

Recommendations to Expand Estate Planning Education in West Philadelphia

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Introduction and Context

Philadelphia faces a serious tangled title crisis that must be addressed. According to a 2007 Philadelphia VIP study, there are an estimated 14,000 properties with a tangled title in the City.¹ Having a tangled title means that legal ownership of the property is unclear. Without legal ownership, residents who believe they are homeowners are unable to access the key programs and services and face greater risk of losing their home. They also face challenges when trying to sell the property. “A Resident’s Guide to Untangling Tangled Titles in Philadelphia” is a helpful resource for residents trying to resolve a tangled title.

The best way to address tangled titles is to prevent them through proactive estate planning, ensuring that homeowners write wills specifying how their assets are to be distributed and who will inherit the property. Writing a will is an easier and quicker process than trying to resolve a tangled title, which is a time and resource intensive process. Unfortunately, in some communities, like West Mill Creek, there is a lack of estate planning which leads to many tangled title properties. In this paper, I offer recommendations to improve and expand estate planning education and outreach in Mill Creek. Although this paper focuses on West Mill Creek, the recommendations can be applied across the City.

Extensive public education and outreach about estate planning must be conducted to prevent further tangled titles and prevent situations that result in individuals losing their homes. Many organizations in Philadelphia already provide free estate planning assistance throughout the city for low-income households. However, the efforts are limited and cannot meet the full need. In communities like West Mill Creek, residents believe there is a lack of outreach and education about the importance of writing wills and undergoing the proper legal procedures to transfer titles after a homeowner dies. People often only become aware of the issue when they run into a problem down the road when paying utility bills, tax liens, or mortgages.

Estate planning is critical for families to keep their home and build intergenerational wealth. Especially as communities like West Mill Creek face increasing gentrification pressures, families that have lived in the neighborhood for generations should engage in estate planning to ensure that properties stay in the family so that heirs can benefit from the rising property values. Philadelphia is already experiencing a wave of developers and speculators taking advantage of tangled title situations to buy properties for a fraction of the value or in some cases take them through forging fake deeds.²

¹ Bond, “Unclear Ownership.”

² McCoy, “A Real Estate Fortune.”

My three main recommendations are: 1) improving the Register of Wills outreach efforts, 2) partnering with the University of Pennsylvania to host estate planning law clinics, and 3) partnering with University of Pennsylvania to host estate planning educational programs in public schools. These three recommendations will help to increase both awareness about estate planning while also creating new capacity to assist residents with estate planning.

Recommendations

1. Improving the Register of Wills outreach efforts

The new Register of Wills, Tracey Gordon, was elected in 2019 and has made addressing tangled titles a priority and is committed to devoting more resources to helping individuals resolve tangled titles and promoting estate planning.³ Following up on her campaign pledge, she has started efforts at the Register of Wills to encourage estate planning and help people deal with tangled titles.⁴ However, these outreach efforts can be significantly improved through better marketing and outreach.

First, none of the Register of Wills outreach and education efforts are described or advertised on their official website.⁵ Instead, they post their educational content and events on their social media pages. Facebook seems to be the main repository for their educational content (mostly videos) as well as the central calendar of events.⁶ Social media is a useful platform to share information and communicate with the public. However, it makes no sense to not include any of these resources or events on the Register's official website, which is where most people would first look for help and guidance. Furthermore, not everyone has or uses social media, which limits who can access the information.

Additionally, the Register's social media following and engagement is small – they only have 824 Twitter followers and 2,009 Facebook likes (as of May 16, 2021). Most of their tweets and posts get fewer than ten likes. This poses the question: how many people are actually coming across their content and learning about opportunities like workshops and programs? Likely, not many. For example, the Register of Wills hosted a workshop series on April 29, 2021 on tangled titles. Yet according to the Facebook event page, only four people had marked as attending.

As another example, the Register of Wills established a "Probate Deferment Initiative" to help families with the financial burdens of resolving tangled titles. The program allows households to waive and/or defer payment of administrative fees until the property is sold, lowering a financial barrier to untangling a title.⁷ This is an important new government program. However, this new program is not mentioned anywhere on the Register's official website. And it is difficult to find more details about the Initiative through online searches. The most thorough written

³ Briggs, "Philly's New Register of Wills."

⁴ Bond, "Unclear Ownership."

