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PROTECTING HEIRS' PROPERTY

IN NEWARK AND TRENTON, NEW JERSEY

Local Government Policies, Practices, and Opportunities

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TABLE OF CONTENTS

EXECUTIVE SUMMARY 4

HEIRS' PROPERTY: WHAT IT IS AND WHY IT MATTERS 5

REPORT GOALS 6

NEW JERSEY LOCAL GOVERNMENTS 6

METHODOLOGY 7

CITY-LEVEL COMPARISON CHART 8

APPENDIX A: NEWARK (ESSEX COUNTY) 13

APPENDIX B: TRENTON (MERCER COUNTY) 23

APPENDIX C: OTHER WEBSITES REVIEWED 31

ENDNOTES 32

EXECUTIVE SUMMARY

Heirs' property—family land passed down without a will—shapes generational wealth and community stability in New Jersey. Because heirs' property often results in property ownership that is fractionated across several family members and generations, it is also commonly referred to as a "tangled title." November 2021 reporting estimated that New Jersey had 5,524 heirs' parcels , representing almost 9,400 acres of land with a $1.3 billion market value. National, state, and local studies highlight the economic value and legal challenges for owners of heirs' property and their communities, revealing opportunities for stronger protections and targeted policy action.

This report examines local frameworks in the New Jersey cities of Newark and Trenton and identifies possible approaches for strengthening heirs' property protections. These cities were chosen because Newark is New Jersey's largest city by population, and Trenton is New Jersey's capital and tenth largest city by population. Further, these cities are within counties that were studied in a January 2026 prospective social return on investment (SROI) report examining heirs' property in New Jersey.

This analysis aims to inform and promote possible approaches for policy revisions, offering strategies to support better delivery of direct resources to individuals with current or potential ownership interest in property as heirs. In this report, the terms "owner," "heirs' property owner," and "heirs' property ownership" are used broadly to include individuals who may hold inherited, partial, or otherwise informal legal interests in real property, even where title has not been fully probated or formally recorded. Building on the January 2026 AFN brief *New Jersey: State-Level Policy Scan of Law Impacting Heirs' Property* and other studies, this report provides city-level data for Newark and Trenton in a summary chart and detailed appendices. Readers should note that the two detailed appendices contain parallel information for the two cities where research produced similar findings; however, each appendix remains jurisdiction-specific to the city and county it addresses and should be read closely to distinguish city- and county-specific data.

Across Newark and Trenton, several possible approaches emerge for strengthening protections for heirs' property owners and reducing the risk of property loss, including updating definitions of "owner" in local programs so they more clearly include heirs and recognize alternative forms of ownership documentation; improving tax and foreclosure communication and repayment options; and providing clearer notice and guidance in tax delinquency and auction processes. They also include expanding access to probate and title resources through county and city websites, improving self-help materials, and clarifying the documentation heirs need to move forward with estate administration. Finally, the approaches emphasize broader public education and outreach to help residents understand their rights, avoid scams, and connect with available assistance. These approaches could help reduce confusion, improve access to services, and better protect individuals and families who inherit property.

This report is intended for use by policymakers, advocates, and members of the public.

HEIRS' PROPERTY: WHAT IT IS AND WHY IT MATTERS

As used in this report, "heirs' property" refers to land or real estate inherited by family members—often in the absence of a will and across several generations—without a probate court process to formally document transfers of ownership. As a result, the property may have multiple "co-owners" with equal or unequally divided legal ownership rights. Over time, the interests can become highly fragmented with many heirs each owning a very small interest in the property and no single clear title owner, creating what is known as "tangled title." This report uses the term "heirs' property" consistent with the terminology established in extensive reporting on this issue.[1] This report uses the terms "owner," "heirs' property owner," and "heirs' property ownership" broadly to include individuals who may hold inherited, partial, or otherwise informal legal interests in real property, even where title has not been fully probated or formally recorded.

Without clear legal title, heirs' property owners have limited ability to make important decisions about property preservation or use. Heirs may be unable to obtain or access homeowner's insurance, local home repair grants or resources, property tax relief programs, and disaster recovery funds. They may have difficulty accessing the property value through a sale or mortgage, closing a major avenue to avoiding property condemnation or foreclosure. In addition, heirs' property owners are at heightened risk of loss to real estate speculators who target uninformed and vulnerable heirs' property owners. Unscrupulous speculators buy one heir's legal interest at a drastically reduced fraction of the actual value and then file a legal action against the remaining heirs to remove their legal interests in the property. Heirs occupying the property can face eviction or ejectment by a fractional owner or by a speculator who obtained title.

Cost and Prevalence of Heirs' Property in New Jersey

Data from November 2021 estimated that New Jersey had 5,524 heirs' parcels, representing almost 9,400 acres of land with a $1.3 billion market value.[2] January 2026 research reviewing prospective social return on investment (SROI) in Essex and Mercer counties shows that for every $1 invested in legislation, policies, and programs that reduce the losses and risks associated with heirs' property, the SROI is $2 to $48. An accompanying brief, *New Jersey: State-Level Policy Scan of Law Impacting Heirs' Property*, highlights that, although New Jersey has some policies that reduce the harms of heirs' property, a broad need exists for stronger state-level protections and coordination with local policies that supplement or build upon the existing statewide framework.[3]

"[T]he single biggest way local governments could protect heirs property owners from loss remains largely undiscussed: making their property tax relief programs accessible to heirs property owners and increasing their uptake." Sarah Mancini, "Preventing Tax Foreclosures Is the Best Way Local Governments Can Protect Heirs' Property Owners," New America, May 5, 2026, https://www.newamerica.org/insights/preventing-tax-foreclosures-is-the-best-way-local-governments-can-protect-heirs-property-owners/.

The Value of a Comprehensive Approach to Heirs' Property Prevention

Will preparation and estate planning are important tools that can help property owners reduce the risk of fractionated ownership in subsequent generations, but those tools alone may not fully prevent heirs' property issues from arising. For example, a property left to three co-heirs through a will could still become heirs' property if the co-heirs cannot locate the will, never submit the will for probate, or learn that the will contains a legal deficiency making it unenforceable. Issues may also arise if the co-heirs cannot agree on how to manage or resolve issues with the property (including issues with identifying or proving all heirs); or one co-heir dies and their share is passed along to multiple descendants, with or without a will. Disagreements or further fragmentation can increase the risk of legal disputes, including partition actions or forced sales.

Preventing heirs' property issues from arising or worsening over time requires education at each level of an inherited interest with all heirs informed of their rights and responsibilities, and some degree of cooperation or agreement among co-heirs to avoid loss of property value or use. In addition to education and cooperation, research shows that "investments and interventions help stabilize communities and help improve the ability of families to retain their asset, increase its value, and pass it to future generations, should they choose."[12]

Because meaningful improvements to protect generational wealth and communities may require substantial costs and resources, a robust approach to such investments and interventions is best informed by stakeholder input from community members, local government, and philanthropic and private groups.[13] Prior reporting on this issue at both the national and local levels—including SROI analyses conducted in New Jersey's Camden, Essex, and Mercer counties—provides data supporting comprehensive approaches to meeting cost and resource needs.

REPORT GOALS

This report aims to identify areas where policy revisions and targeted resources can reduce the negative outcomes of unresolved heirs' property ownership issues. It reviews local laws and policies affecting heirs' property owners in two New Jersey cities: Newark, Essex County (the state's largest city by population) and Trenton, Mercer County (the state capital and tenth largest city by population). These locations were selected based on prominence, data availability, and relevance to existing research on the SROI of heirs' property interventions in Essex and Mercer counties. Census data from 2023 showed Newark's homeownership rate as 24.1% and Trenton's as 61.9%. The report examines heirs' property issues in policy categories derived from complementary state-level reports; the City-Level Chart both summarizes the more detailed findings of the report and provides examples of existing city or state policies that may inform application of possible approaches.

NEW JERSEY LOCAL GOVERNMENTS

New Jersey's Home Rule Act of 1917 grants municipalities broad authority to enact local ordinances as deemed necessary and proper for good government and vests the "fullest and most complete powers possible" in local self-government. As a result, New Jersey's municipalities have significant legislative powers, the exercise of which may vary in degree across municipalities and may differ from county or state mandates.

Generally, municipal governments have authority to enact and enforce municipal ordinances for public welfare, order, health, zoning, and land use. County governments have authority over county services and ordinances governing public safety, infrastructure, health services, and other areas. County probate (or surrogate) courts administer the estates of deceased individuals, operating in compliance with state law and court rules governing several areas, including procedures and filing fees. Thus, approaches to resolving heirs' property issues may require action at city, county, and state levels of government.

METHODOLOGY

This report is designed to provide a foundation for evaluating heirs' property rights in Newark and Trenton and supporting initiatives to better protect generational wealth. The report uses applicable terminology consistent with local, state, and national reporting on heirs' property issues. The items listed below outline the research on laws and policies impacting owners of heirs' property within Newark and Trenton. Findings may be incomplete due to varied terminology and stakeholder discussions that were not finalized prior to publication. Readers who identify relevant information or reforms not included in this report are encouraged to contact the author.

1. Review of Newark and Trenton municipal code provisions. Search terms included but were not limited to *escheatment*, *estate*, *heirs*, *intestacy*, and *owner*.
2. Review of Essex and Mercer County code provisions, using similar search terms.
3. Review of New Jersey–specific funders' publications on heirs' property, including Prudential article "Building Generational Wealth Across Three Generations," the NJ Social Return on Investment (SROI) analysis covering Essex and Mercer counties, and the NJ State-Level Policy Scan reviewing existing state laws impacting heirs' property.
4. Web searches for city and county programs that may be available to address heirs' property issues, with focus on program eligibility including ownership and required proofs.
5. Review of city and county websites related to property taxes and home repair programs.
6. Conversations or communication attempts with government employees in relevant offices.

City, county, or state roles in identified policy areas are summarized as "significant," "moderate," "minimal," or "none." These terms aim to build upon terminology used in complementary reports examining heirs' property issues at state levels. In this report, they are defined as follows:

Significant: A direct role in the referenced policy's creation and guidance for implementation. Seeming authority to review and enact revisions that could impact the referenced policy.

