

HOUSING FINANCE POLICY CENTER

Tangled Titles, Estate Planning, and the Digital Divide

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Executive Summary

Heirs' property—created when a home is passed down without a clear and legal transfer of the title—poses a threat to wealth preservation, especially for senior homeowners. Without a will or estate plan, ownership can become unclear and heighten the risk of “tangled titles.” This form of unclear ownership can lock families and individuals out of financial opportunities, limit access to mortgage lending, and even result in the loss of the home.

Creating a will or estate plan is one of the most effective ways to protect against these risks. Technology can make these tools more affordable and scalable, lowering costs and expanding access. Yet many of the homeowners most at risk—particularly older adults, low-income households, and communities of color—lack reliable internet access, digital skills, or comfort with online services. This “digital divide” means the promise of technological innovation can bypass those who need it most.

Overcoming these barriers is possible. Public- and private-sector solutions that bridge the digital divide can ensure more households safeguard their property for the next generation, fulfilling the promise of homeownership as a pathway to lasting wealth.

Tangled Titles, Estate Planning, and the Digital Divide

Homeownership is a key vehicle for building wealth. Rising home values help build housing equity. The amount of equity accumulated is amplified as homeowners reduce their mortgage balance, a concept referred to as “forced saving.” Simultaneously, homeowners can use their home equity to invest in their home through renovations and improvements or invest in other wealth-building opportunities for their families, such as pursuing higher education or opening a small business. In addition, by refinancing to lower the interest rate or reduce the mortgage length, homeowners can realize significant cost savings.

Homeownership’s wealth-building potential not only benefits the current owner but can help subsequent generations build wealth as well. Given homeownership’s importance as a wealth-building tool, many households seek to preserve their wealth by passing their property on to their progeny (Neal et al. 2023). As a result, wealth can multiply across generations. And inheriting a home could reduce the costs associated with purchasing a home, putting the next generation at a greater advantage than the one that preceded it. By inheriting a home, a household can inhabit the home without purchasing a different one, or it can sell the inherited home and use the proceeds to purchase another home. These outcomes can reduce home purchase costs and allow the household to more easily build wealth through homeownership.

Although passing down a home is a clear aspiration for many families, lacking a will or an estate plan can complicate the transfer of wealth through an inheritance. Complications arise because the lack of a will or estate plan results in no legal guidance on who should receive the property. Without proper legal documentation, property ownership can be broken up across multiple descendants, each with an ownership share, which is a form of heirs’ property referred to as “tenants in common” or “fractional ownership.”

The owners of heirs’ property find it difficult to access their housing wealth through mortgage lending. Without a formal will or legal documentation of ownership, establishing a clear title to the property becomes difficult. Lenders require a clear title to ensure they have legal recourse in case of loan default. In some cases, it may be possible to obtain a mortgage. But in practice, mortgage lending is complicated by fractional ownership because the creditor would have to get the agreement of all of the co-owners—and in many cases, that is impossible to do.¹ As a result, heirs’ property owners may be forced to sell their home against their wishes. Lack of a clear title also opens the door to partition, a

court-ordered process by which any heir or, in some states, fractional owner can force a sale or division of the property.² When a property cannot be physically divided, which is often the case with urban properties, the partition forces all owners to sell. This makes heirs' properties particularly vulnerable to speculators and developers who can offer to buy out the interest of one heir for a price well below market value and then force a full sale as a fractional owner.³

An obvious answer is to encourage homeowners to obtain a will or an estate plan, but many homeowners at risk of tangled titles⁴ lack the financial resources to pay for wills or estate plans.⁵ Tangled titles can affect anyone but disproportionately affect Black communities (Moodie, Wiley, and George 2023), which may partly reflect that Black homeowners are more likely than all homeowners to lack a will, have multiple children, or lack a spouse, all of which can complicate the transfer of assets (Walsh, Neal, and Zinn 2024). The concentration of heirs' properties in communities across the South is attributable to ancestors who bought their land a generation after Black people were freed from slavery but faced challenges accessing the legal and financial services to maintain land ownership in the 1900s (Walsh, Neal, and Zinn 2024, 3).⁶

Emerging industry practice suggests that the costs of estate planning and will making can be significantly reduced through the use of technology. If households could access will-making software, removing or reducing the need for human assistance, the costs could be lowered. In addition to lowering the costs of estate planning and will making, technology can boost scalability efficiently.

