



November 2006

Alien Land Ownership Guide

State Laws Relating to Ownership of
U.S. Land by Aliens and Business Entities



COMMERCIAL
Real Estate



NATIONAL ASSOCIATION OF REALTORS®

The Voice for Real Estate®

Real Strength.
Real Advantages.

I. INTRODUCTION

The attached chart has been prepared to identify those federal and state statutes which restrict, limit, prohibit, or otherwise impact the rights of an alien (defined below) or a foreign business entity (“FBE” also defined below) to acquire by purchase, to inherit, and/or to own real property. While many states in the US impose no restrictions on ownership of real property by aliens, other states impose restrictions in a somewhat disparate and inconsistent manner. This chart is designed to assist real estate brokers in identifying those states where limitations or prohibitions apply, to aliens, to non-resident aliens, and perhaps to FBE’s.

We offer the summary chart as a starting point for brokers and for brokers assisting their clients, but not as a substitute for the entire process of legal review of alien land ownership rights as may apply in a particular jurisdiction.

DISCLAIMER: THIS SUMMARY CHART IS NOT INTENDED TO SERVE AS A SUBSTITUTE FOR COMPETENT LOCAL LEGAL COUNSEL FOR BUYERS AND SELLERS AND THEIR AGENTS AND SHOULD NOT BE RELIED UPON AS LEGAL GUIDANCE. BEFORE ACTING MEMBERS SHOULD SEEK THE ADVICE OF LEGAL COUNSEL TO IDENTIFY AND CLOSELY REVIEW THE APPLICABLE STATUTES AFFECTING THE TRANSACTION. THIS RESEARCH WAS COMPILED PRIMARILY DURING 2006 AND, AS ALWAYS, STATUTES MAY BE AMENDED OR REPEALED OR REPLACE WITH NEWER VERSIONS OR NEW AUTHORITY, AND IT IS POSSIBLE THAT COURTS MAY ISSUE OPINIONS WHICH FURTHER EXPLAIN (OR EVEN DECLARE UNCONSTITUTIONAL) THESE STATUTES.

II. Definitions

- A. Agricultural Land: Land used for agriculture, forestry, timber production, and in some states ranching is included.
- B. Alien: A person who is not born in the US or otherwise naturalized and made a citizen of the US.
- C. Foreign Business Entity or “FBE”: A corporation, partnership, limited liability company or other business entity which is formed under the laws of a country other than the US or a state other than the state in which it is doing business.
- D. Non-Resident Alien: An alien (see above) whose primary residence is not located in the state in question or in the US.
- E. Resident Alien: An alien (see above) whose primary residence is located in the state in question.