Moderate: A direct role in implementation with possible discretion. No clear authority to independently review or revise the policy.

Minimal: Limited role in implementation, with little or no discretion. Must follow guidance set by external policymakers.

None: No identifiable role in the policy's creation or implementation.

CITY-LEVEL COMPARISON CHART

NOTE: This report uses policy categories derived from complementary state-level reports examining heirs' property issues, primarily drawing from *New Jersey: State-Level Policy Scan of Law Impacting Heirs' Property*.

BACKGROUND: MUNICIPAL DEFINITIONS

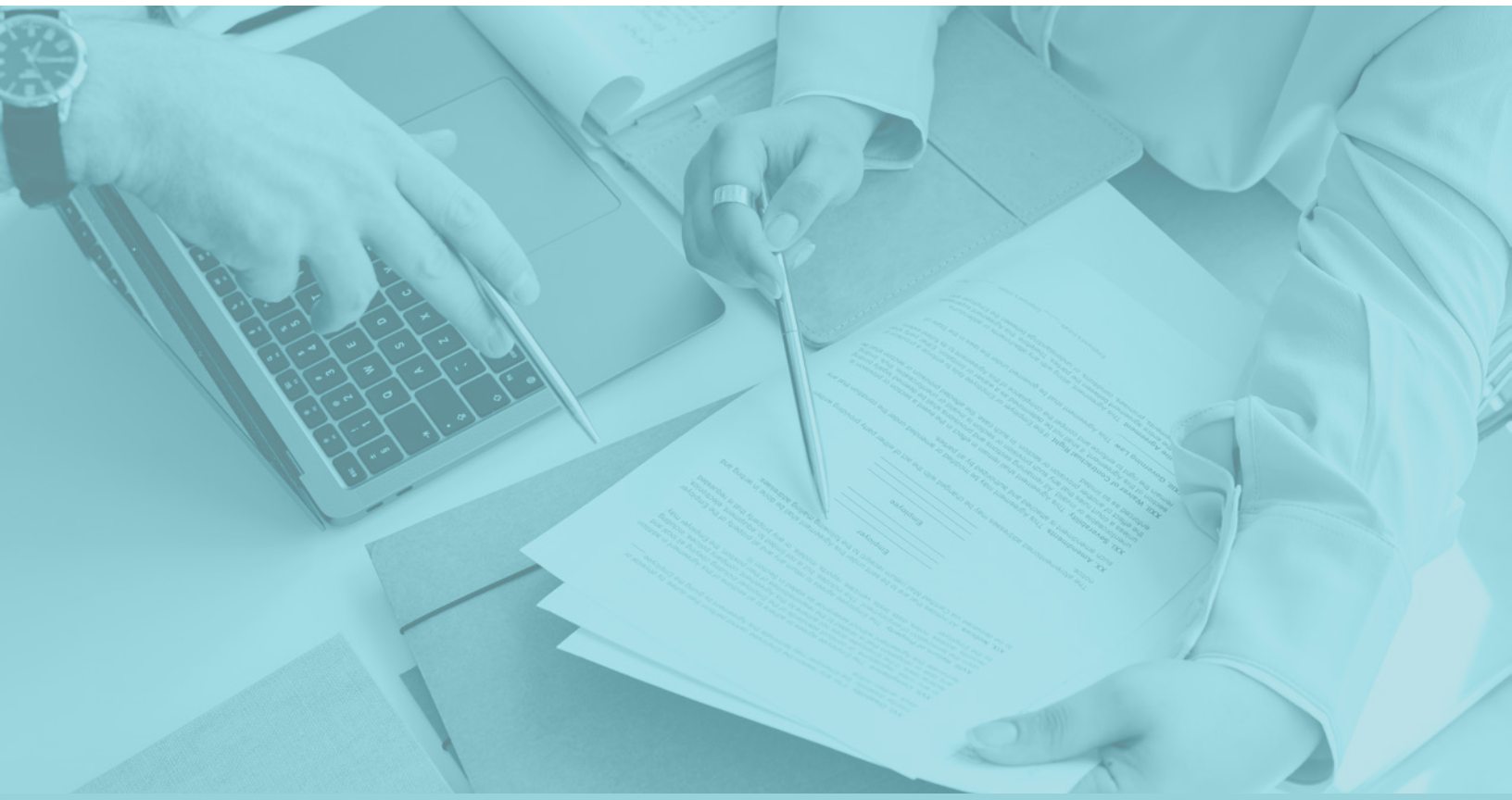
Policy	"Owner" definition
Goal	Ensuring that heirs' property owners are explicitly recognized under local law.
Newark *(Essex County)* ***See Appendix A for detailed notes.**	Single definition for "owner" that could include heirs' property owners. "OWNER Shall mean and include sole owner and any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land, and personal property." (Newark RGO § 1:1-3.)
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	Multiple definitions of "owner" that range in inclusiveness of heirs' property owners. For example: "OWNER[:] Any person having any interest, legal or equitable, either alone or in combination with others, in any premises." (Trenton Code § 171-1 (Nuisances))
Possible Approaches	Revise definitions to more clearly encompass heirs' property owners and recognize alternative proofs of ownership (including fractionated legal interests) for purposes of eligibility for relevant programs Philadelphia, PA, defines owner in several municipal code sections with explicit references to an "equitable owner" being "a person who has inherited an interest in a property." See, e.g., Phila. Code § 19-3902(3).

Policy	1. Local Property Tax Billing and Property Tax Foreclosure Policies
Goal	Creating explicit rights for heirs' property owners
Newark *(Essex County)* ***See Appendix A for detailed notes.**	Municipal tax assessor and tax collector offices: (i) establish assessed property values, (ii) send annual tax bill notices, (iii) manage property tax payments, (iv) evaluate tax debt repayment plan or payment-related requests, (v) auction tax liens for unpaid taxes, and (vi) initiate foreclosures on city-owned property tax liens.
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	Same
Possible Approaches	Recognize heirs' property owners more explicitly in local tax assessment and collection policies, so that heirs can more efficiently redeem tax debt and protect property from loss.[22] Municipalities can offer tax debt repayment plans automatically for delinquent properties and to property owners who inquire about tax arrears. New Jersey utility regulations provide the right to deferred payment agreements in N.J.A.C. § 14:3-7.7; similar payment agreement rights for owners with tax arrears could be feasible. Municipalities can: (i) send special notices when a tax lien is going to auction or has been auctioned and sold. PA law requires mailed notice at least 30 days before a tax lien sale; and (ii) advertise the ability of heirs and estate representatives to file a notice under N.J.S.A. § 54:5-104.48 to receive notice of potential tax foreclosure proceedings.

Policy	2. Disaster relief
Goal	Ensure that heirs' property owners can access local resource programs and obtain repair permits
Newark *(Essex County)* ***See Appendix A for detailed notes.**	The city manages local permitting for new structures and demolition and administers occasional local disaster relief grants. Damaged historic properties would likely need special city approvals to complete repairs.
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	Same
Possible Approaches	Provide clear information and guidance about program availability, eligibility, and specific resources for heirs' property owners. Revise municipal definitions of "owner" to ensure that heirs' property owners are explicitly eligible for program assistance with appropriate proofs. Philadelphia, PA, defines owner in several municipal code sections with explicit references to an "equitable owner" being "a person who has inherited an interest in a property." See, e.g., Phila. Code § 19-3902(3).

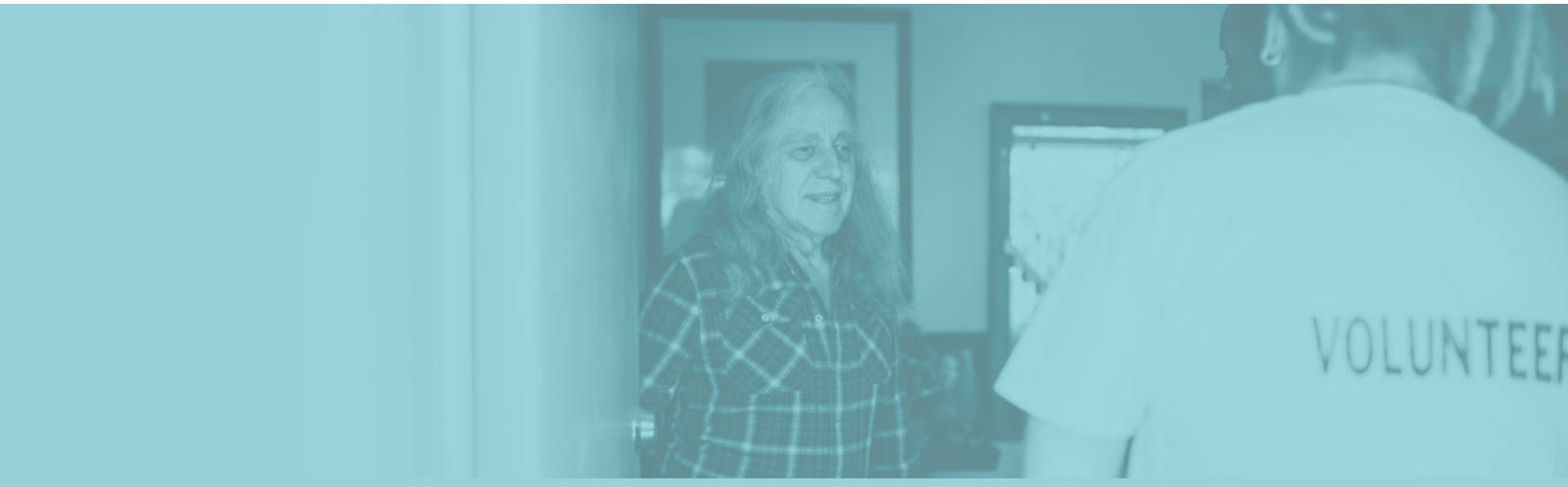
PROTECTION: POLICIES AIMED AT PROTECTING HEIRS' PROPERTY FROM LOSS

Policy	3. Home repair programs
Goal	Allow applications from heirs' property owners with flexible proofs of ownership or occupancy
Newark *(Essex County)* ***See Appendix A for detailed notes.**	Live Newark Facade Home Improvement Program does not explicitly permit flexible proofs of ownership but seems to be flexible by allowing applicants to certify to ownership. However, the program requires an attestation concerning homeowner's insurance that might not be feasible for heirs' property owners. The program requires proof of a recorded deed, and rules imply but do not state that the applicant must be listed on the deed.
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	Trenton Urgent Rehabilitation Program materials suggest that heirs' property owners are not eligible unless they are "named on the filed Deed."
Possible Approaches	Provide flexible options for proof of ownership or, where viable, proof of occupancy. Certified affidavits of heirship could be accepted, similar to what the County Surrogate Court accepts from an heir seeking to administer the decedent's Estate.[25] Homeowner's insurance concerns are relevant here, as insurance companies require proof of ownership to offer insurance coverage.[26]



