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Farm Ownership & Corporate Farming Laws: *Georgia*



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Farm Ownership & Corporate Farming Laws: Georgia

Fast Find:

- 1) Prohibition: Ga. Code Ann. § 2-1-7
- 2) Permission: Ga. Code Ann. § 1-2-11
- 3) Reporting: None
- 4) Corporate Farming: Ga. Code Ann. § 2-1-7

[Ga. Code Ann. § 1-2-11](#) [Ga. Code Ann. § 12-1-7](#)

Current through laws passed during the 2024 Regular Session of the Georgia General Assembly.

§ 1-2-11. Rights of aliens; rights as to realty

(a) Aliens are the subjects of foreign governments who have not been naturalized under the laws of the United States.

(b) Aliens who are subjects of governments at peace with the United States and this state, as long as their governments remain at peace with the United States and this state, shall be entitled to all the rights of citizens of other states who are temporarily in this state and shall have the privilege of purchasing, holding, and conveying real estate in this state.

§ 2-1-7. Limitations on the acquisition of land near military facilities by nonresident aliens

(a) As used in this Code section, the term:

(1) “Agent of a foreign government” means:

(A) Any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign government or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government, and who directly or through any other person:

(i) Engages within the United States in political activities for or in the interests of such foreign government;



(ii) Acts within the United States as a public relations counsel, publicity agent, information service employee, or political consultant for or in the interests of such foreign government;

(iii) Within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interests of such foreign government; or

(iv) Within the United States represents the interests of such foreign government before any agency or official of the government of the United States; and

(B) Any person who agrees, consents, assumes, or purports to act as, or who is or holds himself or herself out to be, whether or not pursuant to a contractual relationship, a person described in subparagraph (A) of this paragraph.

(2) “Agricultural land” means any land capable of use in the production of agricultural crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products, but does not include any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.

(3) “Nonresident alien” means:

(A)(i) Any natural person described in subsection (a) of Code Section 1-2-11 who is not a United States citizen or legal resident, is an agent of a foreign government designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R. Section 7.4, and:

(I) Has been physically absent from the United States for more than six months out of the most recent 12 months preceding the acquisition of a possessory interest described in this Code section; or

(II) Has been physically absent from Georgia for more than two months out of the most recent 12 months preceding the acquisition of a possessory interest described in this Code section.

(ii) The provisions of this subparagraph shall not be in conflict with the federal Fair Housing Act.

(B) A corporation, partnership, limited partnership, trustee, or other business entity that is:

(i) Domiciled in a country whose government is designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R. Section 7.4; or

(ii) Domiciled within the United States, but the ownership of at least 25 percent of which is composed of any corporation, partnership, limited partnership, trustee, or other business



entity that is domiciled in a country whose government is designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R. Section 7.4;

provided, however, that this subparagraph shall not include a corporation, partnership, limited partnership, trustee, or other business entity leasing land from its owner and using such land for agricultural research and development or experimental purposes, including testing, developing, or producing crop production inputs, including, but not limited to, seeds, plants, pesticides, soil amendments, biologicals, and fertilizers, for sale or resale to farmers; or

(C) A foreign government designated as a foreign adversary by the United States Secretary of Commerce pursuant to 15 C.F.R. Section 7.4.

(4) “Residential property” means real estate intended to be used as the purchaser's dwelling, as such term is defined in Code Section 8-3-201.

(b)(1) Except as provided by subsections (c) and (d) of this Code section, no nonresident alien shall acquire directly or indirectly any possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport.

(2) This subsection shall not apply to residential property.

(c)(1)(A) A nonresident alien may acquire a possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport by devise or inheritance, as security for indebtedness, in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise.

(B) Any such possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport acquired by a nonresident alien in the collection of debts or by any procedure for the enforcement of a lien or claim thereon shall be disposed of within two years after acquiring such possessory interest.

(C) Any such possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport acquired by a nonresident alien by devise or inheritance shall be disposed of within one year after acquiring such possessory interest.

(2) A nonresident alien with any possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport as of June 30, 2024, shall dispose of such possessory interest no later than June 30, 2027.

(d) A nonresident alien that acquires a possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport pursuant to subsection (c) of this Code section may avoid disposing of such interest if,



within the time required for disposal, such nonresident alien terminates said nonresident alien status.

(e) A broker who is engaged by client who is a prospective buyer or seller of a possessory interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport shall timely disclose to said client the requirements and limitations of this Code section. For purposes of this subsection, the terms “broker,” “client,” and “timely” shall have the same meanings as provided in Code Section 10-6A-3.

(f) A nonresident alien that purports to acquire any interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport in violation of this Code section shall be barred from making any claim against any party for restitution of the purchase price paid by such nonresident alien in connection with such interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport or for any other kind of payment relating to the nonresident alien's loss or lack of title to such interest in agricultural land or land within a ten-mile radius of any military base, military installation, or military airport. The legal counsel of any county, municipality, or consolidated government in which the agricultural land or land within a ten-mile radius of any military base, military installation, or military airport is located, the Attorney General, or any person that is not a nonresident alien that was a party to the void transaction or is a subsequent holder of such interest may file an action to void the conveyance and have the interest revert to the previous owner.

(g) An individual who intentionally violates the provisions of this Code section shall be guilty of a felony and shall be punished by a fine of not more than \$15,000.00 and imprisonment for not less than one year nor more than two years.