But the promise of technological innovation is often limited by the digital divide, or the unequal access to technology and digital services whereby some people are less able to access and benefit from technology (Neal, Zinn, and Zhu 2023). Specifically, the digital divide refers to information and communication technology such as the internet and digital devices. Homeowners lacking access to or familiarity with digital services are also more likely to be at risk of tangled titles. Public- and private-sector solutions that improve access to digital services and online estate planning platforms can help lower the technological challenges to estate planning and will making. By taking preventive measures to reduce the risks of heirs' property, homeowners should be more likely to see their wealth preservation aspirations realized. In addition, industry participants should be able to sustainably expand financial inclusion.

Overview of the Literature

Heirs' property refers to land or real estate that is passed down through generations without a formal will or clear legal documentation of ownership (Mitchell 2016).⁷ When this results in ownership by multiple parties, it can limit the benefits of wealth transfer. Heirs' properties are disproportionately located in the Southeast, particularly in communities of color (Moodie, Wiley, and George 2023). Often, the risk of heirs' property through tangled titles is symptomatic of systemic challenges, including the lack of financial resources to pay for a will or an estate plan (Moodie, Wiley, and George 2023, 2).

Lacking a will, a common contributor to tangled title risk, also has implications for the racial wealth gap (Aubry et al. 2024). Despite a long-term narrowing over multiple generations, the Black-white wealth gap remains large (Derenoncourt et al. 2023). The Black-white wealth gap was estimated at 56:1 just before the US Civil War and reached a ratio of 7:1 during the 1950s, but today, it is closer to 11:1.⁸ Homeownership is a critical contributor to both this inequity and the broader racial wealth gap (Kuebler 2013). Equalizing will-writing rates could have reduced the racial wealth gap by 10 percent over three generations (Aubry et al. 2024).

Homeownership trends contribute to the racial wealth gap. This partly reflects differences in homeownership rates and differences in home values and housing equity (Faber and Ellen 2016).⁹ Not only are white households more likely to own their home, but they typically own more expensive homes and therefore accumulate more housing wealth compared with homeowners of color. Inheritances are also an important contributor to the broader racial wealth gap (Shapiro, Meschede, and Osoro 2013). But the role inheritances play may not be as large as previously thought, as recent research found that wealth transfers contribute to a smaller share of the wealth gap than differences in employment earnings and educational achievement (Sabelhaus and Thompson 2023). But it is still important to consider intergenerational wealth transfers through inheritances, because the equity in the primary residence is the largest asset households of color own.¹⁰ The implications of the inheritance gap have been recently amplified because of the Great Wealth Transfer, the sizable transfer of wealth under way from older generations to younger generations. The Great Wealth Transfer is estimated to widen the Black-white homeownership rate gap among younger households (Neal, Zhu, and Zinn 2024).

In several industries, technological innovation has the potential to expand access, reduce costs, and drive scalability (Gartner, Maresch, and Tierney 2024; Gentili et al. 2022; Jagtiani, Lambie-Hanson, and Lambie-Hanson 2021). This is also true in estate planning.¹¹ In estate planning, technology has been used for virtual attorney consultations, electronic wills, and secure storage of will documents. Increasingly, artificial intelligence can analyze your financial situation and recommend estate planning

strategies.¹² Incorporating technology into estate planning can make work processes more efficient and cost-effective.¹³ But research illustrates how the benefits of technology may not benefit everyone equally. Variation in technology's impact partly reflects varied access to technology across the population (Neal, Zinn, and Zhu 2023). The digital divide partly shows that seniors and families of color often lack access to and familiarity with technology (Neal, Zinn, and Zhu 2023, 31). The digital divide affects access to services and has the potential to widen income and wealth inequalities over time as firms continue to adopt and expand new technologies (Ochillo 2022). Reducing barriers to technology could prevent long-term, intergenerational losses in wealth, particularly among homeowners with the highest risks of heirs' property.