PROTECTION: POLICIES AIMED AT PROTECTING HEIRS' PROPERTY FROM LOSS

Policy	4. Prevention of equity loss and equity theft
Goal	Raise awareness for all property owners (including heirs) so they do not lose home equity to unscrupulous investors or scammers
Newark *(Essex County)* ***See Appendix A for detailed notes.**	Online search did not show easily accessible public awareness efforts by the city or county to notify heirs' property owners (or other at-risk homeowners) of resources to avoid equity loss through scams, bad deals, or foreclosure. Online search quickly revealed "investor" activity in Newark advertising workshops teaching prospective investors how to purchase home equity at a fraction of its value from unaware property owners. Essex County offers a free Property Alert Service to prevent deed fraud by notifying registered owners of recorded property documents.
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	Same. Online search did not show easily accessible public awareness efforts by the city or county to notify local property owners. Online search also revealed "investor" activity in Mercer County. One Facebook forum advertised its offer to research properties and ensure equity exists, then track down heirs to purchase their interests at a discount. Mercer County offers a free Property Alert Service to prevent deed fraud.
Possible Approaches	Create public resources and awareness campaigns to educate residents about their rights, the need to be savvy when approached about their property value, and how to contact local prosecutor offices if they believe they have been scammed. In 2024, Pennsylvania amended sections of its state laws to protect property owners from scams and wholesalers. See 63 P.S. § 455.101 et seq.[27]



Policy	5. County Probate (Surrogate) Court access
Goal	Ensure that heirs have sufficient information to expeditiously resolve heirs' property issues or prevent them from continuing
Newark *(Essex County)* ***See Appendix A for detailed notes.**	No city role; probate is county/state driven. Essex County Surrogate website provides some forms and has a Frequently Asked Questions (FAQs) section. Fee waivers may be available.
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	Same. Mercer County Surrogate website provides estate search and survivor checklist. Fee waivers may be available.
Possible Approaches	Use existing county websites to provide more detailed information about the probate filing process, make forms and self-help information available, and explain in some detail what documentation and information is required for heirs to move forward with appropriate probate or related filings, including information about filing a probate caveat (N.J. Court Rule 4:82).[28] General resources explaining what an heir may need to do could be very beneficial for heirs' property owners.[29] Making probate and estate records easily searchable so that an individual can learn whether an estate has been opened would be helpful for those trying to locate estate filings and other heirs.[30]
Policy	**6. Estate planning outreach**
Goal	Proactively reach living property owners and future heirs to prevent fractionated ownership or resolve fractionated ownership before it divides further
Newark *(Essex County)* ***See Appendix A for detailed notes.**	No specific Newark or Essex County outreach efforts were identified.
Trenton *(Mercer County)* ***See Appendix B for detailed notes.**	No specific Trenton efforts were easily identified. Mercer County offers surrogate-led community outreach, including lectures and seminars.
Possible Approaches	Create or build upon existing outreach efforts by publicizing more broadly, perhaps through an information packet that can be provided when an heir makes first contact, or through online resources. Include information on heirs' property resources and the risks of not resolving title.[31]

Appendix A

Newark (Essex County)

ADDITIONAL RESEARCH NOTES

Background: "OWNER" definition

Newark's municipal laws, codified in the Newark Revised General Ordinances[32] (shortened as "Newark RGO"), define owner as follows:

> OWNER[:] Shall mean and include sole owner and any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land, and personal property. (Newark RGO § 1:1-3.)

This definition could include individuals with heirs' property ownership interests and therefore might allow heirs to access local programs where ownership is an eligibility requirement. However, if the programs require documented proof of ownership to establish an applicant's status as an owner, heirs may not be eligible.[33]

Because the definition of "owner" neither expressly includes nor excludes heirs, and because it relies on the term "owner" within the definition itself, this ambiguity may either help or disadvantage heirs' property owners when local programs determine eligibility.[34] Newark RGO references "owner" in several provisions which may impact heirs' property owners, including:

- **Live Newark Loan Forgiveness Program (Newark RGO § 2:10-74).** Provisions of the loan agreement bind purchasers, owners, and their heirs. This local ordinance governs the Live Newark Home Facade Improvement Program, and program eligibility would likely be reviewed under the general Newark RGO definition of owner.

- **Income-restricted units (Newark RGO § 41:21-9).** Purchasers of income-restricted units and their heirs are obligated to maintain the housing as permanently affordable. In this program, the definition of owner includes individuals having sufficient proprietary interest to seek development of land.

- **Property tax abatements and exemptions (Newark RGO § 268).** Abatements are generally available only if property taxes are current (Newark RGO § 268-5). Exemptions may be available for improvements on dwellings more than 20 years old (Newark RGO § 268-17). Program eligibility would likely be reviewed under the general Newark RGO definition of owner.

ISSUE-BY-ISSUE ANALYSIS

NOTE: This report uses policy categories derived from complementary state-level reports examining heirs' property issues, primarily drawing from *New Jersey: State-Level Policy Scan of Law Impacting Heirs' Property*.[35]

This appendix contains parallel information to the Trenton appendix; the research produced similar findings in both cities. However, this appendix is specific to Newark and Essex County data.

1. HEIRS' PROPERTY PROTECTION

Local Property Tax Billing and Property Tax Foreclosure Policies

City Involvement: ***Significant***

Through city offices of the tax assessor and tax collector, Newark establishes assessed property values, sends annual tax bill notices, manages property tax payments, evaluates tax debt payment plan and other payment-related requests, auctions tax liens for unpaid taxes, and initiates foreclosures on city-owned property tax liens.

County Involvement: ***Moderate***

New Jersey property taxes are assessed on an annual basis by the local assessor and submitted to the county board of taxation.[36] Appeals of Newark property tax assessments below $1 million are filed with the Essex County Board of Taxation; appeals of assessments exceeding $1 million may be filed with the New Jersey Tax Court.[37]

State Involvement: ***Moderate***

Applications for all forms of homeowner property tax rebate and "tax freeze" programs are made at the state level. Proof of ownership requirements for such programs are therefore controlled at the state level. Further, appeals of tax assessments over $1 million may be filed with the New Jersey Tax Court. The state maintains a transparency website that provides local parcel data.[38] Property tax foreclosures are governed by state law and Court Rules (including New Jersey's Tax Sale Law, N.J.S.A. § 54:5-1 to -137, and N.J. Court Rules 4:64-6 through -7).

Summary

Possible approaches to address heirs' property issues:

- Create local tax relief programs (for instance, installment plans, repayment plans, assistance funds) to assist property owners and heirs, and structure the programs so that heirs' property owners are explicitly eligible.
- Advertise the availability of local owner-occupant tax relief or payment plans and heirs' eligibility through the tax collector website.
- Provide information on websites and social media about local tax relief options for heirs' property owners.
- Develop or build upon existing processes to identify and assist heirs in obtaining repayment plans for tax arrears; include a flyer that Surrogate Court staff can provide to heirs upon first contact.
- Identify likely or known heirs' property, conduct direct outreach to occupants, and provide tax repayment options aimed at preventing foreclosure.
- Engage with local nonprofits and philanthropic organizations to develop resources to resolve heirs' property issues.
- Consider revising state law to establish a uniform framework for municipal acceptance of periodic payments. New Jersey utility regulations provide the right to deferred payment agreements, see N.J.A.C. § 14:3-7.7; similar payment agreement rights for tax arrears could be feasible.
- Revise municipal codes to authorize periodic payments and repayment plans. Such changes would benefit the city by maintaining more cash flow, and they would benefit all property owners who experience temporary financial hardship—not just heirs' property owners.
- As appropriate, revise or clarify state tax rebate program eligibility to accept heirs' property owner proofs, or hold refunds in escrow with escheat to the NJ Unclaimed Property Administration if the heirs' property resolution is delayed.
- Have taxing authorities mail special notices to the property when a tax lien is subject to an upcoming auction or has been auctioned.

NEWARK

The city's most significant role is its authority over property tax billing, payment collection, and city-filed foreclosures. Information addressing heirs' property and related issues was not identified during a review of Newark's public property tax websites.

Municipal codes could require that additional costs assessed by lienholders be included with the redemption worksheet for owners seeking to repay tax arrears. Redemption figures submitted to tax offices may include additional fees and costs assessed by lienholders. Providing itemized information may help property owners better understand the amounts included in redemption calculations and help them verify the accuracy of the redemption amount under applicable law and court orders. This support would reduce the risk that homeowners pay more than was legally due for redemption.

For properties where taxes are current (in other words, no open unpaid lien has been registered), Newark accepts property tax payments without requiring proof of ownership. If taxes are in arrears, property owners generally have a period ranging from approximately six months to two years to redeem unpaid taxes before loss of the property through foreclosure becomes irreversible.[39]

Practice experience and state law indicate that Newark permits tax redemption by owners or heirs prior to the filing of a foreclosure action. In these circumstances, proof of relationship to the property is generally not required at the time payments are accepted. If a foreclosure is active on an investor-held tax lien, Newark coordinates with the lienholder to confirm the validity of the party seeking to redeem and the amount due. In practice, redemption amounts provided by investor lienholders may include additional fees or cost components, and calculation methods may vary depending on the lienholder's interpretation of applicable law and court orders. This structure raises several operational questions, about the procedures used to determine eligibility of owners or heirs for redemption, the extent to which municipalities rely on investor lienholders in establishing redemption amounts, and the potential for inconsistent determinations that may affect heirs' property owners. In some cases, individuals have provided documentation such as wills to support an asserted interest in a property in connection with tax-related inquiries, though acceptance of such documentation may vary based on office practice and the circumstances of the redemption request.

