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HOUSE JOINT RESOLUTION 6

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WHEREAS, Heirs' property is defined by the United States Department of Agriculture as land that has been passed down informally from generation to generation without clear title or documented legal ownership; every heir has rights to the property, but the lack of a clear title creates confusion regarding taxes, the use of the land, and the ability to sell the land; and

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WHEREAS, Without much trust in the legal system, many of the African American farmers who purchased or were deeded land after the Civil War died without a will, and the property was passed down informally; each successive generation of heirs further divided the title to the property and complicated the heirs' ability to determine the legal owners of the property; and

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WHEREAS, Some of the consequences that the heirs' property owners face are disagreements over which heirs have the right to occupy the land and how the land may be used, difficulty selling the property due to a lack of a clear title, the exclusion from some governmental support programs, including disaster relief funds, the inability to claim the land as an asset to obtain a mortgage or other loan, and the loss of land due to disagreements over responsibility for the payment of

1 taxes; and

2 WHEREAS, Heirs' property is the leading cause of
3 involuntary land loss among African Americans, and the United
4 States Department of Agriculture reported the loss of 80
5 percent of the land owned by African American farm owners
6 since 1910; the rate of African American land loss has been far
7 greater than for other racial and ethnic groups in the same
8 time period; it remains a continuing and systemic problem, as
9 it is a significant factor in the wealth gap between white and
10 African American populations, with African Americans having
11 ten percent of the wealth of white Americans; and

12 WHEREAS, There is no national data regarding the amount of
13 land held as heirs' property; some organizations have
14 attempted to develop models to estimate the information; it is
15 challenging to obtain specific data because every state and
16 each county within each state compiles real estate ownership
17 data differently; and

18 WHEREAS, Owning land is significant, especially for
19 African Americans; it allows for increased personal and
20 economic freedom; many Americans, including African Americans,
21 believed that real economic and political independence could
22 only be achieved by owning land; landowners provide economic
23 stability within their communities through payment of property

1 taxes and support for local business; in addition, they are
2 more likely to be civically engaged, having greater political
3 influence; therefore, be it

4 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE
5 HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
6 SENATE CONCURRING HEREIN, that there is created the Heirs'
7 Property Study Task Force to examine current and prospective
8 methods to address heirs' property issues in Illinois; and be
9 it further

10 RESOLVED, That the Task Force shall:

11 (1) determine the amount of land in Illinois that is
12 subject to the heirs' property system;

13 (2) study the impacts of federal and State legislation
14 on the partition of the land subject to heirs' property;

15 (3) analyze approaches and methods undertaken by other
16 states to address heirs' property and study if those
17 methods could be applied to Illinois; and

18 (4) determine the costs heirs' property presents to
19 the economic well-being of Illinois and estimate the
20 benefits of proactive measures taken to address heirs'
21 property; and be it further

22 RESOLVED, That the Task Force shall be comprised of the
23 following members, who shall serve without compensation:

1 (1) 1 members of the House of Representatives
2 appointed by the Speaker of the House, one who shall serve
3 as co-chair;

4 (2) 1 members of the House of Representatives
5 appointed by the House Minority Leader;

6 (3) 1 members of the Senate appointed by the Senate
7 President, one who shall serve as co-chair;

8 (4) 1 members of the Senate appointed by the Senate
9 Minority Leader;

10 (5) The Director of the Department of Agriculture or
11 his or her designee;

12 (6) The Director of the Housing Development Authority
13 or his or her designee;

14 (7) The Director of the Department of Natural
15 Resources or his or her designee;

16 (8) The Director of the Illinois Municipal League or
17 his or her designee appointed by the Governor;

18 (9) 2 members who are experts in property law or
19 heirs' property issues appointed by the Governor; and

20 (10) 1 member from an organization or nonprofit
21 dedicated to improving the quality of life for Black
22 families appointed by the Speaker of the House; and be it
23 further

24 RESOLVED, That the Task Force shall elect one of the
25 legislative members to serve as chair; and be it further

1 RESOLVED, The Department of Agriculture shall provide
2 administrative support for the Task Force; and be it further

3 RESOLVED, That the Task Force shall submit its final
4 report to the General Assembly no later than December 31,
5 2024, and upon the filing of its final report, is dissolved.