This report proceeds as follows. First, we describe the data we used and discuss technological adoption in both the financial services and the legal services industries. We then compare technology use in these industries with households' access to and familiarity with technology. After documenting this mismatch, we identify solutions that can reduce inequities and expand access and benefits to marginalized communities. We conclude with recommendations for policymakers, practitioners, and philanthropists.

About the Data

This report draws on three publicly available datasets for quantitative analysis: the Annual Business Survey (ABS), the American Community Survey, and the Health and Retirement Study.

The ABS, an annual survey conducted by the US Census Bureau, reports detailed trends on several topics, including business ownership, revenues and expenses, access to capital, and decisionmaking about technological advancement. The Census Bureau reports these data by North American Industry Classification System industry code, employer size, and demographic characteristics of business owners.¹⁴ We use this dataset to explore how firms involved in estate planning services and legal services have adopted advanced technology to support their processes and products.

The American Community Survey reports demographic, economic, and housing characteristics from the national level down to the census tract level. This survey uses sample weights to estimate annual trends among all US individuals and households.¹⁵ We use five-year American Community Survey data (2019–23) to estimate the number of households without phone or internet access.

The Health and Retirement Study reports health and financial information on 20,000 survey respondents from when they turn 51 through the rest of their lifespan.¹⁶ We previously used this survey

to identify the share of households with prospective heirs' property: households with no will or trust, homeowners who are widowed or no longer married, and homeowners with multiple children (Walsh, Neal, and Zinn 2024). We use the 2020 survey to measure the share of households at risk for heirs' property that have frequent access to the internet.

Households At Risk of Tangled Titles Often Lack the Financial Means to Create a Will or Estate Plan

Unresolved heirs' property reduces homeowners' ability to preserve their wealth. Among homeowners older than 50, tangled titles could jeopardize \$243 billion in total housing wealth among homeowners with the greatest risk of heirs' property conditions (Walsh, Neal, and Zinn 2024, 2). These risks include the lack of a will or trust, the lack of a living spouse, and having more than one child. The risk of tangled titles disproportionately affects homeowners of color, as more homeowners of color are likely to face prospective heirs' property risks than white homeowners. If future generations inherit homes without clear titles, this creates hurdles for heirs to access and preserve housing wealth.

One reason for tangled titles is the lack of a will or trust. Among senior homeowners (i.e., households where the head is older than 50), 42.4 percent did not have a will or trust. Among senior homeowners of color, more than half did not have a will or trust. Data indicate that 76.0 percent of Hispanic homeowners, 69.4 percent of Black homeowners, and 55.9 percent of homeowners in other racial or ethnic categories lacked an estate plan.

Estate planning can help homeowners clearly delineate the title on their home among their descendants, which reduces the risk of heirs' property issues. Although Black and Hispanic homeowners are less likely to have a will or trust, a greater share also do not have the liquid assets to afford an estate plan. More than 60 percent of Black and Hispanic homeowners without a will have less than \$500 in liquid assets, which makes it difficult to afford legal services ranging from \$500 to \$1,500 (Walsh, Neal, and Zinn 2024, 2). Households with the highest risk of heirs' property face the greatest barriers accessing solutions to resolve it.

Expanding technological adoption could help. Through automation and reduced human interfacing, greater technology could reduce the costs of creating a will. Technology could also provide greater standardization, which may make will or trust creation more efficient and improve scale at a lower cost. These effects could expand access to estate planning for more people.