Newark policy could be revised to explicitly permit quarterly installments by property owners regardless of the lienholder, which may help reduce foreclosures and loss of heirs' property.

A 91-year-old African American homeowner in Newark resided in her primary residence with her adult children and grandchildren, providing housing for three generations. To assist with repaying debt incurred by a family member, she obtained a home equity loan and subsequently fell behind on property tax payments when the household could not afford payments on both the loan and tax bills. A tax lien was both issued and purchased by the City of Newark.

Her family tried submitting quarterly tax payments to manage the bill, but they were informed that the entire outstanding balance needed to be repaid in full before quarterly payments could resume. The homeowner sought legal assistance when her tax arrears were $18,000; the arrears continued increasing each quarter due to her inability to make quarterly payments at the due dates. A foreclosure action was filed, placing her family home at risk for tax arrears of less than $40,000. Making quarterly payments (and installment plans) an option for city-owned tax liens could support the ability of property owners and heirs to reduce and repay arrears over time and avoid foreclosure.

In Newark, quarterly tax payments are allowed for investor-held liens but are not commonly accepted on city-held liens. Research and data show that heirs' property owners are at heightened risk of losing homes to property tax foreclosure.[40] In that context, limited access to flexible repayment options may affect the ability of some heirs' property owners to resolve tax arrears before foreclosure proceedings advance. Newark could consider policy modifications to expand the availability of installment payment options, which may support both municipal revenue collection and improved outcomes for all local property owners, including heirs' property owners, who are disproportionately affected by tax foreclosure risks.

ESSEX COUNTY

For properties that proceed through tax foreclosure, a related issue at the county level arises in enforcement of heirs' property protections under the Community Wealth Preservation Program (CWPP).[41] The 2024 CWPP was enacted with the stated goals of supporting community wealth preservation, fostering equity, and addressing historical disparities in property ownership including redlining, discrimination, and predatory lending.[42]

Under the CWPP, in a hypothetical heirs' property scenario involving ten equal heir interests, any individual heir may exercise an option to purchase the property for the foreclosure judgment amount and obtain title without any compensation to the nine co-heirs for their extinguished legal interests. Two competing heirs could apply to exercise the CWPP purchase option, requiring the sheriff to evaluate superiority of interest and rights between the two applicants. Further, the CWPP allows speculators and third parties to purchase heirs' properties for the judgment amounts and fully take the property equity without compensation to any of the heirs. Due to implementation issues and legal challenges, the Essex County sheriff temporarily suspended at least one portion of the CWPP.[43] However, heirs' property owners are still at risk under the non-suspended portions.

In 2025, New Jersey passed the Uniform Partition of Heirs Property Act (N.J.S.A. § 46:30B-1 et seq., UPHPA) to protect heirs' property owners.[44] The UPHPA allows a first right of refusal for heirs to purchase other co-heirs' legal interest if they pursue a sale and otherwise ensures fair market sales. These measures are designed to prevent partition auctions and actions that erode generational wealth. The CWPP's efforts to protect generational wealth in foreclosures create an unintended legal loophole around the UPHPA's complementary protections.

The CWPP may function in a way that circumvents key heir protections contained in the UPHPA and in the probate process. To illustrate the potential equity loss concerns, the following real example is included, although the matter did not necessarily involve heirs' property.

In one case that may not have specifically involved heirs' property, the CWPP facilitated acquisition of a property purchase for approximately $45,000 where the estimated market value was almost $600,000 with no other known liens. As structured, the CWPP allows a foreclosed homeowner's (or heir's) adverse family members, savvy neighbors, property speculators, or others to acquire the foreclosed property at a price below market value, after which the prior owner or occupants are subject to eviction. Equity above the debt amount is not returned to the former owner or heirs under the current framework. In the heirs' property context, this framework can have significant consequences. For example, if four heirs are entitled to equal shares of a home after their parents die, one heir can buy the house under the CWPP and take the other three siblings' equity. Some heirs utilize the CWPP to bypass the UPHPA and probate process, which would have equally divided the inheritance funds with other heirs.

NEW JERSEY

In New Jersey, eligibility for homeowner-occupant tax relief programs is primarily determined at the state level.[45] New Jersey tax relief programs such as ANCHOR (formerly the NJ Homestead Benefit), the Senior and Disabled Tax Freeze (tax bill freeze for eligible senior and disabled property owners), and Stay NJ (50% rebate on the property tax bill for eligible owners aged 65 or older) are administered by the State of New Jersey through a single application form.[46] Because these programs are state-administered, the municipality generally does not control documentation and ownership proof requirements for eligibility determinations. However, the municipality may have opportunities to communicate with the State regarding acceptable ownership documentation and advocate for a broader range of acceptable ownership proofs to assist residents.

2. HEIRS' PROPERTY PROTECTION

Disaster Relief

City Involvement: ***Significant***

The city manages local permitting for new structures and demolition and occasional local disaster relief grants. Damaged historic properties would likely need special city approvals to complete repairs.

County Involvement: ***None/Minimal***

State Involvement: ***Moderate/Significant***

Much disaster aid is distributed by the state as administrator of federal Community Development Block Grant–Disaster Relief funds (commonly known as CDBG-DR). These State-administered programs, supported by federal or other grant funds, are often the primary source of disaster relief grants and may contain separate ownership requirements that impact heirs' property.

Summary

Possible approaches to provide protection for heirs' property owners:

- Identify and advertise available local disaster relief programs and eligibility requirements, including whether flexible forms of ownership documentation are accepted for heirs' property.
- Clarify eligibility pathways for heirs' property owners in disaster relief programs, including the steps required to demonstrate eligibility and access assistance.

For federally declared disasters after March 22, 2024, the Federal Emergency Management Agency (FEMA) accepts self-certification of ownership for heirs' property (heirship affidavits) as a last resort when owners lack traditional documented proof of ownership.[47]

3. HEIRS' PROPERTY PROTECTION

Home Repair Programs

City Involvement: ***Significant***

Newark administers at least one home repair program.

County Involvement: ***None/Minimal***

Essex County administers at least one home repair program that excludes Newark residents, and Newark residents may be required to apply directly through the City of Newark.

State Involvement: ***None/Minimal***

State-funded programs are generally administered at the county or city level.

Summary

Possible approaches to protect heirs' property owners:

- Provide clearer guidance regarding available programs, eligibility requirements, and resources accessible to heirs' property owners.
- Programs funded through state or federal sources (including HUD, CDBG-DR, or others) should recognize alternative forms of ownership documentation permitted under federal guidelines.

The Newark home repair program materials do not indicate that heirs may use alternative forms of ownership documentation to establish eligibility. As a result, it is unclear whether these programs are accessible to heirs' property owners.[50]

Notes regarding individual home repair programs:

- **Live Newark Home Façade Improvement Program:** Requires recorded Deed for application and proof of currency on local property, water, and sewer taxes. The form is prefilled for the applicant to identify as "Self/Owner." Whether an heirs' property owner might be permitted to submit the application is unclear, particularly if the heir is not named on the recorded Deed.[51]
- **Newark Lead Hazard Grant:** May be available for heirs' property owners if a pregnant woman resides there or if a child under age six lives at the property or visits frequently. Homeowners and tenants are potentially eligible.[52] Water, sewer, and property taxes must be current.[53]
- **Essex County We Care (CDBG-Funded Home Improvement Program):** Not available for Newark residents. Information states that eligible improvements include heating system, roofing, plumbing, electrical, and code violation abatement. Newark residents may be required to apply directly through the City of Newark.[54]

NJ 2-1-1 (United Way) may have more specific resources, including possible grants for specific Newark districts or population groups.[55]

4. HEIRS' PROPERTY PROTECTION

Prevention of Equity Loss and Equity Theft

City Involvement: ***Minimal/Moderate***

County Involvement: ***Moderate***

Essex County offers a free Property Alert Service for deed fraud prevention.[56]

State Involvement: ***Moderate/Significant***

Summary

Possible approaches to protect heirs' property owners:

- Newark and Essex County can issue public awareness campaigns, refer people to legal and non-legal resources, and refer suspected criminal conduct to appropriate authorities.
- All levels of government can work to increase public awareness of rights under the Uniform Partition of Heirs Property Act to protect heirs from equity loss.[57]

Equity loss refers to situations where homeowners lose their accrued home equity without compensation. Equity theft generally involves the unlawful appropriation of equity, often through fraudulent conduct. In both mortgage and tax foreclosure contexts, where foreclosure proceedings may result in uncompensated loss of equity, state laws and procedural protections provide avenues for recovery that heirs and estates may utilize.[58] Newark legal practitioners have reported disputes involving heirs' property in which one sibling asserts ownership rights against other family members through eviction or ejectment actions, often followed by sale of the property for personal financial benefit.

Research for this project identified online advertisements promoting the acquisition of heirs' property as an investment opportunity, with some advertisements specifically focused on Newark properties.[59] Research did not identify public awareness initiatives by local governments advertising resources to help property owners avoid mortgage foreclosure, tax foreclosure, or equity theft schemes.[60]

The Essex County Prosecutor's Office has authority to prosecute criminal deed fraud and related offenses, but enforcement may be limited by county resources and prosecutorial priorities. Some home equity theft scams could give rise to civil claims requiring private legal action by affected property owners, in addition to possible enforcement by the New Jersey Attorney General's Office. Although the research did not identify publicly available information indicating a specific focus on deed theft or equity theft within the Essex County Prosecutor's Office, the Essex County Register's Office website includes a public warning regarding home equity theft and offers a free property record alert service.[61] Additionally, in May 2024, the Federal Bureau of Investigation's Newark Field Office issued a public alert regarding title theft.[62] The State also has substantial authority to address equity theft through criminal prosecution, consumer-protection enforcement, professional regulation, and statewide legislation and regulation.

