the time of intake.

(e) NON-FEDERAL SHARE.—No non-Federal match shall be required for grants serving persistent-poverty counties or low-income households. For all other grants, the required non-Federal share may not exceed 10 percent and may be provided through in-kind contributions.

SECTION 8. TITLE-CLEARING AND PROBATE ASSISTANCE.

(a) DIRECT ASSISTANCE.—The Secretary may pay or reimburse qualified expenses necessary to establish marketable title or a legally recognized ownership interest.

(b) COVERED COSTS.—Assistance may cover—

(1) probate filing;

(2) publication and service-of-process expenses;

(3) guardian ad litem fees;

(4) bond premiums;

(5) certified records;

(6) genealogical research;

(7) surveys and boundary resolution;

(8) deed preparation;

(9) title examination;

(10) title insurance;

(11) mediation; and

(12) reasonable travel expenses.

(c) AWARD LIMIT.—A household may receive up to $75,000, adjusted annually for inflation. The Secretary may waive this limit for an unusually complex matter when the preservation value of the property exceeds the additional cost.

(d) FLEXIBLE PROOF.—The Secretary shall accept reasonable alternative evidence when official records were destroyed, segregated, inaccurately recorded, or never created.

(e) NO FEDERAL OWNERSHIP INTEREST.—Assistance under this section shall not create a Federal lien or ownership interest, except to recover an award obtained through material fraud.

SECTION 9. WILLS, TRUSTS, AND SUCCESSION-PLANNING SERVICES.

(a) SERVICES.—Grants may support the preparation or review of—

(1) wills;

(2) beneficiary deeds, where lawful;

(3) trusts;

(4) powers of attorney;

(5) advance directives relating to property management;

(6) family limited liability companies;

(7) cooperatives;

(8) buy-sell agreements; and

(9) written land-management and succession plans.

(b) INFORMED CHOICE.—Providers shall explain the costs, tax effects, governance duties, creditor implications, revocability, and alternatives associated with each proposed arrangement. No grantee may require a family to transfer property into a particular entity or product.

(c) PERIODIC REVIEW.—An eligible household may obtain a no-cost estate-plan review at least once every 5 years or following a material family event.

(d) PROFESSIONAL RESPONSIBILITY.—Legal documents shall be prepared or reviewed by a