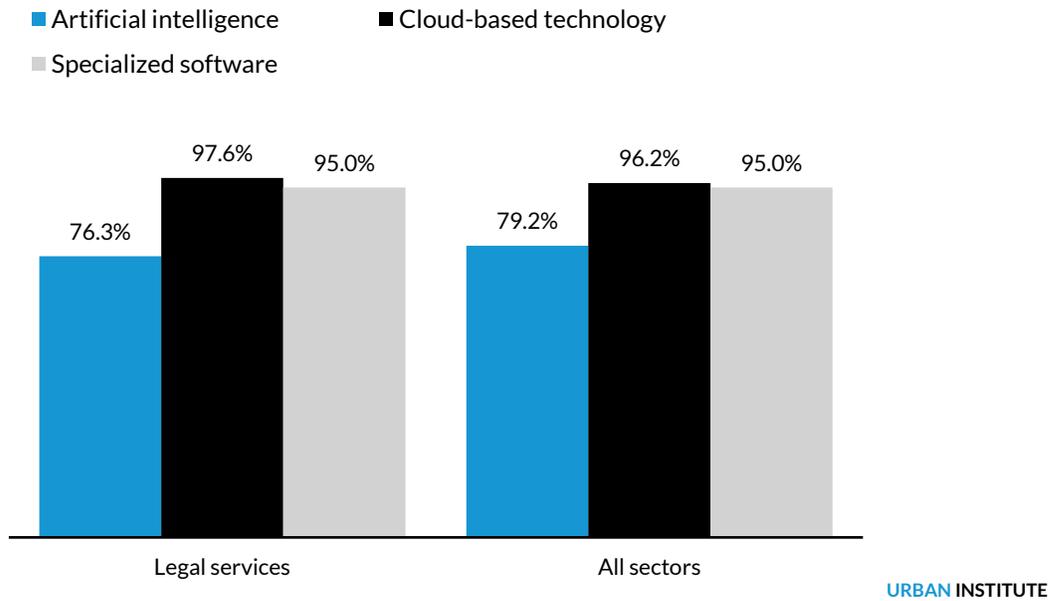
Legal Services Industries Are More Likely to Adopt Key Information and Communication Technologies

Creating a will involves several steps. In consultation with a lawyer, the family inventories its assets and its wishes regarding how those assets should be distributed. The lawyer helps the family understand all its assets and then helps draft a will, which includes identifying beneficiaries. After the will meets the family's expectations, it is signed and securely stored.

Industries closely related to will making or trust making have begun adopting digital banking options, including for online estate planning services, using more advanced technological platforms. The ABS provides information on industry perception and adoption of key technologies, including artificial intelligence (AI), cloud-based technology, specialized software, robotics, and specialized equipment. We focus on AI, cloud-based technology, and specialized software because they are more closely aligned with internet and communication technologies, which are at the center of the digital divide.

According to the ABS, the legal services industry has perceptions on these two key technologies that align with the rest of the private sector. Figure 1 shows that more than 95 percent of all firms are likely to identify cloud-based technology and specialized software as “important” or “very important” for their processes. Eighty percent of firms indicated that AI was important to their industry, which is slightly below other technologies.

FIGURE 1
Share of Firms Finding Technology Adoption Important for Process, by Industry

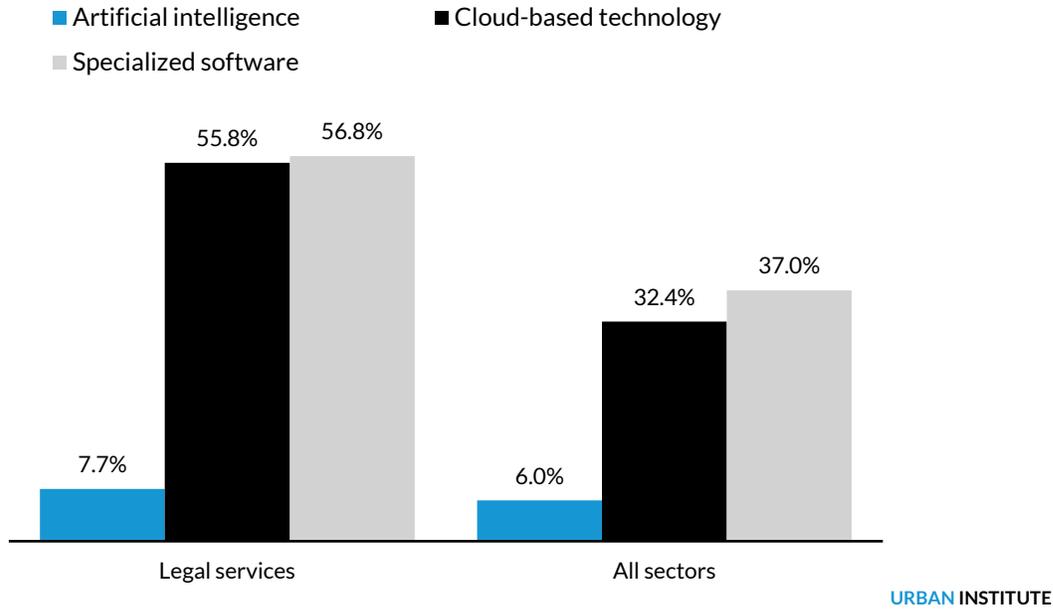


Sources: 2023 Annual Business Survey and Urban Institute calculations.