5. HEIRS' PROPERTY PREVENTION OR RESOLUTION

Probate (Surrogate) Court Access

City Involvement: ***None***

County Involvement: ***Significant***

State Involvement: ***Significant***

Summary

Possible approaches to strengthen protections for heirs' property:

- Utilize existing county websites to provide more detailed guidance on the probate filing process.
- Expand availability of forms and self-help materials for heirs and heirs' property matters.
- Clearly explain the documentation and information required for heirs to advance probate filings.

State law and Court Rules govern probate court procedures in New Jersey, including filing fees and court filing requirements. However, probate cases are filed and handled in the Essex County Surrogate's Court, which provides forms and guidance on frequently asked questions (FAQs), including instructions on how to search for existing estate records.[63]

New Jersey permits a filing fee waiver in Surrogate's Court for filers whose household income falls below 150% of the federal poverty level. No data suggests that Essex County applies a different standard for fee waiver approvals.

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6. HEIRS' PROPERTY PREVENTION

Estate Planning Outreach—Newark and Essex County

City Involvement: ***Minimal***

County Involvement: ***Minimal***

State Involvement: ***Minimal***

Summary

Possible approaches to strengthen protection for heirs' property:

- Consider replicating Bergen and Mercer Counties' models of resource availability and advertisement, if such efforts and resources are not already in place.

Review of publicly available websites did not identify specific efforts by Newark or Essex County for estate planning outreach to mitigate heirs' property or information about low-cost or free estate planning assistance. The bordering Bergen County Surrogate's Office advertises estate planning outreach to local residents that could provide a model for similar efforts in Essex County.[64]

Appendix B

Trenton (Mercer County)

ADDITIONAL RESEARCH NOTES

Background: "OWNER" definition

Trenton's municipal code[65] (the "Trenton Code") does not contain a single definition of "Owner" that applies across all provisions. Instead, the Trenton Code provides several definitions of "Owner" (and related terms) in different sections, some of which may include individuals who hold heirs' property interests.

These definitions are listed within specific code subsections and apply only within those particular subject areas. As a result, how "Owner" is understood for purposes of proving ownership may vary depending on the provision involved. A few of the relevant definitions are listed below for reference.

Trenton Code § 127 defines both "owner" and "agent":

"OWNER[:]
A. Any person who, alone or jointly or severally with others, shall have:

(1) Legal equitable title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.

(2) Charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

B. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter and of rules and regulations adopted pursuant thereto, to the same extent as if (s)he were the owner."

"AGENT[:]
A. Any person who alone, jointly or severally with others shall:

(1) By virtue of any agreement, written or oral, with the owner be held, concurrently with the owner, responsible for the occupancy, charge, care, maintenance or transfer of title of such property.

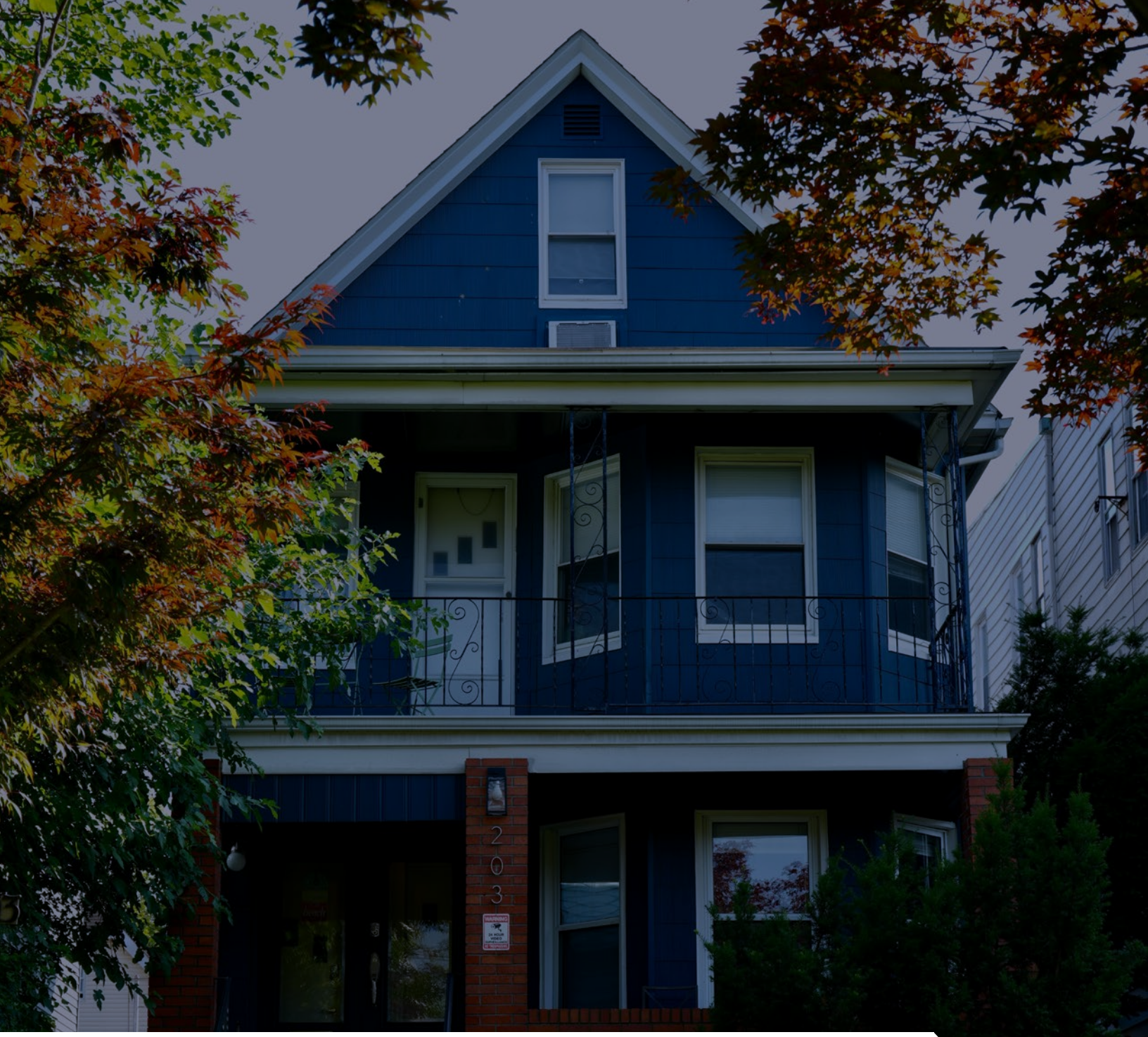
(2) Include but not be limited to attorneys, real estate agents, brokers, managers or salespersons, rental agents or managers, executors, administrators, trustees, or heirs, persons acting on behalf of a decedent or an incompetent or disabled individual, or persons acting generally on behalf of another with their expressed or implied permission in regards to the property."

Trenton Code § 171-1 (Nuisances) defines "owner" as "[a]ny person having any interest, legal or equitable, either alone or in combination with others, in any premises."

Trenton Code § 228-1 (Short-Term Rentals) provides a lengthier definition:

"OWNER[:] Any person who, alone or jointly or severally with others, shall have:
A. Legal equitable title to any dwelling or dwelling unit, with or without accompanying actual possession thereof.

B. Charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner."



ISSUE-BY-ISSUE ANALYSIS

NOTE: This report uses policy categories derived from complementary state-level reports examining heirs' property issues, primarily drawing from *New Jersey: State-Level Policy Scan of Law Impacting Heirs' Property*.[66]

This appendix contains parallel information to the Newark appendix; the research produced similar findings in both cities. However, this appendix is specific to Trenton and Mercer County data.

1. HEIRS' PROPERTY PROTECTION

Local Property Tax Billing and Property Tax Foreclosure Policies

City Involvement: ***Significant***

Through city offices of the tax assessor and tax collector, Trenton establishes assessed property values, sends annual tax bill notices, manages property tax payments, evaluates tax debt payment plan and other payment-related requests, auctions tax liens for unpaid taxes, and initiates foreclosures on city-owned property tax liens.

County Involvement: ***Moderate***

New Jersey property taxes are assessed on an annual basis by the local assessor and submitted to the county board of taxation.[67] Appeals of Trenton property tax assessments below $1 million are filed with the Mercer County Board of Taxation; appeals of assessments exceeding $1 million may be filed with the New Jersey Tax Court.[68]

State Involvement: ***Moderate***

Applications for all forms of homeowner property tax rebate and "tax freeze" programs are made at the state level. Proof of ownership requirements for such programs are therefore controlled at the state level. Further, appeals of tax assessments over $1 million may be filed with the New Jersey Tax Court. The state maintains a transparency website with local parcel data.[69] Property tax foreclosures are governed by state law and Court Rules (including New Jersey's Tax Sale Law, N.J.S.A. § 54:5-1 to -137, and N.J. Court Rules 4:64-6 through -7).

Summary

Possible approaches to protect heirs' property owners:

- Create local tax relief programs (for instance, installment plans, repayment plans, assistance funds) to assist property owners and heirs, and structure the programs so that heirs' property owners are explicitly eligible.
- Advertise the availability of local owner-occupant tax relief or payment plans, and heirs' eligibility through the tax collector website.
- Provide information on websites and social media about local tax relief options for heirs' property owners.
- Develop or build upon existing processes to identify and assist heirs with obtaining repayment plans for tax arrears; include a flyer that Surrogate Court staff can provide to heirs upon first contact.
- Identify likely or known heirs' property, conduct direct outreach to occupants, provide repayment options aimed at preventing foreclosure.
- Engage with local nonprofits and philanthropic organizations to develop resources to resolve heirs' property issues.
- Consider revising state law to establish a uniform framework for municipal acceptance of periodic payments. New Jersey utility regulations provide the right to deferred payment agreements, see N.J.A.C. § 14:3-7.7; similar payment agreement rights for tax arrears could be feasible.
- Revise municipal codes to authorize periodic payments and repayment plans. Such changes would benefit the city by maintaining more cash flow, and they would benefit all property owners who experience temporary financial hardship—not just heirs' property owners.
- As appropriate, revise or clarify state tax rebate program eligibility to formally accept heirs' property owner proofs, or hold refunds in escrow with escheat to NJ Unclaimed Property Administration if the heirs' property resolution is delayed.
- Have taxing authorities mail special notices to the property when a tax lien is subject to an upcoming auction, or has been auctioned.