⁵ <https://secureprod.phila.gov/row/>

⁶ <https://www.facebook.com/watch/PHLROW/>

⁷ Bond, "Unclear Ownership."

explanation of the program is provided in a *Philadelphia Inquirer* article.⁸ Although the Register of Wills has a series of videos about the Initiative on its Facebook page, the videos can be difficult to find if you do not know what you are looking for.

These examples may not explicitly be about estate planning, but they clearly demonstrate the limitations of the Register of Wills' current marketing and outreach strategy. Many events are co-hosted with other local organizations. So, it is possible that most of the event advertising is done by partner organizations that do more outreach and organizing on the ground. However, that educational and workshop opportunities can only be found on social media pages is still a clear limitation in reaching the greatest number of Philadelphians that need assistance.

A clear and easy first step to improve outreach is for the Register of Wills to create an "Events" or "Educational Opportunities" section on their website with a comprehensive calendar of events, resources, and partners to contact for estate planning and tangled title assistance. Centralizing this information on their website will create a more organized repository of resources and make clear to Philadelphians that the Register of Wills provides these services. This section can be as simple as providing links to resources hosted on Facebook. The important thing is that the content can be found on the official website.

Additionally, the Register of Wills should conduct extensive outreach to local organizations and institutions in neighborhoods West like Mill Creek to partner on educational events. In Mill Creek, important entities include institutions like Monumental Baptist Church, Philadelphia Masjid, and West Mill Creek Recreation Center. Working with existing institutions, especially as COVID-19 continues to improve to allow more in-person events, will be critical to reaching residents – especially those that are not internet savvy or connected to seek out online events and resources.

Although the Register of Wills public outreach is lacking in some aspects, their outreach is a great development for the city. The outreach efforts are also new, so it will take some time to grow and refine their approach. According to an attorney at Philadelphia VIP the previous Register of Wills did not do any community outreach.⁹ So the new Register of Wills' outreach is also a welcome development for the legal services organizations.

Expanding the outreach program can also help build trust among residents in the local government by showing that the Register of Wills is investing in resources to help residents protect their homes and build wealth through estate planning. Building this trust may also encourage some individuals who are wary about government to step up and reach out for assistance.

2. Partner with the University of Pennsylvania to host estate planning law clinics

A host of local legal organizations provide estate planning assistance along with tangled title assistance. However, the limiting factor is always capacity in terms of the legal professionals

⁸ Bond.

⁹ Gastley, Interview.

available to work with individuals. Legal service organizations like Philadelphia VIP are always looking for volunteer attorneys.

One recommendation to expand estate planning assistance is to tap into the University of Pennsylvania's Carey Law School and capitalize on its resources and 750 law students. Legal organizations like Philadelphia VIP and/or the Register of Wills can work with Penn to establish estate planning law clinics that work in West Mill Creek.

A model for this is the Drexel University Kline School of Law's pro bono estate planning work in West Philadelphia. As part of the school's civic engagement commitments, the Kline School operates the Dornsife Center for Neighborhood Partnerships in West Philadelphia (east of Mill Creek) to serve as a community resource.¹⁰ This includes hosting free estate planning clinics to help residents set up wills, powers of attorney, and medical directives to ensure that people's homes and estates are passed onto heirs. Additionally, the Kline School also runs the Andy and Gwen Stern Community Lawyering Clinic during the school semester where students focus on a specific issue of concern in West Philadelphia including housing challenges like estate planning.¹¹

This approach of leveraging law students to help their neighbors with estate planning should be further explored and implemented in other Philadelphia law schools like Penn. Unlike resolving tangled titles, which can be a very time-consuming and complex process, estate planning is generally a much simpler and quicker process for most individuals. Estate planning is a good fit for a law school clinic course because it can be done effectively by law students within the timeframe of an academic semester.¹²

The Penn Carey School is also located in West Philadelphia making it a perfect partner to work in West Mill Creek. Like Drexel, Penn should establish regular law clinic courses for students where they work with local clients over the semester to help them with estate planning. In addition to the clinic course, Penn should also host a series of estate planning clinics in the community through the Toll Public Interest Center. These one-off clinics can be hosted in partnership with local churches, mosque, or at the West Mill Creek Recreation Center. With 70 hours of pro bono work required of Penn law students, estate planning assistance can be a way for students to meet their pro bono requirements. The Carey Law School's Pro Bono program already works on some tangled title issues.¹³ Therefore, increasing the Carey Law School's involvement with estate planning in the community can be a natural and logical growth of its existing work.

