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Farm Ownership & Corporate Farming Laws: *Pennsylvania*



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Fast Find:

- 1) Prohibition: 68 Pa. Stat. Ann. §§ 28; 30; 31; 41; 42; 43; 44; 46; 47
- 2) Permission: 68 Pa. Stat. Ann. §§ 22; 23; 24; 29
- 3) Reporting: None (requires monitoring of AFIDA data by PA Dept. of Ag)
- 4) Corporate Farming: None

68 Pa. Stat. Ann. §§ 22 to 24; 28 to 31

68 Pa. Stat. Ann. §§ 41 to 47*

Current through laws passed by the 2022 Regular Session Act 166 of the Pennsylvania General Assembly. Some statute sections may be more current, see credits for details.

§ 22. Aliens may take, hold, and dispose of realty by devise or descent

Every person, being a citizen or subject of any foreign state, shall be able and capable in law of acquiring and taking, by devise or descent, lands and other real property in this commonwealth, and of holding and disposing of the same, in as full and ample a manner as the citizens of this state may or can do, and no such lands or estate so held by devise or descent shall escheat or be forfeited to the commonwealth, for or on account of the alienage of such person claiming the same under any last will, or succeeding thereto, according to the laws of this commonwealth.

§ 23. Aliens may dispose of personalty by will or otherwise

All such persons shall be able and capable in law to dispose of any goods and effects, to which they may be entitled within this state, either by testament, donation, or otherwise, and their representatives, in whatever place they may reside, shall receive the succession, according to the laws of this commonwealth, either in person or by attorney, in the same manner as if they were citizens of this commonwealth.

§ 24. Alien enemies excepted

Nothing, herein contained, shall be construed to prevent the sequestration of any real or personal estate belonging to any such alien, during the continuance of war between the United States of America and the state or prince, of which such person may be a citizen or subject.



§ 28. Aliens allowed to purchase and hold 5000 acres

From and after the passing of this act, it shall and may be lawful for all and every foreigner and foreigners, alien or aliens, not being the subject or subjects of some Sovereign, State or Power which is or shall be at the time or times of such purchase or purchases at war with the United States of America, to purchase lands, tenements and hereditaments within this Commonwealth, not exceeding five thousand acres, and to have and to hold the same to them, their heirs and assigns forever, as fully to all intents and purposes as any natural born citizen or citizens may or can do.

§ 29. Purchases of lands by aliens since naturalized confirmed

All purchases of real estate made by emigrants resident within this Commonwealth, previous to declaring their intentions to become Citizens of the United States, and who, since purchasing the same, have been naturalized in conformity with the Laws of the United States on that subject, shall be as valid to all intents and purposes, and shall be construed to vest the title to the said real estate in the purchasers, as fully and absolutely as if they had been citizens at the time they purchased the same.

§ 30. Purchases of lands not exceeding 5000 acres confirmed

All purchases of lands, tenements and hereditaments, within this Commonwealth, not exceeding five thousand acres, heretofore made, by all and every foreigner and foreigners, alien or aliens, not being the subject or subjects of some sovereign state or power, which is, or shall have been at the time or times of such purchase or purchases, at war with the United States of America, and who are residents within the United States, are hereby confirmed, and it shall be lawful for all and every such foreigner and foreigners, alien or aliens, to have and to hold the same, to them, their heirs and assigns, forever as fully, to all intents and purposes, as any natural born citizen or citizens may or can do.

§ 31. Title of aliens to lands, not exceeding 2000 acres, confirmed

All purchases of lands, tenements and hereditaments, within this Commonwealth, not exceeding two thousand acres, heretofore made by any alien or aliens and in all cases where such alien or aliens shall have inherited the same by descent or otherwise, the title of such alien or aliens is hereby confirmed; and it shall be lawful for such alien or aliens to hold the same as fully and to all intents and purposes, as any citizen of the United States might or could do: Provided, That nothing herein contained shall, in any wise, affect or impair the vested rights of any individual or individuals.

§ 41. Limits on acquisition of lands; exceptions

An alien, who is not a resident of a state or territory of the United States or of the District of Columbia, and a foreign government shall not acquire an interest in agricultural land, exceeding 100 acres, except such as may be acquired by



devise or inheritance, and such as may be held as security for indebtedness. The provisions of this section shall not apply to citizens, foreign governments or subjects of a foreign country whose rights to hold land are secured by treaty.

§ 42. Lands acquired by process of law; disposal of such lands

Section 1 [68 P.S. § 41] shall not apply to agricultural lands acquired by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All lands so acquired shall be disposed of within three years after acquiring title.

§ 43. Bona fide resident status; right to acquire land

A nonresident alien who is or becomes a bona fide resident of some state or territory of the United States or of the District of Columbia, shall have the right to acquire and hold agricultural lands in this State upon the same terms as citizens of this State during the continuance of such bona fide residence. Whenever such resident alien ceases to be a bona fide resident, he shall have three years from the time of termination of residency in which to alienate his interest in the agricultural lands acquired pursuant to this act.

§ 44. Acquisition of lands by devise or descent

Nonresident aliens who acquire agricultural lands in this Commonwealth by devise or descent and who are not designated Class A beneficiaries for inheritance tax purposes shall have three years from the date of so acquiring such title in which to alienate such agricultural lands. Those nonresident aliens who acquire agricultural lands by devise or descent and who qualify as beneficiaries designated Class A for inheritance tax purposes shall have the right to acquire and hold agricultural lands in this Commonwealth upon the same terms as citizens of this Commonwealth.

§ 45. Monitoring compliance with act; investigations

The Department of Agriculture shall monitor, for compliance with this act, biannual reports transmitted to the department pursuant to section 6 of the United States Agricultural Foreign Investment Disclosure Act of 1978 (Public Law 95-460) [7 U.S.C.A. § 3505]. If this review reveals evidence of noncompliance with this act the Department of Agriculture shall refer this evidence to the Attorney General who shall investigate the case and initiate legal action if necessary in the court of common pleas of the county in which the land held in violation of section 2 [68 P.S. § 42] is situated.

§ 46. Forfeiture of lands

Agricultural lands acquired or held in violation of sections 1 [68 P.S. § 41] and 4 [68 P.S. § 44] shall be forfeited to the Commonwealth. The Attorney General shall enforce such forfeiture. However, no such forfeiture may be adjudged unless the action to enforce is brought within five years



after such property has been acquired or held by such alien. No title to land is invalid or liable to forfeiture by reason of the alienage of any former owner or person interested therein.

§ 47. “Agricultural land” defined

For purposes of this act, the term “agricultural land” means 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 and other horticultural products but does not include any royalty interest, any oil, gas or other mineral interest, or any lease, right-of-way, option or easement relating thereto, or any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.

* But see 68 Pa. Stat. Ann. §§ 28, 30 which permits foreign and alien ownership of real estate within the state, with some exception.