Municipal code changes to formally recognize ownership proofs, as permitted by state law, would benefit heirs' property owners. A Trenton property owner learned of a property tax foreclosure and could not afford to repay the debt. As part of the owner's estate planning and with the goal of passing the property to heirs, the owner transferred ownership to the sole living child. When the child attempted to redeem the tax debt with proof of ownership, pursuant to New Jersey law allowing redemption, the tax collector would not accept redemption funds. With assistance from a legal services attorney, the property owner was able to establish that she was eligible to redeem the tax arrears under New Jersey law. She was thereby able to prevent total loss of the home and equity.

TRENTON

The city's most significant role is its authority over property tax billing, payment collection, and city-filed foreclosures. A review of Trenton's public websites concerning property taxes revealed Trenton's acceptance of partial payments on tax debts,[70] a policy that may help heirs' property owners avoid tax foreclosure if it is meaningfully advertised and offered. Trenton legal advocates report that local taxing authorities may not consistently offer repayment options.

The CWPP may function in a way that circumvents key heir protections contained in the NJ Uniform Partition of Heirs Property Act (UPHPA) and in the probate process. *To illustrate the potential equity loss concerns, the following real example is included, although the matter did not necessarily involve heirs' property.* In one case that may not have specifically involved heirs' property, the CWPP facilitated acquisition of a property for approximately $45,000 where the estimated market value was almost $600,000 with no other known liens. As structured, the CWPP allows a foreclosed homeowner's (or heir's) adverse family members, savvy neighbors, property speculators, or others to acquire the foreclosed property at a price below market value, after which the prior owner or occupants are subject to eviction. Equity above the debt amount is not returned to the former owner or heirs under the current framework. In the heirs' property context, the framework can have significant consequences. For example, if four heirs are entitled to equal shares of a home after their parents die, one heir can buy the house under the CWPP and take the other three siblings' equity. Some heirs utilize the CWPP to bypass the UPHPA and probate process, which would have equally divided the inheritance funds with other heirs.

MERCER COUNTY

For properties that proceed through tax foreclosure, a related issue at the county level arises in enforcement of heirs' property protections under the Community Wealth Preservation Program (CWPP).The 2024 CWPP was enacted with the stated goals of supporting community wealth preservation, fostering equity, and addressing historical disparities in property ownership including redlining, discrimination, and predatory lending.[72]

Under the CWPP, in a hypothetical heirs' property scenario involving ten equal heir interests, any individual heir may exercise an option to purchase the property for the foreclosure judgment amount and obtain title without any compensation to the co-heirs for their extinguished legal interests. Two competing heirs could apply to exercise the CWPP purchase option, leaving the sheriff to evaluate superiority of interest and rights. Further, the CWPP allows speculators and third parties to purchase heirs' properties for the judgment amounts and thus take the property equity without compensation to any of the heirs. The Mercer County sheriff webpage contains information about the CWPP and related legal challenges in which a judge determined that at least one section of the CWPP is unconstitutional.[73] However, heirs' property owners may still be at risk under other sections of the CWPP that remain active.

In 2025, New Jersey passed the Uniform Partition of Heirs Property Act (UPHPA), codified at N.J.S.A. § 46:30B-1 et seq., to protect heirs' property owners. The UPHPA allows a first right of refusal for heirs to purchase other co-heirs' legal interest if they pursue a sale, and otherwise ensure fair market sales. These measures are designed to prevent partition auctions and actions that erode generational wealth. The CWPP's efforts to protect generational wealth in foreclosures create an unintended legal loophole around the UPHPA's complementary protections.

NEW JERSEY

In New Jersey, eligibility for homeowner-occupant tax relief programs is primarily determined at the state level.[74] New Jersey tax relief programs such as ANCHOR (formerly the NJ Homestead Benefit), the Senior and Disabled Tax Freeze (tax bill freeze for eligible senior and disabled property owners), and Stay NJ (50% rebate on property tax bill for eligible owners aged 65 or older) are administered by the State of New Jersey through a single application form.[75] Because these programs are state-administered, the municipality generally does not control documentation and ownership proof requirements for eligibility determinations. However, the municipality may have opportunities to communicate with the State regarding acceptable ownership documentation and advocate for a broader range of acceptable ownership proofs to assist residents.

2. HEIRS' PROPERTY PROTECTION

Disaster Relief

City Involvement: ***Significant***

The city manages local permitting for new structures and demolition, and occasional local disaster relief grants. Damaged historic properties would likely need special city approvals to complete repairs.

County Involvement: ***None/Minimal***

State Involvement: ***Moderate/Significant***

Much disaster aid is distributed by the state as administrator of federal Community Development Block Grant–Disaster Relief funds (commonly known as CDBG-DR). These State-administered programs, supported by federal or other grant funds, are often the primary source of disaster relief grants and may contain separate ownership requirements that impact heirs' property.

Summary

Possible approaches to protect heirs' property owners:

- Identify and advertise available local disaster relief programs and eligibility requirements, including whether flexible forms of ownership documentation are accepted for heirs' property.
- Clarify eligibility pathways for heirs' property owners in disaster relief programs, including the steps required to demonstrate eligibility and access assistance.

For federally declared disasters after March 22, 2024, the Federal Emergency Management Agency (FEMA) accepts self-certification of ownership for heirs' property (heirship affidavits) as a last resort when owners lack traditional documented proof.[76]

TRENTON

The research methodology did not identify specific disaster relief programs administered by Trenton.

For necessary repair grants and permitting, Trenton policies do not explicitly include or exclude heirs' property owners. Trenton allows online submission of construction permit applications and includes a sworn certification section that may be completed by an Owner or an Owner's Agent.[77] If this form is designed for contractors and other third parties to manage property permit applications, then it could permit an heirs' property owner to complete an application.

3. HEIRS' PROPERTY PROTECTION

Home Repair Programs

City Involvement: ***Significant***

Trenton administers at least one home repair program (Trenton Urgent Rehabilitation Program).[78]

County Involvement: ***None/Minimal***

Mercer County administers at least one home repair program, but Trenton residents are not eligible.[79]

State Involvement: ***None/Minimal***

Any state-funded programs are generally administered at the local county or city level.

Summary

Possible approaches to protect heirs' property:

- Provide clearer guidance regarding available programs, eligibility requirements, and resources specifically accessible to heirs' property owners.
- Recognize alternative forms of ownership documentation permitted under federal guidelines to establish eligibility for programs funded through state or federal sources (including HUD, CDBG-DR, and others).[80]

Notes regarding Trenton home repair programs:

- **Trenton Urgent Rehabilitation Program (TURP):** Information available online suggests heirs' property owners are not eligible. The application requires that applicants be named on the filed deed, have a current homeowner's insurance policy in effect, and be current on local taxes for property, water, and sewer.[81] Such requirements would likely exclude heirs' property owners.
- **Mercer County Housing Rehabilitation Program:** Trenton is not listed as an eligible township for this program.[82] Other benefits programs might be available from the city or county.[83]

NJ 2-1-1 (United Way) may have more specific resources, including possible grants for specific Trenton districts or population groups.[84]

4. HEIRS' PROPERTY PROTECTION

Prevention of Equity Loss and Equity Theft

City Involvement: Minimal/Moderate

County Involvement: Moderate

Mercer County offers a free Property Alert Service for deed fraud prevention.[85]

State Involvement: Moderate/Significant

Summary

Possible approaches to protect heirs' property:

- Trenton and Mercer Counties can issue public awareness campaigns, refer people to legal and non-legal resources, and refer suspected criminal conduct to appropriate authorities.

Equity loss refers to situations where homeowners lose their equity without compensation. Equity theft covers situations where equity is taken unlawfully. In both the mortgage and tax foreclosure contexts, where equity may be taken without compensation by a foreclosing lienholder, state laws and rules contain protections against equity theft and processes for possible recovery that heirs and estates may utilize.[86]

Online private advertisements encourage the purchase of heirs' property as an investment opportunity in Mercer County. One Facebook group advertised its offer to research properties and ensure equity exists, then track down heirs to purchase their interests at a discount.[87] An online search did not show easily accessible public awareness efforts by the city or county to notify heirs' property owners (or other homeowners) of the resources available to help them avoid mortgage foreclosure, tax foreclosure, or equity theft scams.

Mercer County offers a free Property Alert Service to prevent deed fraud,[88] and the Mercer County Clerk issued a May 2023 bulletin concerning home title scams.[89]

A review of the Mercer County prosecutor's website did not show a specific focus on deed theft or equity theft crimes, but it advertises an economic crimes unit that may handle these charges. Mercer County prosecutors have authority to prosecute criminal deed fraud and other criminal violations, but such enforcement may be limited under available resources and prosecution priorities. Home equity theft scams could also result in civil violations that require owners to pursue their own civil lawsuits, and may be enforced at the state attorney general level. The State also has substantial authority to address equity theft through criminal prosecution, consumer-protection enforcement, professional regulation, and statewide legislation and regulation.

5. HEIRS' PROPERTY PREVENTION OR RESOLUTION

Probate (Surrogate) Court Access

City Involvement: ***None***

County Involvement: ***Significant***

State Involvement: ***Significant***

Summary

Possible approaches to protect heirs' property:

- Use existing county websites to provide more detailed information about the probate filing process.
- Make available forms and self-help information impacting heirs and heirs' property.
- Explain what documentation and information is required for heirs to move forward with probate filings.

State law and state rules govern the probate court process in New Jersey, including applicable filing fees and procedures. However, probate cases are filed and adjudicated in the County Surrogate's Court. The Mercer County Surrogate's Court maintains a website that offers forms and guidance, including how to search for existing estate records and a checklist for what to review when someone passes away.[90]

New Jersey state rules permit a filing fee waiver in Surrogate's Court for filers who have household income below 150% of the federal poverty level. No data suggests that Mercer County differs from other counties with respect to fee waiver approval.

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6. HEIRS' PROPERTY PREVENTION

Estate Planning Outreach—Trenton and Mercer County

City Involvement: ***Minimal***

County Involvement: ***Moderate/Significant***

State Involvement: ***Minimal***

Summary

Possible approaches to protect heirs' property:

- Build upon the existing Mercer County outreach model to assist heirs' property owners.