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|--------------------------------|---|---|--|--|---|--|
| FEDERAL REPORTING REQUIREMENTS | Reporting requirement | Resident and non-resident aliens may take and hold real property, subject to local and state limitations, but in all cases are subject to these federal reporting requirements. | 7 USCA §§3501-3508 | Reporting requirement | All foreign persons (any individual who is not a citizen of the US, or a citizen or national of the US, or a citizen of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands, or who is not lawfully admitted to the US for permanent residence or paroled into the US under the Immigration and Nationality Act) who holds or acquires any interest other than a security interest in agricultural land (used for agriculture, forestry, or timber production) must submit reports of ownership within 10 days of acquisition of the interest to the Secretary of Agriculture, on forms required by such Secretary. | 7 USCA §§3501-3508 |
| Alabama | None | Resident or nonresident may take and hold real property as a native citizen | Ala. Code § 35-1-1 Ala.Const. Article I §34 | None | Once properly registered, foreign business entities ("FBE's") have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | Ala.Code §10-2B-3.02(4) and (5) |
| Alaska | Exploration and mining rights on state owned lands. | Restriction on exploration and mining rights. Must be at least 18 years of age and the laws of their country must grant like privileges to citizens of the United States. | AK ST §38.05.190 | | Foreign corporation with certificate of authority given same rights and privileges as a domestic corporation. | AK ST. 10.06.740 AK ST.10.50.605 |
| | | Individual not disqualified to take as an heir because they are or have been an alien. | AK ST. §13.12.111 | Disclosure requirements | Application for Certificate of Authority, Biennial Report must disclose name and address of each alien affiliate, percentage of shares controlled by them and the nature of the relationship. | AK ST 10.06.730(12) AK ST 10.06.808(7) |
| | Disclosure requirement | If estate or interest in real property is created, transferred or declared (other than a lease for one year or less) to or for benefit of nonresident alien, instrument must state the name and address of alien. | AK ST. §09.25.010(b) | Reporting requirements | Any change with regard to an alien affiliate of a corporation during first year of biennial reporting requires amendment to biennial report | AK ST 10.06.813 |
| | | | | Limited Partnerships | Alien limited partnership not included in definition of foreign limited partnership | AK ST 32.11.900(6) and (13) |
| Arizona | Acreage limitation | Limit acreage to 640 acres grazing land and 160 acres agricultural land | ARS § 37-240(A) | Acreage limitation | Acreage limited to 640 acres grazing land and 160 acres agricultural land | ARS § 37-240(A) |
| | | | | | Once properly registered, foreign business entities ("FBE's") have the same rights and privileges as a domestic entity and have no limitations other than those contained in their own articles, by laws, or agreements among their owners. | ARS § 37-240(B) ARS § 2-349 ARS § 29-802 |
| Arkansas | | No distinction between resident aliens and citizens | AR Const. Art. 2 § 20 | Agricultural Registration and Reporting Requirements | Foreign party required to report any interest in agricultural land to circuit clerk of that county within 60 days (lease term of 10 years or more also requires reporting) if not a bona fide resident of the United states | ACA § 2-3-103(a)(1)(A) and (b) ACA 2-3-108 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|------------|---|--|---|--|--|--|
| Arkansas | Agricultural Reporting Requirement | Aliens, whether or not US residents may own land as if they were citizens and residents of Arkansas but are subject to a reporting requirement for agricultural land if they are not a bona fide resident of the United States | ACA § 2-3-109 ACA § 2-3-108 | Agricultural Registration and Reporting Requirements | Foreign party acquiring agricultural land for nonfarming purpose must register with Secretary of State and providing a declaration of intent as to the intended use of land within 60 days of ownership | ACA § 2-3-110(b)(1) and (2) |
| | Agricultural Reporting Requirement | Foreign party required to report any interest in agricultural land to circuit clerk of that county within 60 days (lease term of 10 years or more also requires reporting) if not a bona fide resident of the United states | ACA § 2-3-103(a)(1)(A) and (b) ACA 2-3-108 | | | |
| | Agricultural use Registration Requirement | Foreign party acquiring agricultural land for nonfarming purpose must register with Secretary of State by providing a declaration of intent as to the intended use of land within 60 days of ownership. | ACA § 2-3-110(b)(1) and (2) | | | |
| | | | | | | |
| California | | Non-citizens have the same property rights as citizens | CA Const. Art. I § 20 Cal.Civ.Code § 671 | | | |
| | Public Land Restriction | Leases and prospecting permits on public lands may only be held by person or association who is US Citizen or declared their intention of becoming one or are citizen of county who permits similar privileges to US Citizens there or alien entitled by virtue of a treaty with the US by their country | Cal.Pub.Res.Code § 6801(a) and (c) | Public Land Restriction | Lease and prospecting permit on public land may only be held by a corporation where 90% or more of its shares are owned by person or corporation eligible under § 6801(a) and (c) | Cal.Pub.Res.Code § 6801(b) |
| | Residency and Reporting Requirement | Purchase of inland lake and unsegregated swamp and overflowed lands requires an affidavit that purchaser is a US Citizen or intends to become one, and is a resident of the state | Cal.Pub.Res.Code §7601 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | Cal.Corp.Code §1701(q), (r) Cal.Corp.Code §§ 17452, 15693 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|-------------|--|---|--|-------------------------------------|--|---|
| | Agricultural college grant acreage restriction | Purchase of any part of 150,000 acres granted to state for use of an agricultural college requires affidavit that purchase is a US citizen or intends to be come one and a resident of the state | Cal.Pub.Res.Code §8105 | | | |
