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Farm Ownership & Corporate Farming Laws: *Alabama*



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Farm Ownership & Corporate Farming Laws: Alabama

Fast Find:

- 1) Prohibition: Ala. Code § 35-1-1.1
- 2) Permission: Ala. Const. § 34; Ala. Code § 35-1-1
- 3) Reporting: None
- 4) Corporate Farming: None

[Ala. Const. § 34](#) [Ala. Code § 35-1-1](#) [Ala. Code § 35-1-1.1](#)

Current through laws passed by the Regular Session of the 2023 Alabama State Legislature, and current through the end of the First Special Session of the 2023 Alabama State Legislature.

§ 34. Property rights of aliens.

Foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

§ 35-1-1. Right of aliens to take, hold, and transmit property.

An alien, resident or nonresident may take and hold property, real and personal, in this state, either by purchase, descent, or devise, and may dispose of and transmit the same by sale, descent, or devise as a native citizen.

§ 35-1-1.1. Certain governments or governmental entities prohibited from acquiring certain real property in the state.

(a) This act shall be known and may be cited as the Alabama Property Protection Act.

(b) For purposes of this section, the following words have the following meanings:

(1) Agricultural and forest property. All real property used for raising, harvesting, and selling crops or for the feeding, breeding, management, raising, sale of, or the production of livestock, or for the growing and sale of timber and forest products.

(2) Critical infrastructure facility. Any of the following:

a. A chemical manufacturing facility.



- b. A refinery.
- c. A plant or facility producing electric energy no matter how generated or produced.
- d. A water treatment facility or wastewater treatment plant.
- e. A liquid natural gas terminal.
- f. A telecommunications central switching office.
- g. A gas processing plant, including any plant used in the processing, treatment, or fractionation of natural gas.
- h. A seaport facility as defined in Section 40-13-1.
- i. Aerospace or spaceport infrastructure.
- j. An airport as defined in Section 23-1-411.

(3) Foreign country of concern. China, Iran, North Korea, and Russia. This term shall not include Taiwan.

(4) Foreign principal. Any of the following:

- a. The government or any official of the government of a foreign country of concern.
- b. A political party or member of a political party or any subdivision of a political party in a foreign country of concern.
- c. A country or government identified on any sanctions list of the United State Department of the Treasury's Office of Foreign Assets Control.

(5) Military installation. A base, camp, post, station, yard, or center that is under the jurisdiction of the Department of Defense or its affiliates, encompassing at least 10 contiguous acres.

(6) Real property. Land, buildings, fixtures, and all other improvements to land.

(c) Notwithstanding any other law, no foreign principal shall acquire title to, or acquire a controlling interest in, any of the following:

- (1) Agricultural and forest property.
- (2) Real property on or within 10 miles of any military installation or critical infrastructure facility.

(d) Subsection (c) shall apply only to the purchase of or other acquisition of title to real property on or after August 1, 2023. The purchase of or other acquisition of title to real property prior to August 1, 2023, is governed by the law in effect immediately prior to August 1, 2023, and that law is continued in effect for that purpose.



(e) No title insurer, title agent, real estate licensee, or other settlement provider as defined by the Real Estate Procedures Act, 12 U.S.C. 2601 et seq., shall be liable for any violation of subsection (c).

