



# The National Agricultural Law Center

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## Farm Ownership & Corporate Farming Laws: *Virginia*



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# A National Agricultural Law Center Research Publication

## Farm Ownership & Corporate Farming Laws: Virginia

### Fast Find:

- 1) Prohibition: VA Code §§ 55.1-507; 55.1-508
- 2) Permission: VA Code § 55.1-100
- 3) Reporting: None (VA Code § 55.1-509 requires the VA Dept. of Agriculture and Consumer Services to compile an annual report concerning foreign ownership of farmland)
- 4) Corporate Farming: VA Code §§ 55.1-507; 55.1-508

### Va. Code Ann. § 55.1-100 Va. Code Ann. §§ 55.1-507 to 509

*Current through laws passed by the 2025 Regular Session of the Virginia General Assembly. Some statute sections may be more current.*

#### **Va. Code Ann. § 55.1-100. Aliens may acquire, hold, and transmit real estate; when reciprocity required.**

Any alien, not an enemy, may acquire by purchase or descent and hold real estate in the Commonwealth, and such real estate shall be transmitted in the same manner as real estate held by citizens. However, if, at the time of the transfer, a court of the Commonwealth determines that the laws of a foreign country or sovereignty effectively deny a Virginia resident, legatee, or distributee the benefit, use, or control of money or other property held in such foreign country or sovereignty, a judgment or order issued in the Commonwealth concerning the rights of a resident of that foreign country or sovereignty to the benefit, use, or control of money or property held in the Commonwealth may direct that the money or property be paid into the court for the benefit of the alien. The money or property paid into court shall be paid out only upon order of the court or pursuant to the order or judgment of a court of competent jurisdiction. Any of the money or property remaining with the court upon expiration of three years from the decedent's death shall be paid out by the court as if the alien had predeceased the decedent.

#### **Va. Code Ann. § 55.1-507. Definitions.**

As used in this chapter, unless the context requires a different meaning:



"Agricultural land" means real estate in the Commonwealth used or zoned in a manner that would permit the use of the real estate for an agricultural operation.

"Agricultural operation" means any operation devoted to the bona fide production of crops, animals, or fowl, including the production of fruits and vegetables of any kind; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity.

"Department" means the Department of Agriculture and Consumer Services.

"Foreign adversary" means any foreign government or nongovernment person determined by the U.S. Secretary of Commerce to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons, as set forth in 15 C.F.R. § 7.4 or such successor regulation, declaration, or statute as may exist from time to time.

"Interest in agricultural land" means any right, title, or interest, direct or indirect, in and to (i) agricultural land or (ii) any entity or other organization that holds any right, title, or interest, direct or indirect, in and to agricultural land. For purposes of this definition, any interest that taken on its own or together with any other interest held in common or under common control does not give the holder of the interest the ability to possess or occupy the agricultural land in any manner or the power or authority to direct the conduct of the agricultural operation being conducted on the agricultural land.

### **Va. Code Ann. § 55.1-508. Foreign adversary acquisition of agricultural land prohibited.**

A. Notwithstanding any other provision of law, in order to protect the health, safety, and welfare of all citizens of the Commonwealth, on and after July 1, 2023, no foreign adversary shall acquire any interest in agricultural land in the Commonwealth.

B. Any acquisition of any interest in agricultural land in violation of this section shall be void, and title to such interest in agricultural land shall be deemed to have vested as of the date of such purported acquisition in the name of the Commonwealth without any payment of consideration of any kind by the Commonwealth. The foreign adversary purporting to acquire such interest in agricultural land shall be barred from making a claim against any party for restitution of the purchase price paid by such foreign adversary in connection with such interest in agricultural land or for any other kind of payment relating to the foreign adversary's loss or lack of title to such interest in agricultural land. Any lien that has attached to such interest in agricultural land during the foreign adversary's purported acquisition or ownership shall remain a valid lien against the interest during such time as the interest is held by the Commonwealth except that such lien shall not be subject to foreclosure during the period of the Commonwealth's ownership nor shall the Commonwealth be subject to the terms of any agreement giving rise



to the lien. The Commonwealth may hold or dispose of such interest in agricultural land in any proper manner.

C. Notwithstanding the provisions in subsection B, if the foreign adversary has subsequently sold or transferred the interest in agricultural land to a person or entity that is not a foreign adversary, title to such interest in agricultural land shall be vested in the subsequent non-foreign adversary purchaser or transferee and shall be valid as if the purported acquisition of such interest in agricultural land by a foreign adversary has not occurred.

D. If an interest in agricultural land has been acquired in violation of this section, a county, city, or town attorney for the locality in which the agricultural land is located, the Attorney General, or any non-foreign adversary person that was a party to the void transaction or is a subsequent holder of such interest may file an action

(i) to eject the foreign adversary from possession,

(ii) to quiet title to such property, or

(iii) for any other appropriate action to ratify the nullification of the transaction. Any action brought pursuant to this subsection shall be filed in the circuit court where the subject property is located.

E. This section shall not be applied in a manner inconsistent with any provision of any treaty between the United States and another country.

#### **Va. Code Ann. § 55.1-509. Reporting requirements.**

A. Based on the reports submitted to it pursuant to the federal Agricultural Foreign Investment Disclosure Act, 7 U.S.C. § 3501 et seq., and other information the Department, at its discretion, deems appropriate, the Department shall compile an annual report in consultation with the appropriate state agencies and boards for each calendar year containing all of the following, if available:

1. The total amount of agricultural land that is under foreign ownership;
2. The percentage change in foreign ownership of agricultural land in the Commonwealth for each year over the prior 10 years;
3. The purpose for which foreign-owned agricultural land in the Commonwealth is being used currently. To the extent such information is available, the Department shall also include any significant recent changes or trends in the uses of foreign-owned agricultural land in the Commonwealth;
4. With the assistance of relevant state agencies, information regarding the extent of, and any recent changes in, foreign ownership of energy production, storage, or distribution



facilities in the Commonwealth to the extent such information is available; and

5. Any legislative, regulatory, or administrative policy changes the Department recommends in light of the information in this report.

B. The Department shall publish its inaugural report pursuant to subsection A on its website no later than July 1, 2023, and each subsequent report pursuant to subsection A no later than July 1 of each following year. The Department shall also deliver copies of such report to the Governor, the General Assembly, and the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources and the House Committee on Agriculture, Chesapeake and Natural Resources.