| Colorado | None | Aliens who are or become bona fide residents of state may possess property as native born citizens | CO Const. Art. 2 §27 | None | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | Colo. Rev. Stat. 7-90-805(2) |
| | | No individual is disqualified as an heir, devisee, grantee, lessee, mortgagee, assignee or other transferee due to alien status | Colo. Rev. Stat. 15-11-111 | | Foreign entity defined | Colo.Rev.Stat. §7-90-102(23) |
| Connecticut | None | Alien, resident of US or not, may acquire and transfer real estate as a native born citizen | CGSA §47-7a | None | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | CGSA §33-924(b) |
| Delaware | None | Real property may be devised, inherited, held and disposed of by alien the same as by a citizen of the state | DE Code Annot. Title 25 §§306, 307 308 | None | Once properly registered, foreign business entities ("FBE's") have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | DE Code Annot. Title 8 §371 DE Code Annot. Title 25 §305 DE Code Annot. Title 6 §18-902 DE Code Annot. Title 6 §17-902 |
| Florida | None | Aliens ineligible for citizenship may have rights to ownership, inheritance, disposition and possession of real property regulated or prohibited. (currently, no such statutory restrictions exist) | Fla.Const. Article 1 §2 | | Once properly registered, foreign business entities ("FBE's") have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | FSA §607.1505 FSA §607.0302 FSA §608.501 |
| | | Aliens have the same rights of inheritance as citizens | FSA §732.1101 | Registered Agent Requirement | Alien FBE must maintain a registered agent in the state in order to own a mortgage on real estate | FSA §607.0505 |
| Georgia | Wartime status | Aliens who are subjects of governments at peace with the US and Georgia, entitled to all rights of citizens may own real estate | GACode Ann. §1-2-11 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | GA Code Ann. §§14-2-1505(b) GA Code Ann. 14-2-302(4) and (5) |
| | Airport restriction | Foreign citizen may not lease or own airport | GA Code Ann. §6-3-20.1 | Registered Agent Requirement | Alien corporation must maintain a registered office and agent within the state prior to acquiring real property | GA Code Ann. §16-14-15 |
| | | Alienage not a bar to inheritance | Haw.Rev.Stat. §560:2-111 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | Haw.Rev.Stat. §414-435 Haw.Rev.Stat. §425E-902 Haw.Rev.Stat. §428-1002 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|----------|---|--|----------------------------|--|---|--|
| Hawaii | Residential Lot on Oahu restriction | Purchase or lease of residential lots on Oahu are restricted to US citizens or a declarant alien residing in Hawaii for 5 or more years | Haw.Rev.Stat. §206-9(c)(1) | Registered Agent Requirement | Foreign corporation must maintain a registered office and agent in state | Haw.Rev.Stat. §414-437 |
| | Residential House/Lot residence restriction | Purchase of residential house-lot in a development tract must be a resident of the state and reside on the lot | Haw.Rev.Stat. 516-33 | | | |
| Hawaii | Public land farming restriction | Only person who has been a resident of state for 3 years and is a bona fide farmer may lease or purchase public lands for use as farm lot, pasture, crops, livestock or horticulture | Haw.Rev.Stat. §171-65, -68 | | | |
| Idaho | | Any person, citizen or alien, may hold and dispose of real property - note restriction for public land. | ID ST §55-103 | Place of business and registered agent requirement | Foreign corporation must have at least one known place of business and an authorized agent for service of process to have the same rights or privileges of domestic corporation | ID Const. Art. XI §10 |
| | Public land restriction | Public lands may only be purchased by US citizen or who have declared their intention to become such. | ID St. 58-313 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | ID St. §30-1-1501 ID ST. §53-601(5) ID ST §53-651 |
| | | Alienage not a bar to inheritance | ID ST §12-2-112 | | | |
| Illinois | Agricultural Restriction | Aliens may own real property in the same manner as natural born US citizens - see below regarding Agricultural Lands | 765 ILCS 60/7 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | 805 ILCS 5/13-10 805 ILCS 210/101(4) 805 ILCS 180/1-5 |
| | Agricultural Restriction | Any foreign person who acquires or transfers any interest in, or leasehold for a term of over 10 years in agricultural land or a security interest in same shall submit a report to the Director of Agriculture within 90 days | 765 ILCS 50/1 to 50/8 | Agricultural Restriction | Business entity formed in a foreign country or with its principal place of business outside the US, or domestic business entity with significant interest or control by foreign person or entity, who acquires or transfers any interest in, or leasehold for a term of over 10 years in agricultural land or a security interest in same shall submit a report to the Director of Agriculture within 90 days | 765 ILCS 50/1 to 50/8 |
| Indiana | None | Aliens residing in US or other foreign country may own real estate as a US citizen or citizen of Indiana | IC 32-22-2-5 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | IC 23-1-49-1 IC 23-1-49-5 IC 23-18-1-9 IC 23-16-1-6 IC 23-18-11-4 IC 23-16-10-2 |
| | | | | Registered office requirement | Foreign corporation must maintain registered office and agent in Indiana | IC 23-1-49-7 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|-------|---|--|--------------------------------------|---|--|---|
| | | | | | NOTE: Mere ownership does not necessarily require registration because mere ownership does not, in itself, constitute conducting business. Leasing property to others and/or deriving income otherwise may carry additional registration requirements. | IC 23-1-49-1(b)(9) |
| Iowa | Residency | Foreigners who are or become residents of the state have the same rights as native born citizens | IA Const. Art. 1 §22 | Agricultural restriction | Nonresident alien, FBE and foreign government may acquire real property except for agricultural land or interest in agricultural land as a citizen and resident of the US | ICA §9I.2 ICA §9I.3 |