Public websites showed that Mercer County offers estate planning outreach to local residents, including lectures and seminars for community members. The Mercer County Surrogate's Office website provides Estate Search tools and a Survivor Checklist.

Appendix C

Other Websites Reviewed

NON-EXHAUSTIVE LIST

Newark city webpage:
https://www.newarknj.gov/

Newark tax collector:
https://www.newarknj.gov/430/City-of-Newark-Payment-Center

Newark tax assessor:
https://www.newarknj.gov/170/Finance

Essex County prosecutor's office:
https://njecpo.org/

Essex County Surrogate's Court:
https://essexsurrogate.com/

Essex County tax board:
https://www.essexcountynjtaxboard.org/

Trenton city webpage:
https://trentonnj.org/

Trenton tax collector:
https://www.trentonnj.org/211/Division-of-Tax

Trenton tax assessor:
https://www.trentonnj.org/192/Division-of-Assessment

Mercer County prosecutor's office:
https://mercercountyprosecutor.com/

Mercer County Surrogate's Court:
https://www.mercercounty.org/government/county-surrogate

Mercer County tax board:
https://www.mercercounty.org/government/board-of-taxation

ENDNOTES

1 See, for example, JPMorganChase, "Preserve Your Home, Safeguard Your Legacy: Tackling Heirs Property," 2025, https://www.jpmorganchase.com/content/dam/jpmc/jpmorgan-chase-and-co/documents/preserve-your-home-safeguard-your-legacy-tackling-heirs-property.pdf; U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, "What You Need to Know about Heir Property," n.d., https://www.fsa.usda.gov/sites/default/files/documents/whatuneedtoknow_heirprop.pdf; U.S. Department of Agriculture, "Heirs' Property Landowners." *Farmers.gov* https://www.farmers.gov/working-with-us/heirs-property-eligibility (last visited June 12, 2026); Freddie Mac, "Understanding Heirs' Property," *My Home by Freddie Mac*, January 23, 2025, https://myhome.freddiemac.com/blog/homeownership/understanding-heirs-property; and Avanthi Cole, "For the 'Wealthy and Legally Savvy': The Weaknesses of the Uniform Partition of Heirs Property Act as Applied to Low-Income Black Heirs Property Owners," *Columbia Journal of Race and Law* 11, no. 2 (April 15, 2021): 343–72, https://doi.org/10.52214/cjrl.v11i2.8237.

2 G. Rebecca Dobbs and Cassandra Johnson Gaither, "How Much Heirs' Property Is There? Using LightBox Data to Estimate Heirs' Property Extent in the United States," SRDC Special Topics, 2023, https://scholarsjunction.msstate.edu/srdctopics-heirsproperty/1/. See especially Table 2: State Heirs' Parcels and All Parcels Totals (dollar figures as of November 2021), p. 15.

3 See José Díaz, *Heirs' Property: Investing to Preserve Wealth in New Jersey, Social Return on Investment (SROI) Analysis*, p. 6, Asset Funders Network, 2026, https://assetfunders.org/wp-content/uploads/AFN_NJ-Heirs-Property-SROI.pdf, and Maryann Flanigan Sutherland, Sarah B. Mancini, and Andrea Bopp Stark, *New Jersey: State-Level Policy Scan of Laws Impacting Heirs' Property*," Asset Funders Network, 2026, https://assetfunders.org/wp-content/uploads/AFN_NJ_Heirs-Property-Checklist.pdf.

4 New Jersey Statutes Annotated (N.J.S.A.) § 54:5-19. See New Jersey's Tax Sale Law more broadly at N.J.S.A. §§ 54:5-1 to -137.

5 N.J.S.A. § 54:5-19; see also New Jersey's Tax Sale Law more broadly at N.J.S.A. §§ 54:5-1 to -137 and New Jersey Court Rules 4:64-6 through -7.

6 N.J.S.A. § 54:5-87.

7 "[P]roperty owners facing tax foreclosure can now take steps to preserve their equity in property being foreclosed. See N.J.S.A. 54:5-87(b) (2024)." *257-261 20th Ave., Realty, LLC v. Roberto*, 259 N.J. 417, 434, 327 A.3d 1177, 1186 (2025).

8 Tiffany D. Thomas, "Heirs' Property and Its Effects on Black Land Ownership in Cities," *National League of Cities*, February 14, 2024, https://www.nlc.org/article/2024/02/14/heirs-property-and-its-effects-on-black-land-ownership-in-cities/.

9 See Heather K. Way and Noah J. Durst, The Impacts of Heirs' Property on Homeowners in North Texas, Asset Funders Network, 2025, https://assetfunders.org/wp-content/uploads/AFN_Impacts_HeirsProperty_Homeowners_NTx_vFinal.pdf; "Heirs' property . . . remains largely overlooked in urban research, despite its potential implications for housing instability and racial inequality. To address this gap, this article examines residential heirs' properties in the Dallas-Fort Worth Metroplex[, Texas]. . . . We find that heirs' properties are, on average, older and of poorer quality than other homes and are heavily concentrated in economically disadvantaged neighborhoods with large shares of Black and Latino homeowners. These findings offer insights into the urban dimensions of residential heirs' property and efforts to reduce barriers to housing and neighborhood stability, support intergenerational wealth preservation, and reduce economic inequality in cities." Noah J. Durst and Heather K. Way, "Heirs' Property in Urban America: A Case Study of Inherited Homeownership in the Dallas-Fort Worth Metroplex" *Urban Affairs Review*, March 23, 2026, https://doi.org/10.1177/10780874261435192. Sarah Stein and Ann Carpenter find that urban heirs' property in Jacksonville, Florida, "share[s] many characteristics prior research has associated with rural heirs' properties. Heirs' properties tend to be found within lower-income, low-wealth (in terms of housing equity), low educational attainment, and racial and ethnic minority communities. Our regression results also indicated that neighborhoods with a higher share of the population that is Black had a significant and positive impact on heirs' property concentration." "Heirs' Property in an Urban Context," p. 1, AgEcon Research (2022), https://doi.org/10.22004/ag.econ.316788. See also Díaz, *Heirs' Property: Investing to Preserve Wealth in New Jersey*.

10 Díaz, *Heirs' Property: Investing to Preserve Wealth in New Jersey*, p. 6.

11 See Heather K. Way, *Heirs' Property: Acting to Preserve Wealth*, Asset Funders Network, 2023, https://assetfunders.org/wp-content/uploads/AFN_HeirsProperty_Brief.pdf; Heather K. Way, *Heirs' Property: Policies to Preserve Wealth*, Asset Funders Network, 2025, https://assetfunders.org/wp-content/uploads/AFN_HeirsProperty_ExecSummary.pdf.

12 Díaz, *Heirs' Property: Investing to Preserve Wealth in New Jersey*, p. 6.

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14 Díaz, *Heirs' Property: Investing to Preserve Wealth in New Jersey*; Flanigan Sutherland, Mancini, and Stark, *New Jersey: State-Level Policy Scan*; Sarah Mancini and Nketiah Berko, "Texas: Checklist of State and Local Legal Heirs' Property Protections" Asset Funders Network, 2024, https://assetfunders.org/wp-content/uploads/AFN_HeirsProperty_TX_Checklist.pdf.

ENDNOTES

15 N.J.S.A. 40:42-1 *et seq*. Generally, states that follow Home Rule provide local government broad authority to manage local matters unless the state forbids it. In states that do not use Home Rule, Dillon Rule allows local governments to act only if the state explicitly grants permission. For further explanation, see Nebraska Legislative Research Office, Travis Moore, "Dillon Rule and Home Rule: Principles of Local Governance," *LRO Snapshot*, February 2020, https://nebraskalegislature.gov/pdf/reports/research/snapshot_localgov_2020.pdf.

16 See N.J.S.A. § 40:48-2.

17 See N.J.S.A. § 40:16-1 *et seq*.

18 Relevant governing law includes N.J.S.A. Title 3b, "Administration of Estates—Decedents and Others" (§§ 3B:1-1 to 3B:31-84) and § 22A:2-30, "Fees of surrogate and deputy clerk of the Superior Court." New Jersey Court Rules Chapter 9 governs probate matters; Court Rule 4:80 addresses "Application to Surrogate's Court for Probate or Administration."

19 Prudential Insurance Company of America, "How a Family of Black Women Is Closing the Wealth Gap," *Blueprints to Black Wealth*, https://blueprints.prudential.com/building-generational-wealth-across-three-generations/ (last visited June 12, 2026); Diaz, *Heirs Property: Investing to Preserve Wealth in New Jersey*; Flanigan Sutherland, Mancini, and Stark, New Jersey: State-Level Policy Scan of Laws Impacting Heirs' Property.

20 Including but not limited to (i) the webpages listed in Appendix C; (ii) Live Newark Home Facade Improvement Program (https://www.newarknj.gov/DocumentCenter/View/724/Live-Newark-Facade-Home-Improvement-Program-PDF); (iii) Essex County Home Improvement Program (not available in Newark, but directs city residents to their municipality for further information, https://wecare.essexcountynj.org/support/solutions/articles/69000803320-essex-county-home-improvement-program); (iv) Trenton Urgent Rehabilitation Program (https://www.trentonnj.org/DocumentCenter/View/5607/City-of-Trenton-Home-Owner-Urgent-Rehabilitation-Program-Application-2022?bidId=); and (v) Mercer County Housing Rehabilitation Program (not available in Trenton) (https://www.mercercounty.org/home/showpublished-document/29158/638441215156500000).

21 E.g., Díaz, *Heirs' Property: Investing to Preserve Wealth in New Jersey; Sutherland, Mancini, and Stark, New Jersey: State-Level Policy Scan*; Mancini and Berko, "Texas: Checklist of State and Local Legal Heirs' Property Protections."

22 "[T]he single biggest way local governments could protect heirs property owners from loss remains largely undiscussed: making their property tax relief programs accessible to heirs property owners and increasing their uptake." Sarah Mancini, "Preventing Tax Foreclosures Is the Best Way Local Governments Can Protect Heirs' Property Owners," *New America*, May 5, 2026, https://www.newamerica.org/insights/preventing-tax-foreclosures-is-the-best-way-local-governments-can-protect-heirs-property-owners/.