Although the legal services industry is similarly as likely to acknowledge the importance of AI, cloud-based technology, and specialized software, they are more likely to implement them.¹⁷ Figure 2 shows that the legal services industry has been more likely than other parts of the private sector to expand its use of cloud-based technology and specialized software. Across the legal services industry, 55.8 percent of firms have tested cloud-based technology, compared with just 32.4 percent of all private-sector industries. The legal services industry is also more likely to test or adopt specialized software than other parts of the private sector. These trends show that industries involved in estate planning have expanded more advanced technology faster than the private sector more broadly. AI adoption was lower in 2023 than other technology platforms, with 7.7 percent of the legal services industry and 6.0 percent of the private sector testing or adopting AI when the survey was conducted.

FIGURE 2

Share of Firms That Tested or Adopted Technology as Part of a Process or Method, by Industry



Sources: 2023 Annual Business Survey and Urban Institute calculations.

When surveying firms that adopted each form of technology, the private sector is most likely to adopt AI, cloud-based technology, and specialized software to improve processes and service delivery. The legal services industry is more likely to adopt these technologies to improve the quality and reliability of goods and services (figure 3).

TABLE 1

Share of Firms That Adopted Technology, by Reason and Industry

Reason for adopting tech.	Legal Services			All Firms		
	AI	Cloud-based tech.	Specialized software	AI	Cloud-based tech.	Specialized software
Improving the quality and reliability of processes and methods	40.0%	52.7%	52.2%	45.8%	51.8%	49.8%
Improving the quality and reliability of goods and services	49.5%	44.4%	50.0%	39.3%	35.6%	40.7%
Expanding the range of goods and services	12.2%	13.1%	13.2%	22.9%	15.9%	17.4%

Sources: 2023 Annual Business Survey and Urban Institute calculations.

Note: AI = artificial intelligence.

This section illustrates how the legal services industry has made more progress experimenting with and incorporating advanced technologies than other parts of the private sector. These firms have also emphasized the importance of technology for improving their processes and products. Given how central the legal services industry is to estate planning, this trend could increase the likelihood that more estate planning services are designed and delivered through advanced technological processes.

In addition to for-profit institutions, nonprofit institutions are likely incorporating key technologies that can boost digital services. The ABS data do not reflect how much estate planning services are provided via advanced technologies, but practitioners note increases in technology's use.¹⁸ These organizations are likely to be mission oriented and, with the use of digital services, may provide services at a low cost. And by adopting these technologies, service efficiency and reach can be enhanced.¹⁹

The Digital Divide May Hinder Benefits for Digital Estate Planning Services

The previous section indicates that the legal services industry is more likely than other industries to adopt advanced technologies, but key demographic groups that are more at risk of tangled titles, particularly households of color and older households, are also less likely to have digital access and proficiency. This suggests an important potential mismatch between industry trends and how to reach people who need estate planning services most. Without interventions, this mismatch could undermine the benefits of adopting new technology, such as the time and resources saved by making these processes more efficient.

Older generations, particularly among Black households, have less access to digital platforms. Table 3 shows that Black households across generations are least likely to have smartphones or internet access, and the digital divide between white households and Black households widens as the generations get older. For example, 9.7 percent of Black baby boomers and 4.9 percent of white baby boomers do not have access to digital services, but 26.3 percent of Black silent generation households and 18.1 percent of white silent generation households do not have access to those services. Financial institutions and legal services firms are digitizing their practices, but older households of color face barriers accessing these platforms.