| Iowa | Agricultural restriction | Nonresident alien, foreign business or foreign government may acquire real property except for agricultural land or interest in agricultural land as a citizen and resident of the US | ICA §9I.2 ICA §9I.3 ICA § 9I.5 | Agricultural restriction | Any business entity which acquires agricultural land which becomes a foreign or non-resident business entity must divest itself of title within 2 years | ICA §9I.6 |
| | Residency restriction on agricultural land | Person who acquires agricultural land whose status changes to become foreign or non-resident must divest of title within 2 years | ICA §9I.6 | Reporting Requirement | Agricultural land restriction does not apply to land acquired for use other than farming if converted to other use within 5 years. Nonresident alien, foreign business or foreign government must file report with secretary of state before March 31 of each year | ICA §9I.4 ICA §9I.8 ICA §9I.12 |
| | Reporting Requirement | Agricultural land restriction does not apply to land acquired for use other than farming if converted to other use within 5 years. Nonresident alien, foreign business or foreign government must file report with secretary of state before March 31 of each year | ICA §9I.4 ICA §9I.8 ICA §9I.12 | Agricultural Restriction Reporting Requirement | FBE may not directly or indirectly acquire or obtain or lease agricultural land. Exceptions listed. Reporting requirements includes exception for research or experimental purposes | ICA §9I.4 ICA §10B.7 |
| | | Every conveyance of agricultural land, except leases for less than 5 year term, shall be recorded with the county recorder within 180 days. If leased or conveyed to a nonresident alien or FBE, an affidavit must be recorded | ICA §558.44 | | Every conveyance of agricultural land, except leases for less than 5 year term, shall be recorded with the county recorder within 180 days. If leased or conveyed to a nonresident alien or FBE, an affidavit must be recorded disclosing individual owners | ICA §558.44 |
| | Agricultural residency Reporting and Registration Requirement | Nonresident alien or FBE shall register interest in agricultural land within 60 days of acquisition. If land not subject to restrictions of section 9I.3, report to be made to secretary of state. | ICA §9I.7 ICA §9I-8 | Agricultural residency Reporting and Registration Requirement | Nonresident alien or RBE shall register interest in agricultural land within 60 days of acquisition. If land not subject to restrictions of section 9I.3, report to be made to secretary of state. | ICA §9I.7 ICA §9I-8 |
| | | | | | Except as limited above, FBE must register but no further limitations apply. | ICA §488.102(9) ICA §490A.102(10), (11) and (12) |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|-----------|----------------------------------|---|--|---|--|--|
| Kansas | Potential alien restriction | No distinction between citizens of Kansas or other states regarding property rights. Alien rights may be regulated by law | KSA Constitution Bill of Rights §17 | Limit on testamentary power | Devise of real estate to a foreign country, subdivision thereof, city, body politic or corporation located therein or existing under the laws thereof | KSA §59-602 |
| | Limit on testamentary power | Devise of real estate to a foreign country, subdivision thereof, city, body politic or corporation located therein or existing under the laws thereof | KSA §59-602 | | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | KSA §17-7305(c) |
| | | | | Agricultural restriction | No corporation shall either directly or indirectly own, acquire or lease agricultural land. Exceptions listed | KSA §17-5904 |
| Kansas | | | | Reporting requirement for agricultural land ownership | All corporations who hold title to agricultural land must make annual report to Secretary of State | KSA §17-5902 |
| Kentucky | Citizenship restriction | After declaring intention to become US citizen, any alien, not an enemy may own real property as a citizen of the state. Property escheats after 8 years without becoming citizen | KRS §381.290 §381.300 | KRS | Once properly registered, FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners, except as noted below. | KRS §271B.15-050 KRS §275.015 |
| | Friend and residency requirement | Any alien, not an enemy may hold land for purpose of a residence or for purpose of business trade or manufacture as long as he remains a resident of state as if he were a US citizen | KRS §381.320 (attempted repeal 2006 KY H.B. 118, 1/3/2006) | Limited Partnerships | Statute which explicitly excludes alien LP from definition of foreign and domestic LP expires 1/1/2008 | KRS §362.401 |
| Louisiana | None | Every person has right to own property. | La. Const. Article 1 §4(A) | | Foreign partnership definition includes alien partnership | La. Rev. St. §9:3421 |
| | Public land lease restriction | Individual lessee may not lease lands from state that cover an area larger than 640 acres of public land, which must be contiguous or own more than one lease at a time. | La.Rev.St. §41:1216 | | Foreign partnership has same rights as a Louisiana partnership and must file for registry with the secretary of states in the Central Registry for Contracts of Partnership in order to own property | La.Rev.St. §9:3422 La.Rev.St. §9:3423 |
| | | | | | Foreign corporation definition includes alien corporation | La.Rev. St. §9:3422 |
| | | | | | Qualified corporation may own property | La.Rev.St. §12:41 |
| | | | | Limited Liability Company | Foreign LLC appears not to include alien LLC | La.Rev.St. §12:1301(6) |
| Maine | None | Alien may own real estate | Me.Rev.Stat. tit. 33 §451 | | | |
| | | No disqualification as an heir due to alienage | Me.Rev.Stat. tit. 18 § 2-112 | | Once properly registered FBE's have the same rights and privileges as a domestic entity and have no limitations other than those contained in their own articles, by laws, or agreements among their owners. | Me.Rev.Stat. tit. 13 §1505 |
| | | | | | NOTE, merely owning real property or personal property other than agricultural real estate does not constitute transacting business | Me.Rev.Stat. tit 13§1501(2)(l) |
