

House Bill 1093

By: Representatives Clark of the 100th, Pirkle of the 169th, Blackmon of the 146th, Corbett of the 174th, Bonner of the 73rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general
2 provisions relative to agriculture, so as to prohibit the acquisition of possessory interest in
3 certain land by certain foreign persons and entities; to provide for definitions; to provide for
4 exceptions; to provide for civil actions; to provide for rules and regulations; to provide for
5 disclosures; to provide for affidavits of compliance; to create provisions for enforcement by
6 the Attorney General or appropriate district attorney; to provide for penalties; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "2-1-7.

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

14 (1) 'Agricultural land' means any land capable of use in the production of agricultural
15 crops, timber, livestock or livestock products, poultry or poultry products, milk or dairy

16 products, or fruit or other horticultural products, but does not include any land zoned by
17 a local governmental unit for a use other than and nonconforming with agricultural use.

18 (2) 'Nonresident alien' means:

19 (A) Any natural person described in subsection (a) of Code Section 1-2-11 who is not
20 a United States citizen or legal resident, is a subject of a foreign government designated
21 as a foreign adversary by the United States Secretary of Commerce, and:

22 (i) Has been physically absent from the United States for more than six months out
23 of any 12 month period; or

24 (ii) Has been physically absent from Georgia for more than two months out of any 12
25 month period;

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

28 (i) Domiciled in a country whose government is designated as a foreign adversary by
29 the United States Secretary of Commerce; or

30 (ii) Domiciled within the United States, but the ownership of at least 25 percent of
31 which is composed of any corporation, partnership, limited partnership, trustee, or
32 other business entity that is domiciled in a country whose government is designated
33 as a foreign adversary by the United States Secretary of Commerce;

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

40 (C) A foreign government designated as a foreign adversary by the United States
41 Secretary of Commerce.

42 (3) 'Residential property' means single-family and two-family, three-family, and
43 four-family residential real estate.

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

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

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

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

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

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

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

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

68 (f) A nonresident alien that purports to acquire any interest in agricultural land in violation
69 of this Code section shall be barred from making any claim against any party for restitution
70 of the purchase price paid by such nonresident alien in connection with such interest in
71 agricultural land or for any other kind of payment relating to the nonresident alien's loss
72 or lack of title to such interest in agricultural land. The legal counsel of any county,
73 municipality, or consolidated government in which the agricultural land is located, the
74 Attorney General, or any person that is not a nonresident alien that was a party to the void
75 transaction or is a subsequent holder of such interest may file an action.

76 (g) The Commissioner, in consultation with the Secretary of State, shall promulgate rules
77 and regulations as necessary to implement the provisions of this Code section.

78 (h)(1) At the time of purchase or of acquisition by means of contract, lease, or other
79 instrument, an entity or person acquiring real property in this state must provide an
80 affidavit signed under penalty of perjury attesting that the acquisition is not prohibited
81 by this Code section.

82 (2) The failure to obtain or maintain such affidavit shall not:

83 (A) Affect the title or insurability of the title for the real property; or

84 (B) Subject the closing agent to civil or criminal liability, unless the closing agent has
85 actual knowledge that the transaction will result in a violation of this Code section.

86 (3) The Georgia Real Estate Commission and the Georgia Real Estate Appraisers Board
87 shall adopt rules to implement this Code section, including rules establishing the form for
88 the declaration required under this Code section.

89 (i)(1) If any real property is owned, held, leased, or acquired in violation of this Code
90 section, the real property shall be forfeited to the state.

91 (2) The Attorney General and the district attorney of the county in which the property
92 lies have jurisdiction and may initiate a civil action in the superior court of the county in
93 which the property lies for the forfeiture of the real property or any interest therein.

94 (3) Upon filing such action, the clerk of superior court shall record a lis pendens in
95 accordance with Article 9 of Chapter 14 of Title 44. The defendant may at any time
96 petition to modify or discharge the lis pendens based upon a finding that there is no
97 probable cause to believe that the real property, or any portion thereof, is owned or held
98 in violation of this Code section.

99 (4) If the court finds that the real property, or any portion thereof, is owned or held in
100 violation of this Code section, the court shall enter a final judgment of forfeiture vesting
101 title to the real property in the State of Georgia, subject only to the rights and interests of
102 bona fide lienholders, and such final judgment shall relate back to the date of the
103 recording of the lis pendens.

104 (5) The State of Georgia, acting through the Attorney General or district attorney, may
105 sell the real property subject to a final judgment of forfeiture. Any proceeds from the sale
106 shall first be paid to any lienholders of the land, followed by payment of any outstanding
107 finances assessed pursuant to this Code section, after which the department shall be
108 reimbursed for all costs related to the forfeiture civil action and any costs related to the
109 sale of the land. Any remaining proceeds shall be paid to the property owner.

110 (6) At any time during the forfeiture proceeding, the Attorney General or district attorney
111 may seek an ex parte order of seizure of the real property upon a showing that the
112 defendant's control of the real property constitutes a clear and present danger to the state.

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

116 **SECTION 2.**

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