

The House Committee on Judiciary offers the following substitute to SB 420:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 1-2-11 of the Official Code of Georgia Annotated, relating to rights
2 of aliens generally, purchase, holding, and conveyance of realty, so as to provide for a
3 limitation regarding property rights for certain foreign persons and entities; to amend Chapter
4 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative
5 to agriculture, so as to prohibit the acquisition of possessory interest in certain land by certain
6 foreign persons and entities; to provide for definitions; to provide for exceptions; to provide
7 for civil actions; to provide for penalties; to provide for related matters; to repeal conflicting
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 1-2-11 of the Official Code of Georgia Annotated, relating to rights of aliens
12 generally, purchase, holding, and conveyance of realty, is amended by revising subsection
13 (b) as follows:

14 "(b) Aliens who are subjects of governments at peace with the United States and this state,
15 as long as their governments remain at peace with the United States and this state, shall be
16 entitled to all the rights of citizens of other states who are temporarily in this state and shall

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17 have the privilege of purchasing, holding, and conveying real estate in this state except as
18 provided by Code Section 2-1-7.

19 **SECTION 2.**

20 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions
21 relative to agriculture, is amended by adding a new Code section to read as follows:

22 "2-1-7.

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

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

28 (2) 'Nonresident alien' means:

29 (A)(i) Any natural person described in subsection (a) of Code Section 1-2-11 who is
30 not a United States citizen or legal resident, is an agent as defined in 22 U.S.C.
31 Section 611 of a foreign government designated as a foreign adversary by the United
32 States Secretary of Commerce pursuant to 15 C.F.R Section 7.4, and:

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

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

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

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

43 (i) Domiciled in a country whose government is designated as a foreign adversary by
44 the United States Secretary of Commerce pursuant to 15 C.F.R Section 7.4; or
45 (ii) Domiciled within the United States, but the ownership of at least 25 percent of
46 which is composed of any corporation, partnership, limited partnership, trustee, or
47 other business entity that is domiciled in a country whose government is designated
48 as a foreign adversary by the United States Secretary of Commerce pursuant to 15
49 C.F.R Section 7.4;

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

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

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

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

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

64 (c)(1)(A) A nonresident alien may acquire a possessory interest in agricultural land by
65 devise or inheritance, as security for indebtedness, in the collection of debts, or by any
66 procedure for the enforcement of a lien or claim thereon, whether created by mortgage
67 or otherwise.

68 (B) Any such possessory interest in agricultural land acquired by a nonresident alien
69 in the collection of debts or by any procedure for the enforcement of a lien or claim
70 thereon shall be disposed of within two years after acquiring such possessory interest.

71 (C) Any such possessory interest in agricultural land acquired by a nonresident alien
72 by devise or inheritance shall be disposed of within one year after acquiring such
73 possessory interest.

74 (2) A nonresident alien with any possessory interest in agricultural land as of
75 June 30, 2024, shall dispose of such possessory interest no later than June 30, 2027.

76 (d) A nonresident alien that acquires a possessory interest in agricultural land pursuant to
77 subsection (c) of this Code section may avoid disposing of such interest if, within the time
78 required for disposal, such nonresident alien terminates said nonresident alien status.

79 (e) A broker who is engaged by client who is a prospective buyer or seller of a possessory
80 interest in agricultural land shall timely disclose to said client the requirements and
81 limitations of this Code section. For purposes of this subsection, the terms 'broker,' 'client,'
82 and 'timely' shall have the same meanings as provided in Code Section 10-6A-3.

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

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

95

SECTION 3.

96 All laws and parts of laws in conflict with this Act are repealed.