| | | | | Agricultural reporting requirement | Any corporation or partnership that owns or acts as a fiduciary or trustee that acquires or transfers any interest in agricultural land required to submit annual report to commissioner within 90 days after Jan. 1st or the date of transfer, whichever is earlier. Fine of \$50 per day | Me.Rev.Stat. tit. 7 §33 Me.Rev.Stat. tit. 7 §36 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|---------------|---------------------------------|--|--|-------------------------------------|--|--|
| | | | | Acreage exception to restriction | Corporation or partnership owning less than 10 acres subject to single transaction not required to comply with reporting requirement of §33 | Me.Rev.Stat. tit 7 §34 |
| Maryland | Friend requirement | Any alien not an enemy may own property as if a state citizen by birth | MD Real Prop. §14-101 http://www.state.gov/s/l/treaties/c15824.htm | | Foreign corporations include alien corporations | MD Corp. and Assoc. §1.101(l) |
| | | | | Limited Liability Company | Alien limited liability company is not included in foreign limited liability company. | MD Corp. & Assoc. §4A-101(j) |
| | | | | Registration requirement | Foreign corporations qualified must register with the Department or be subject to a fine of \$5 plus \$1 for each ten days | MD Corp. & Assoc. §7-202 MD Corp. & Assoc. §7-303 |
| Massachusetts | None | Aliens may own real property | MGLA 184 §1 | Registration requirement | Foreign corporation shall within 10 days of commencing business deliver for a certificate for filing to the secretary of state. Owning real estate may constitute doing business. | MGLA 156D §15.03 MGLA 181§3 |
| Massachusetts | | | | | Foreign corporations have same rights as domestic corporations except as limited below | MGLA 156D §15.05 |
| | | | | Registered Agent | Foreign corporation must continuously maintain a registered agent in the commonwealth | MGLA 156D §15.07 |
| | | | | | Foreign LLC includes alien LLC | MGLA 156C §2(4) |
| | | | | Limited Partnerships | Foreign LP does not include alien LP | MGLA 109 §1(4) |
| Michigan | Residency requirement | Aliens who are residents have the same property rights as citizens of the state | MCLA Const. Art. 10 §6 | | Once properly registered FBE's have the same rights and privileges as a domestic entity and no limitations apply other than those contained in their own articles, by laws, or agreements among their owners. | MCLA 450.1107 MCLA 450.2002 |
| | | Any alien may own land, devise convey as if such alien were a native citizen of the state | MCLA 554.135 | Limited Partnerships | Foreign partnership may not include alien partnership | MCLA 449.1101(5) |
| | | | | Note different definition | Foreign LLC and LP includes alien LLC and LP | MCLA 450.4102(2) (i) and (j) |
| | | | | | Foreign corporation may make loans secured by mortgages of real property located in the state without maintaining authority to transact business or paying fees | MCLA 450.2013 |
| Minnesota | | Alienage no bar to inheritance | Minn.Stat. 524.2-111 | Agricultural land restriction | No corporation, limited partnership or other business entity shall directly or indirectly acquire any interest in agricultural land unless at least 80% of each class of stock issued and outstanding or 80% of the ultimate beneficial interest of the entity is held directly or indirectly by US citizens or permanent resident aliens. See exceptions 1-8 in statute | Minn.Stat. 200.221 Subd. 2 |
| | Agricultural land restriction | No natural person shall acquire directly or indirectly any interest in agricultural land unless he is a US citizen or permanent resident alien | Minn.Stat. 500.221 Subd. 2 | Limited Partnerships | Foreign LP excludes alien LP | Minn.Stat. 322A.01(6) |
| | Potential alien restriction | Legislature may enact laws to limit, restrict or prevent nonresident aliens from acquiring or holding land | MS Constit. Art. 4 §84 | Potential corporate restrictions | Legislature may limit or restrict acquiring or holding of lands by corporations. | MS Const. Art. 4 §84 |
| | Residency requirement | Resident aliens may own land. Nonresident aliens may not unless it is a lien to secure a debt, but no longer than 20 years | MS St §189-2-23 | Public land restriction | Corporation or association of persons comprised in whole or part of nonresident aliens may not directly or indirectly own public lands | MS St. §29-1-75 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|-------------|--|--|---|---|--|---|
| Mississippi | Residency, acreage and use restriction | Nonresident alien may not acquire and hold more than 230 acres of land for industrial development or for longer than 5 years for residential purposes | MS St §189-2-23 MS St. §29-1-75 | | | |
| | Nonresident inheritance exception | Nonresident aliens who are citizens of Syria or the Lebanese republic may inherit property | MS St §189-2-23 | | | |
| | Public land residency restriction | Nonresident alien may not directly or indirectly own any public land | MS St. §29-1-75 | | | |
| Missouri | Agricultural land restriction | Alien may own real estate except agricultural land as defined as more than 5 acres capable of supporting agricultural enterprise | VAMS title XXIX §442.560 VAMS title XXIX §442.566(1) | Agricultural land restriction | Alien corporations may own real estate except agricultural land of more than 5 contiguous acres capable of supporting agricultural enterprise | VAMS title XXIX §442.560 VAMS title XXIX §442.566(1) |
| | Lease/ownership timeframe defined | Lease of more than 10 years or renewable at option which might total ten years deemed ownership for definition of "acquiring" agricultural land within meaning of sections 442.560 | VAMS title XXIX 442.581 | | Foreign business defined as any business entity with controlling interest owned by a non-US citizen | VAMS title XXIX 442.566(5) |
| | Residency requirement for agricultural land ownership. | Resident alien may hold agricultural land so long as they are resident. Once they cease to be bona fide resident they have 2 years to divest | VAMS title XXIX 442.568 | Agricultural land definition expanded | Lease of more than 10 years or renewable at tenant's option which might total ten years deemed ownership for definition of "acquiring" agricultural land within meaning of section 442.560 | VAMS title XXIX 442.581 |