3. Partner with University of Pennsylvania to host estate planning educational programs in public middle schools

Another important component to expand awareness about estate planning is to introduce the concept early to the youth. This can be done by hosting educational programming in public schools. Teaching youth about estate planning has two main benefits. First, it ensures that they

¹⁰ Drexel University, "Individual and Family Supports."

¹¹ Drexel University, "Andy and Gwen."

¹² Gastley, Interview.

¹³ Gastley.

learn early to be better prepared about managing assets when they become adults. Second, students can also act as an important source of information for their families to learn about estate planning.

The West Philadelphia Landscape Project's Mill Creek Project experience working with students at Sulzberger Middle School provides strong support for the power of engaging youth to transform a community.¹⁴ From 1996-2002, students from Penn, led by Prof. Anne Spirn, worked with middle schoolers to teach them the neighborhood history and how to read the landscape. It was a transformative experience for all involved – the Penn students, Sulzberger students, parents, and the community. The middle schoolers became enthusiastic, active learners and agents of change, drawing in more parent and community involvement to make the school a community hub.

Based on the Mill Creek Project experience, we can imagine the positive impact a Mill Creek Project 2.0 program focused on teaching students about housing issues, ranging from the specific issues of tangled titles and estate planning to the larger challenges of gentrification, could have on the community.

The University of Pennsylvania Netter Center for Community Partnerships is a great potential partner to implement a Mill Creek Project 2.0 as their mission is already to work in public schools. The Netter Center could work with both the Carey School and the City & Regional Planning program to design a curriculum for a local middle school. Urban planning students could develop the curriculum about housing history and gentrification. The law school students could work on the legal aspects of estate planning and tangled titles. Perhaps it could be the estate planning law school clinic students that participate in this program. Like in the Mill Creek Project, a class of Penn students led by a professor could work closely with middle school students over the course of a semester.

Through this program, middle schoolers can learn so much about not just what estate planning is, but how it fits into the larger history and story of their community and families. They can learn about redlining and different policies that have shaped their neighborhood. With the knowledge and tools to better understand what is going on around them, the middle schoolers can become powerful forces of change.

Another benefit of working directly with students in the public schools is that it offers a natural way for families to connect with legal resources. For example, a student may learn about estate planning at school, tell their family about it, and the family will already have someone they can reach out to for help who is well positioned to direct them to the right resources. The family could also be referred to the Penn estate planning clinic to be helped. For families, working through an existing connecting can feel more manageable than reaching out to a city department or legal organization with which they have no connection.

¹⁴ West Philadelphia Landscape Project, *When Learning Is Real: The Mill Creek Project*.

An alternative to a Mill Creek Project 2.0 approach is to host a series of one-off estate planning educational workshops in middle schools and high school hosted by Penn students. The workshops can be an “intro to estate planning” class held during the school day. Here, students can learn about what estate planning is, why it is important, and receive a handout with estate planning resources (including the Penn clinics) to bring back to their families. These one-off workshops will not be as impactful as a full curriculum. However, if creating and implementing a full curriculum is too difficult, organizing a series of workshops in schools on an annual basis would be an easier alternative that still directly educates the youth.

Conclusion

Making people aware about the importance of estate planning, regardless of how much wealth you have, is the critical first step to preventing more tangled titles. The Register of Wills has started to take on this challenge by starting a public outreach and education initiative. However, these efforts should be improved and expanded to increase the local government’s role in educating the public. Working with Penn to establish new capacity to help West Mill Creek residents with estate planning is also critical because there is already not enough capacity among nonprofit legal service groups to assist everyone. Lastly, having Penn engaged in local public schools to educate the youth about estate planning and larger housing issues can be transformative for the community on multiple levels.

Although these recommendations will help to address estate planning needs in West Mill Creek, public outreach and estate planning assistance will not be enough. Lack of education or awareness is not the only challenge to estate planning. Sometimes people know about estate planning, but do not write a will because it can cause family drama. If you have multiple children, to whom do you leave your home? Instead of facing family tension and conflict, some decide to not write a will. This is also tied to some cultural norms where some families think of homes as a collective asset instead something to be passed onto a specific person or persons. These sorts of more intangible reasons that convince people to not leave a will are harder to address. These challenges are not covered by my recommendations, but will have to be reckoned with going forward. Still, starting with expanding public awareness by implementing the above recommendations can make a positive difference.

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