TABLE 3

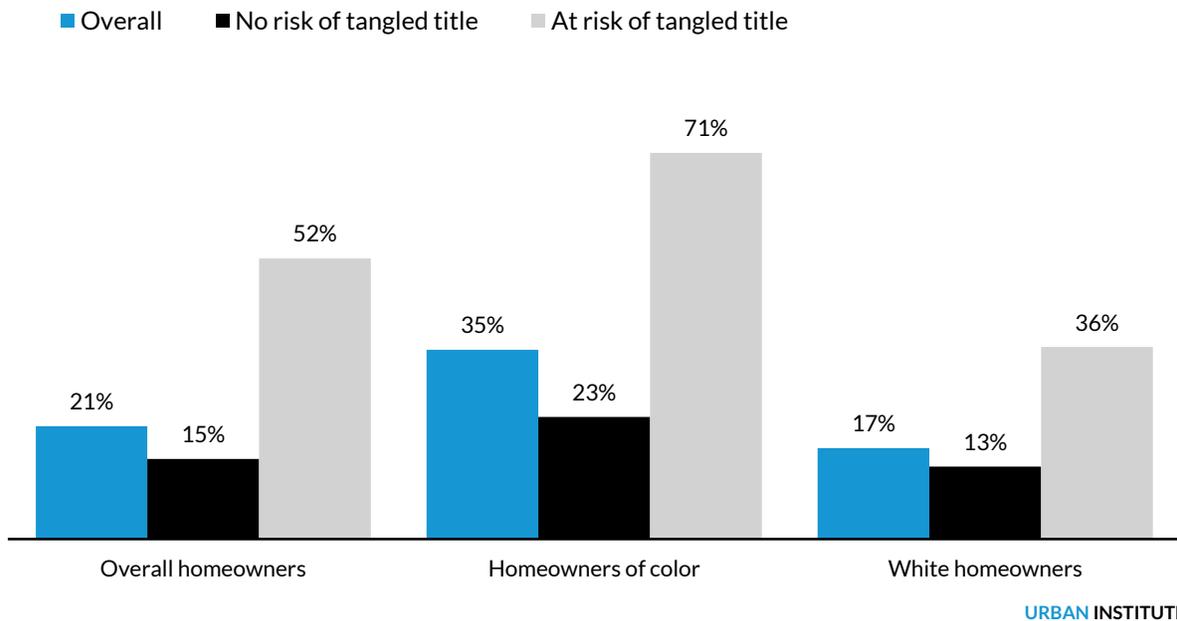
Share of Households without Smartphone or Internet Access, by Race or Ethnicity and Generation

	All households	Black households	Other households of color	White households
Millennial and Generation Z (1981-)	1.0%	1.4%	1.1%	0.8%
Generation X (1965-80)	1.6%	2.8%	1.6%	1.3%
Baby boomer (1946-64)	5.6%	9.7%	4.9%	4.9%
Silent generation (1928-45)	19.1%	26.3%	20.5%	18.1%

Sources: 2019-23 American Community Surveys and Urban Institute calculations.

FIGURE 3

Share of Homeowners Not Using the Internet Frequently, by Race or Ethnicity



Sources: 2020 Health and Retirement Study and Urban Institute calculations.

Note: The three heirs' property risk categories are if a respondent (1) has no will or trust, (2) is widowed, and (3) has multiple children.

The Health and Retirement Study provides some insight into technology access among older homeowners who are at risk of tangled titles. Although 21 percent of all homeowners older than 50 do not use the internet frequently, there is a wide gap based on the risk of tangled titles. More than half of those at risk of tangled titles, which includes homeowners who do not have a will or trust, also do not use the internet frequently. In contrast, 15 percent of those with no risk of tangled titles do not use the internet frequently.

Homeowners of color are more than twice as likely as white homeowners to not use the internet frequently (35 percent versus 17 percent). Among both homeowners of color and white homeowners, those at risk of tangled titles were more likely to not use the internet frequently compared with homeowners with no risk of tangled titles. Among homeowners of color, 71 percent of those at risk of tangled titles do not use the internet frequently.

Policy Recommendations

The digital divide may limit the ability of older homeowners, especially those at risk of tangled titles, to access the technological advances that can expand access to will making. In turn, lack of will making may have implications for the broader racial wealth gap. But key investments that expand access to digital services could better position older homeowners to participate in emerging estate planning technologies.