| | Agricultural land may be held for non-farming use | Alien may hold agricultural land for immediate or potential use in nonfarming purposes. | VAMS title XXIX 442.591 | Agricultural land may be held for nonfarming use | FBE may hold agricultural land for immediate or potential use in nonfarming purposes. | VAMS title XXIX 442.591 |
| | Reporting Requirement | Foreign person holding interest including 10year+ leasehold in agricultural land must submit report to the director of agriculture | VAMS title XXIX 442.592(2) | Reporting requirement for agricultural land ownership | FBE holding interest including 10year+ leasehold in agricultural land must submit report to the director of agriculture | VAMS title XXIX 442.592(2) |
| | | | | Farming restriction | No corporation not already engaged as of 9/28/1979, may engage in farming or directly or indirectly acquire interest in agricultural land. Exceptions 1-12 listed | VAMS title XXIII 350.015 |
| | | | | Reporting requirement for farming | Corporation engaged in farming shall file report with director of the state department of agriculture upon penalty of \$500 - \$1000 | VAMS title XXIII 350.020 |
| | | Alienage not a bar to inheritance | Mont. Code 72-2-121 | | | |
| | | State land may be sold to any person over the age of 18 | Mont. Code 77-2-306 | Coal lease restriction | Coal leases may not be issued to a citizen of another country or entity controlled by interests foreign to the US unless like privileges are afforded to US citizens by such country. | Mont. Code 77-3-305 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|---------------|---|--|----------------------------------|--|--|--|
| Montana | Coal lease restriction | Coal leases may not be issued to a citizen of another country or entity controlled by interests foreign to the US unless like privileges are provided to US citizens by such country. | Mont. Code 77-3-305 | Limited Partnerships | Foreign LP definition may exclude alien LP | Mont. Code 35-12-504(4) |
| | | | | | Alien corporation and alien LLC treated as foreign and once qualified authorized to transact business have all rights and privileges of domestic corporation and LLC | Mont. Code 35-1-113 Mont. Code 35-8-102(12) |
| Nebraska | Potential alien restriction | Rights of aliens with respect to property may be regulated by law | Neb. Const. Article I-25 | Farming and ranching restriction | No corporation may acquire or obtain any interest in or any title to real estate used for farming or ranching | Neb. Const. Article XII §8 |
| Nebraska | Reciprocity requirement | Nonresident alien's ability to take property by succession or testamentary disposition dependent on the existence of reciprocal right to US citizens by alien's country | NE St. §4-107 | Time restriction and exception | Alien corporation prohibited from owning real estate or leasehold of more than 5 years. Does not apply to real estate within corporate limits or within 3 miles thereof or to manufacturing or industrial establishment defined in §76-413 | NE St. §76-402 NE St. §76-414 |
| | Time restriction and exception | Aliens prohibited from owning real estate or leasehold of more than 5 years. Does not apply to real estate within corporate limits or within 3 miles thereof or to manufacturing or industrial establishment defined in 76-413 | NE St. §76-402 NE St. §76-414 | Trust restriction to agricultural land | Trusts, other than family trust, testamentary trust or authorized trust, may not own agricultural land directly or indirectly | NE ST. §76-1515 |
| | Time restriction and exception | Resident alien may acquire land by devise or decent only but are required to sell within 5 years under penalty of escheat | NE St. §76-405 | | | |
| Nevada | | Nonresident alien may hold real property | NRS title 10 §111-055 | | Nonresident corporation may hold real property | NRS title 10 §111-055 |
| | Public land residency requirement and acreage restriction | Citizen or permanent resident over 18 may file for public land not to exceed 160 acres | | Limited Partnerships | Foreign LP may exclude alien LP | NRS title 7 §88.315(4) |
| | Mining restriction | Person who legally declares intention to become US citizen may make a mining claim | NRS title 46 §517.010 | | | |
| New Hampshire | Residency requirement | Aliens resident of the state may hold real estate as if a citizen | NH Rev. Stat. §477.20 | | Foreign corporations required to obtain certificate of authority to transact business. NOTE: Owning real or personal property, without more, does not constitute transacting business | NH Rev. Stat. §293-A:15.01 |
| | | | | Limited Partnerships | Foreign LP may exclude alien LP | NH Rev. Stat. §304-B:1 |
| New Jersey | Residency and "friend" requirement | Alien "friend" residing in the US may own real estate | NJSA 46:3-18 | Certificate of authority required | Once an FBE is properly registered, the FBE has the same rights and privileges as a domestic entity and no limitations apply other than those contained in its own articles, by laws or agreements among its owners. | NJSA 14A: 13-3 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|----------------|--|--|-----------------------------------|--|---|-----------------------|
| | | Alienage no bar to inheritance | NJSA 3B:5-12 | | | |
| New Mexico | Eligibility for citizenship required (Constitutional amendment to repeal section on ballot 11/7/06 for Nov. 2006 general election) | No alien ineligible for citizen ship may own real estate | NM Const. Art. 2 § 22 | Eligibility for citizenship required (Constitutional amendment to repeal section on ballot 11/7/06 for Nov. 2006 general election) | No alien corporation or corporation with majority of stock or interest owned by aliens may own real estate | NM Const. Art. 2 § 22 |
| | | Alienage no bar to heirship | NM Stat. §45-2-111 | Limited Partnerships | Foreign limited partnership may exclude alien limited partnerships | NM Stat. §54-2-2(D) |
| New York | | Aliens may own and devise real property as native born citizens | NY Real Prop. Law §10(2) | Mineral rights on state land | Mining rights in state lands limited to US citizens | NY Pub. Lands Law §81 |
| | | Alienage no bar to heirship | NY Real Prop. Law §15 | | | |
| | Mineral rights in state land | Mining rights in state lands limited to US citizens | NY Pub. Lands Law §81 | | | |