23 To assist heirs, the city of Philadelphia created Owner-Occupied Real Estate Tax Payment agreement (OOPA) forms (https://www.phila.gov/documents/owner-occupied-real-estate-tax-payment-agreement-forms/) and a homestead affidavit form so that heirs can qualify for a $100,000 homestead exemption (https://www.phila.gov/documents/homestead-affdavit/).

24 In Pennsylvania, notice of upcoming tax lien sales must be mailed to each owner at least 30 days prior to the sale, with specific warning language conspicuously placed upon the notice. 72 Penna. Statutes § 5860.602.

25 Philadelphia designed a construction permit application that permits equitable heirs' property owners to apply. See section 2, allowing application by an "equitable owner," "Construction Permit Application," Revised February 2023, https://www.phila.gov/media/20230210092939/P_001_F_Building-Permit-Application-Rev-2.2023.pdf.

26 Because of this requirement, an heir owner may be unable to obtain insurance and thus be ineligible for local home repair programs. Elinor Haider, "How 'Tangled Titles' Affect Philadelphia," *Pew Charitable Trusts*, August 17, 2021, https://www.pew.org/en/research-and-analysis/reports/2021/08/how-tangled-titles-affect-philadelphia.

27 With support from the Pennsylvania Association of Realtors, the Pennsylvania legislature amended sections of its state laws in 2024 to protect property owners. See 63 Penna. Statutes § 455.101 *et seq*., "Real Estate Licensing and Registration Act." The protections include (a) requiring "We Buy Houses" wholesalers to be licensed by the City of Philadelphia; (b) requiring licensed wholesalers to follow ethical guidelines and provide accurate information to homeowners; and (c) making Agreements of Sale entered into with unlicensed wholesalers cancellable by the homeowner at any time before closing. More information is available at Community Legal Services of Philadelphia, "Homebuying Scams," https://clsphila.org/services/homebuying-scams/ (last visited June 12, 2026). Philadelphia's Department of Records acts as the recorder of deeds; to help prevent deed fraud, the Department created an informational webpage with a free Deed Fraud email alert service for Philadelphia property owners. See City of Philadelphia, "Property, Lots & Housing," https://www.phila.gov/services/property-lots-housing/get-help-with-deed-or-mortgage-fraud/sign-up-for-deed-fraud-protection (last visited June 12, 2026).

ENDNOTES

28 The Essex County Surrogate Court provides a caveat filing form online; see Essex County Surrogate's Court, "Caveat" https://essexsurrogate.com/wp-content/uploads/Caveat.pdf. The Mercer County Surrogate Court provides information about caveat on an informational webpage covering probate of wills. See Mercer County Surrogate, "Probate of Wills," https://www.mercercounty.org/government/county-surrogate/probate-of-wills (last visited June 12, 2026).

29 For an example, see City of Philadelphia, "Tangled Title Information Sheet," https://www.phila.gov/documents/tangled-title-information-sheet/.

30 Making probate and estate records easily searchable so that an individual can learn whether an estate was opened would be beneficial for those trying to locate existing estate filings and other heirs. Delaware County, Pennsylvania, allows online access to register of wills information. See Delaware County Recorder of Deeds, "Public Access Sites" https://www.delcopa.gov/recorder-deeds/public-access-sites.

31 The City of Philadelphia Register of Wills has created a video series to raise public awareness about will filings and common questions. See City of Philadelphia, "The Register Reacts: A Video Series by the Register of Wills," November 8, 2021, https://www.phila.gov/2021-11-08-the-register-reacts-a-video-series-by-the-register-of-wills.

32 Available online at https://ecode360.com/36619313.

33 See City of Newark, "LIVE NEWARK Facade Home Improvement Program," https://www.newarknj.gov/DocumentCenter/View/724/Live-Newark-Facade-Home-Improvement-Program-PDF.

34 Relevant City of Newark departments and divisions were contacted to discuss their awareness of and approaches to addressing harms associated with unresolved heirs' property issues, but most meetings could not be scheduled within the scope of this effort.

35 Flanigan Sutherland, Mancini, and Stark, *New Jersey: State-Level Policy Scan*.

36 State of New Jersey, "Property Tax," *NJ Transparency Center*, https://www.nj.gov/transparency/property (last visited June 12, 2026).

37 New Jersey Division of Taxation, "Assessment and Appeals," https://www.nj.gov/treasury/taxation/lpt/lpt-appeal.shtml (last visited June 12, 2026).

38 The parcel data is available at "Property Tax," *NJ Transparency Center,*" https://www.nj.gov/transparency/property.

39 Factors influencing the length of the redemption period include whether a foreclosure was filed, the nature of the foreclosure filing (in rem for city-owned liens or in personam for most investor-owned liens), the number of defendants that must be served with legal notice, and the existence of bankruptcy filings, among others.

40 Andrea Bopp Stark and Odette Williamson, *Property Tax Foreclosures on Heirs Property: The Devastating Consequences and Recommendations for Prevention*, Report, National Consumer Law Center, August 22, 2023, https://www.nclc.org/resources/property-tax-foreclosures-on-heirs-property-the-devastating-consequences-and-recommendations-for-prevention/; Heather K. Way, "The Intersection of Residential Heirs' Property and Property Tax Foreclosures" University of Texas School of Law, Center of Excellence for Housing and Community Development Policy Research, November 2024, https://law.utexas.edu/faculty/uploads/publication_files/way-final-hud-project-report-heirs-property-and-tax-foreclosures-111424.pdf.

41 See N.J.S.A. § 2A:50-64.

42 Britnee N. Timberlake, *Community Wealth Preservation Program (CWPP)* Manual, 1st ed. (2024), https://assets.nationbuilder.com/electtimberlake/pages/115/attachments/original/1721736805/CWPP_Manual_-_1st_Edition_2024.pdf.

43 "As per Senator Timberlake's recommendation that sheriff's offices temporarily suspend the nonprofit portion of the Community Wealth Preservation Program until her new revised portion of the law passes, the Essex County Sheriff's Office is suspending nonprofit sales until the revised law is in effect." Essex County Sheriff's Office, "Foreclosure listings," https://www.essexsheriff.com/foreclosure-listings/ (last visited June 12, 2026).

44 N.J.S.A. § 46:30B-1 *et seq*.

45 Information about the combined state-level application for all programs is available at the Division of Taxation's "Stay NJ" webpage. New Jersey Treasury, Division of Taxation, "Stay NJ—Property Tax Relief for Senior Citizens," https://www.nj.gov/treasury/taxation/staynj/index.shtml.

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47 U.S. Department of Homeland Security, Federal Emergency Management Agency, "Verifying Home Ownership or Occupancy," August 12, 2025, https://www.fema.gov/assistance/individual/after-applying/verifying-home-ownership-occupancy; William C. Hagmaier, Memorandum to Regional Administrators, Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1, March 22, 2024, https://www.fema.gov/sites/default/files/documents/fema_individual-assistance-regulation-implementation-iappg-amendments-3.22.24.pdf. "In the aftermath of a natural disaster, disaster survivors rely heavily on local and federal relief to rebuild their devastated homes. For households without formal legal title to

ENDNOTES

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48 See City of Newark, "Portal links," https://newarkcitynj.portal.fasttrackgov.com/Common/ApplicationLinks.aspx.

49 Nketiah "Ink" Berko, Letter to HUD re: CDBG-DR and Heirs Property/Alternative Title Documentation, October 21, 2024, https://www.nclc.org/wp-content/uploads/2024/10/Letter-to-HUD-re_-CDBG-DR.10212024-Nketiah-Ink-Berko.pdf.

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52 City of Newark, Department of Health and Community Wellness, "Newark Lead Hazard Grant," https://www.newarknj.gov/200/Newark-Lead-Hazard-Grant (last visited June 12, 2026).

53 City of Newark, Department of Health and Community Wellness, "Lead Hazard Reduction (LHR) Program, Clients Frequently Asked Questions (FAQ)," https://www.newarknj.gov/DocumentCenter/View/754/FAQs-for-City-of-Newark-Lead-Hazard-Reduction-LHR-Grant-Program-PDF.

54 Essex County, "Essex County Home Improvement Program," https://wecare.essexcountynj.org/support/solutions/articles/69000803320-essex-county-home-improvement-program (last visited June 12, 2026).

55 Individuals in New Jersey can dial 2-1-1 from a phone, text their zip code to 898-211, or visit https://nj211.org/.

56 Essex County, "Landex Record Alert," https://www.landex.com/recordalert/?county=essex.

57 New Jersey passed the UPHPA in 2025, codified at N.J.S.A. § 46:30B-1 *et seq*. The UPHPA allows a first right of refusal for heirs to purchase other co-heirs' legal interest if they pursue a sale, and otherwise ensure fair market sales. These measures are designed to prevent partition auctions and actions that erode generational wealth.

58 See NJ Foreclosure Rescue Fraud Prevention Act, N.J.S.A. § 46:10B-53 *et seq*., and Simon v. Cronecker, 189 N.J. 304, 915 A.2d 489 (2007), which mandated a Court procedure to protect property owners from equity loss to "title raiders" in tax foreclosure, but still permitted equity loss to a foreclosing lienholder.

59 This paper focuses on formally published and publicly verifiable sources. Online forum communities were not engaged for comment during the research process. To avoid amplifying informal content without consent or engagement, those forum discussions are not cited.

60 Nonprofit organizations may engage in awareness efforts and provide resources. The Center for Heirs' Property, https://www.heirsproperty.org, offers free legal support and financial education for heirs' property owners.

61 Essex County Register of Deeds and Mortgages, "Did You Know," https://essexregister.com/did-you-know/ (last visited June 12, 2026); Karen Price Mueller, "The Truth Behind Those Terrifying Home Title Theft Commercials Scaring Homeowners," *NJ.com*, December 15, 2025, https://www.nj.com/news/2025/12/the-truth-behind-those-terrifying-home-title-theft-commercials-scaring-homeowners.html.

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ENDNOTES

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77 City of Trenton, Construction Permit Application, *Apply For*, https://www.trentonnj.org/143/Apply-For.

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