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Alien Land Ownership Guide

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



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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 THIS RESEARCH WAS COMPILED PRIMARILY DURING 2006 AND, AS ALWAYS, STATUTES MAY BE AMENDED OR REPEALED OR REPLACE WITH NEWER VERSIONS OR NEW AUTHORITY, AND IT IS POSSIBLE THAT COURTS MAY ISSUE OPINIONS WHICH FURTHER EXPLAIN (OR EVEN DECLARE UNCONSTITUTIONAL)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.