| North Carolina | | Aliens may take by purchase and descent as a citizen of the state | NCGSA §64-1 | | | |
| | | Secretary of State directed to collect information and maintain file of all information obtainable from reports by aliens made to agencies of the federal government on ownership of real property in the state. | NCGSA §64-1.1 | | | |
| | Reciprocity requirement to inheritance | Non-resident alien may not inherit personal property if their country prohibits US citizens from inheriting property within that country. | NCGSA §64-3 | | | |
| North Dakota | | Aliens authorized to own real property | NDCC §47-01-11 | Agricultural land restriction | FBE may not directly or indirectly acquire interest in title to agricultural land unless ultimate beneficial interest is held directly or indirectly by US citizen or permanent resident alien of US | NDCC 47-10.1-02(4) |
| | Agricultural land restriction | Individuals not citizens of US, Canada or permanent resident alien may not own any interest in agricultural land - list of exceptions | NDCC 47-10.1-02(1)(a) through (e) | Agricultural land non-use exception | Foreign entity may acquire agricultural land for use as industrial site if construction contracts are executed within 150 days. Must dispose of land within one year if contracts not executed within 150 days. | NDCC 47-10.1-02(6) |
| | Agricultural use treaty exception | Agricultural restrictions do not apply to citizens of foreign country whose rights to hold land are secured by treaty . | NDCC 47-10.1-02(7) | Farming or ranching restriction | All corporations and LLC's are prohibited from owning or leasing land for farming or ranching unless they amend articles of incorporation and comply with section 10-06.1-17 | NDCC 10-6.01-04 |
| | | | | Farming or ranching reporting requirement | Every corporation engaged in farming or ranching must file annual report with secretary of state before April 16 each year | NDCC 10-06.1-17 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|----------|--|--|--|--|--|---|
| | | | | Farming or ranching land use acreage reporting requirement | Business not engaged in farming or ranching which owns or leases land used for farming or ranching larger than 20 acres must file within 12 months a report with the attorney general | NDCC 10-6.01-18 |
| Ohio | | Aliens may own and inherit land as any US Citizen or of Ohio | ORC title XXI §2105.16 | | | |
| | Reporting Requirement: Residency, acreage and value restrictions | Nonresident alien owning more than 3 acres or property valued more than \$100,000 or any interest in minerals and any mining rights valued in excess of \$50,000 must register with the secretary of state | ORC §5301.254 | Reporting Requirement: Residency restriction for shareholder, acreage and value restrictions | Alien entity where nonresident alien owns at least 10% interest or any number of nonresident aliens own at least 40% combined interest and own property of more than 3 acres in size or valued at more than \$100,000 or any interest in minerals, mining rights worth more than \$50,000 must register with the Secretary of State within 30 days | ORC §5301.254 |
| | | | | Limited Partnerships | Alien LP not included in definition of foreign LP | ORC §1781.01(E) |
| Oklahoma | Citizenship requirement | No alien or person not a US citizen entitled to acquire land unless they become bona fide residents. | Okla. Const. art. XXII §1 | Limitation of location of real estate | Corporation may not hold any real estate located outside of any incorporated city or town. Exceptions apply when land is necessary to carry on business for which corporation was formed, to secure a debt or corporate acquisition due to mortgage foreclosure. | Okla. St. title 18 §1020 |
| | Residency requirement | Resident aliens may own land so long as they remain bona fide resident of state. 5 year limit to alienate lands once no longer inhabitant of state. | Okla. Stat. title 60 §122 | Reporting requirement | Corporation holding real estate in contravention of §1020 must file statement with county clerk | Okla. St. title 18 §1020(F) |
| | | | | Farming or ranching prohibition | No foreign corporation may be licensed to engage in farming or ranching or to own or lease interest in land to be used for farming or ranching. See Exceptions at §954 and §955 | Okla. St. title 18 §951 Okla. St. title 18 §954 and §955 |
| Oregon | Public land | Only US citizen or individual who declared an intention to become a citizen over age 18 may apply to purchase public lands | ORS §273.255 | Public land | Only US citizen or individual who declares an intention to become a citizen over age 18 may apply to purchase public lands | ORS §273.255 |
| | Mining claim | Only US citizen or individual who declared intention to become such may post a claim | ORS Only 517.010 | Mining claim | Only US citizen or individual who declares intention to become such may post a claim | ORS Only 517.010 |
| | | Alienage no bar to acquiring land by devise or decent | PA stat. title 68 §22 PA Stat. title 20 §2104(8) PA Stat. title 20 §2518 | | | |
| | Acreage limitation and state of peace with US | Alien not subject to power at war with US may purchase up to 5000 acres | PA Stat. title 68 §28 | Acreage limitation and state of peace with US | Alien not subject to power at war with US may purchase up to 5000 acres | PA Stat. title 68 §28 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|-----------------------|---|--|----------------------------------|-------------------------------------|---|----------------------------------|
| Pennsylvania | Agricultural limitation | Nonresident alien of state or of US state may not acquire interest in agricultural land exceeding 100 acres. Exceptions for land secured by treaty, acquired through debt collection or lien enforcement so long as divested of within 3 years, etc. | PA Stat title 68 §41 through §47 | Agricultural limitation | Nonresident alien of state or of US state may not acquire interest in agricultural land exceeding 100 acres. Exceptions apply, such as for land secured by treaty, acquired through debt collection or lien enforcement so long as divested of within 3 years | PA Stat title 68 §41 through §47 |
| Rhode Island | None | Alien may hold real estate as a US citizen | RI Stat §34-2-1 | Limited Partnerships | Alien LP not included in definition of foreign LP | RI St. §7-13-1(4) |