1. **Revitalize the Affordable Connectivity Program (ACP).** The ACP improved home internet affordability by providing subsidies for low-income households. But the ACP officially ended in 2024. Congress should reauthorize the ACP to reduce the costs of internet access and potentially expand access. Research suggests the ACP could also boost local economic growth (Neal and Pang 2024).
2. **Continue to support the Lifeline Support of Affordable Communications and other programs that prioritize investment in underserved communities.** According to the Federal Communications Commission, Lifeline provides subscribers a discount on qualifying monthly telephone service, broadband internet service, or bundled voice-broadband packages purchased from participating wireline or wireless providers: “The discount helps ensure that low-income consumers can afford 21st century connectivity services and the access they provide to jobs, healthcare, and educational resources.”²⁰
3. **Subsidize device assistance.** The lack of frequent internet usage may be because homeowners lack digital devices. Local governments have purchased laptops for children to provide them the tools they need to pursue an education. Purchasing and providing the same for seniors at low or no cost could also prove beneficial.²¹ Some local governments have already piloted this approach. The ACP, before its sunset, provided limited subsidies for devices.
4. **Improve marketing of low-cost online will and estate plan providers.** In addition to helping those at risk of tangled titles gain access to the technological features that could enhance

access to digital services, low-cost will-making sites could further ensure they can create a will with minimal financial burden. For example, governments and philanthropies could compile a list of low-cost will-making sites and make these publicly available.

These recommendations can help close the digital divide and potentially strengthen technology's ability to reduce the risk of tangled titles.²² In addition to these recommendations to address the digital divide, complementary strategies can increase affordability and access to estate planning legal services:

1. **Expand estate planning and will clinics at legal aid centers.** As the necessary infrastructure is still being built, activities such as estate planning and will clinics remain important. Legal clinics often offer assistance with wills, especially for low-income individuals and for seniors. These clinics, often associated with law schools or legal aid organizations, provide free or low-cost services for drafting, reviewing, and updating wills, as well as related documents such as health care proxies and powers of attorney.
2. **Increase awareness of estate planning among adult children of senior homeowners.** Empowering adult children may provide an additional source of assistance. Absent a will or trust, a homeowner having more than one living child poses a risk of tangled title because without a spouse, the probate process may result in fractional ownership of the property among the homeowner's children. At the same time, younger children, who are more likely to have access to a smartphone or a computer, may also help their older parents use technology to create an estate plan. Equipping the adult children of senior homeowners to encourage will or trust creation and to help parents navigate digital estate planning tools can complement public interventions.

Will making and estate planning can help ensure a household's end-of-life wishes are fulfilled. In some cases, however, a homeowner may intentionally leave a property to multiple heirs, creating the conditions that lead to tangled titles. More research is needed to assess the extent of this situation. At the same time, more work is needed to identify and promote tools that allow households to distribute assets equitably while preserving clear titles, ensuring that homeownership's wealth-building potential can be passed on without unintended barriers.

Looking Forward

This report examines estate planning and the trend toward greater technological engagement across the industry. Overcoming digital barriers is necessary to unleash the full benefits of technological

adoption among vulnerable communities. This can help homeowners build resilience against the risk of heirs' property.

But overcoming the barriers to creating an estate plan is not enough by itself to build resilience against the risk of a tangled title. The will and broader estate must also clearly direct the deceased person's wealth. In addition, the estate plan needs to be carried out. Ensuring that county land records change to reflect the new ownership is just as important as documenting the plan in the first place. These additional steps can further reduce the risk of heirs' property.

Conclusion

Homeownership is a key source of wealth among older households, particularly households of color. Many homeowners hope to pass their wealth to the next generation. But lacking an estate plan such as a will or a trust can result in fractional ownership, which could limit homeownership's benefits among those who have inherited the property. And homeowners at risk of tangled titles often have fewer financial resources to pay for financial and legal services to properly transfer their property.

Technology represents an opportunity to reduce estate planning costs while efficiently reaching scale. But the families most at risk of tangled titles are often the ones who are less likely to have sufficient internet and technological access. Policies that increase affordability or expand computer and internet access can level the playing field and ensure homeowners preserve their wealth.

Notes

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- ¹⁷ The ABS also asks about robotics and specialized equipment. We excluded these items because they are not typically associated with internet use.
- ¹⁸ The “legal services industry” identified in the ABS is broad, and thus, it is possible that certain types of legal services firms are using technology in ways that are different from firms and practitioners specializing in estate planning.
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