| South Carolina | Acreage limitation | General assembly required to enact law limiting number of acres any alien or corporation controlled by alien may own. | SC Const. art. III §35 | Acreage limitation | No alien or corporation controlled by aliens may own more than 500,000 acres | SC Stat. §27-13-30 |
| | Acreage limitation | No alien or corporation controlled by aliens may own more than 500,000 acres | SC Stat. §27-13-30 | Agricultural tax | Agricultural land owned by non-resident alien and used for agricultural purpose taxed at 6% of market value as opposed to 4% for others | SC Stat. §12-43-220(d)(1) |
| | | | | Limited Partnerships | Alien LP expressly not included in definition of foreign LP | SC Stat. §33-42-20(12) |
| South Dakota | Residency, agricultural and acreage restriction | Nonresident alien may not acquire agricultural lands exceeding 160 acres except by inheritance or devise. Provisions do not apply to foreign governments or subjects of foreign country whose right is secured by treaty. | SD Stat. §43-2A-2 | Necessary for business purpose | Corporation may only hold real estate as necessary and proper for legitimate business | SD Const. Article XVII §7 |
| | | Nonresident alien who becomes bona fide resident of state or of some US state has right to acquire agricultural lands as a citizen of the state. 3 year time limit to divest after termination of residency. | ST. St. §43-2A-5 | Farming restriction | No foreign or domestic corporation may engage in farming or have interest in title to real estate used for farming or capable of being used for farming. Exceptions for greenhouse operations or poultry. | SD Stat. §47-9A-3 |
| Tennessee | None | Aliens may own property as a native citizen | TCA §66-2-101 | None | | |
| | | Aliens have same real and personal property rights as US citizens. | VTCA §5.005 | Limited Partnerships | Foreign LP definition does not appear to include alien LP | VACT 6132b-1.01(8) |
| | | Alienage no bar to right to inherit | VTCA §41 | | | |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|---------------|---|--|---|---|---|---|
| Texas | Appraisal as timberland | Land owned by individual nonresident alien or foreign government is not eligible for appraisal as timberland if federal law requires registration of ownership or acquisition of property. | VCTA Prop. Tax Code §23.77 | | | |
| Utah | None | Alienage no bar to right to inherit | UCA §75-2-111 | Limited Partnerships | Foreign LP definition does not appear to include alien LP | UCA §48-2a-101(5) |
| Vermont | Perhaps residency required | Person who settles in the state and takes oath or affirmation of allegiance to same may own real estate. Nonresident not expressly addressed | VT Const. Ch. II §66 | | | |
| Virginia | Reciprocity with foreign government | Alien, not an enemy may own real estate except when native country denies Virginia resident same benefit. | VA Code Ann. §55-1 | None | | |
| | | Alienage no bar to right to inherit | VA Code Ann. §64.1-4 | | | |
| Washington | | Any alien may acquire and inherit land as a native citizen | RCWA §64.16.005 | None | | |
| West Virginia | None | Any alien may acquire and inherit land as a native citizen | WVa Code §36-1-21 WVa Code §42-1-4 | Foreign corporation land ownership reporting required prior to obtaining certificate of authority | Tax applies to corporation holding more than 10,000 acres. Foreign corporation must state in its application for authority to hold property the number of acres it desires to hold and pay taxes to Secretary of State before certificate of incorporation or authority is issued | WVa. Code §11-12-75 |
| | | | | Limited Partnerships | Foreign LP may not include alien LP | W.Va. Code §47-9-1(6) |
| Wisconsin | Residency restriction | No distinction between resident aliens and citizens regarding possession or descent of property | Wis. Const. Art. I §23 | Alien corporations acreage limitation | Corporations not created under the laws of the US may not hold interest in more than 640 acres. Penalty is forfeiture to state | Wis. Stat. §710.02(1)(b) Wis. Stat. §710.02(6) |
| | Residency restriction acreage limitation | Nonresident of US may not acquire interest directly or indirectly in more than 640 acres | Wis. Stat. §710.02(1)(a) Wis. Stat. §710.02(6) | Alien corporation/nonresident acreage restriction | FBE with 20% or more of its equity owned by nonresident alien or corporation, not created under laws of US prohibited from owning more than 640 acres. Penalty is forfeiture to state. | Wis. Stat. §710.02(1)(c) Wis. Stat. §710.02(6) |
| | Exception to residency and acreage limitation | Residency restriction and acreage limitation excepted for subjects of foreign government is to hold larger quantity of land is secured by treaty. | Wis.Stat. §710.02(2)(b) | Reporting Requirement | If report is required under 7 USC 3501 to 3508, duplicate must be filed with the secretary of agriculture. Penalty \$500-\$5000 | Wis. Stat. §710.02(4) Wis. Stat. §710.02(7) |
| | Reporting Requirement | If report is required under 7 USC 3501 to 3508 duplicate must be filed with the secretary of agriculture. Penalty \$500-\$5000 | Wis. Stat. §710.02(4) Wis. Stat. §710.02(7) | Farming restriction | Corporations and trusts generally prohibited from owning land on which to carry on farming operations. Exceptions listed. Penalty \$1000 per day | Wis. Stat. §182.001 |

| State | Alien individual restriction(s) | Comments | Citation | Alien/Foreign entity restriction(s) | Comments | Citation |
|---------|---|--|----------------------|-------------------------------------|--|---------------------------|
| | Possible residency requirement | No distinction between resident aliens and citizens | WY Const. Art. 1 §29 | | | |
| Wyoming | Reciprocal rights with foreign government | Alienage no bar to right to inherit unless laws of country of nonresident alien do not allow US citizen to take real property by succession or testamentary disposition. | WY St. 2-4-105 | Note: | Foreign corporation ownership, without more, of real or personal property does not constitute transacting business in state. | WY St. §17-16-1501(b)(ix) |
| | | | | Limited Partnerships | Alien LP not included in definition of foreign LP | WY St. §17-14-201(a)(iv) |