

One-Pager: Ohio H.B. 212

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Background on Land Laws in Ohio

In 1804, Ohio was the first state to pass legislation permitting non-United States citizens to own land, paving the way for other states to do the same.¹ In the late nineteenth and early twentieth centuries, amidst a wave of anti-Asian sentiment, Ohio was among the thirty states or so that did not enact “alien land laws” prohibiting non-citizens from owning land.² However, during the 1970s, in response to growing fears about foreign ownership and investment in the United States, Ohio enacted a law requiring nonresident aliens as well as their corporations and businesses to register their interests in real property.³ The [law](#) is still in effect today.

Topline Points

- In June of 2023, Representatives King (R-Celina) and Klopfenstein (R-Haviland) introduced H.B. 212, the Ohio Property Protection Act. Ohio is currently among [27 states](#) who have introduced some form of modern alien land law prohibiting or severely limiting certain foreign entities from purchasing property.
- [H.B. 212](#) would prohibit certain sanctioned individuals and governments deemed “foreign adversaries” from purchasing or otherwise acquiring interest in real property in Ohio. Currently, “foreign adversaries” are defined as China, North Korea, Cuba, Iran, Russia, and Venezuelan politician Nicolas Maduro. The law would also ban from purchasing real property businesses with a principal executive office located in a country governed by a foreign adversary and businesses that are directly or indirectly owned or controlled by a foreign adversary, subject to limited exceptions. Individuals, governments, and businesses covered by the law would be required to divest of all real property.
- Representative King [claims](#) that the bill is necessary to protect Ohio’s economy as well as Ohio’s and the nation’s security. In particular, she argues that Ohio’s agriculture must be protected from foreign nations who want to remove economic value from the state. However, the most recent [government records](#) show that only 2.5% of the agricultural land in Ohio is foreign-owned, which is even lower than the national percentage of 3.1% of all agricultural land in the United States being foreign-owned.
- The bill was referred to the House Civil Justice Committee and currently awaits reporting.

¹ Charles H. Sullivan, Alien Land Laws: A Re-Evaluation, 36 Temp. L.Q. 15 (1962); Mark L. Lazarus III, An Historical Analysis of Alien Land Law: Washington Territory & State 1853–1889, 12 U. of Puget Sound L. Rev. 197 (1987).

² Justin Miller, Alien Land Laws , 8 GEO. Wash. L. REV. 1 (1939).

³ Anthony J. Celebrezze Jr. & Clara J. Hudak, Ohio's Nonresident Alien Land Registration Law: A Legislative and Administrative View, 9 Cap. U. L. Rev. 215 (1979).

AAJC Analysis

The introduction of H.B. 212 is a disappointing turn away from Ohio’s history of permissive land laws, even when other states succumbed to xenophobic and racist pressures. First, H.B. 212’s application to businesses with attenuated connections to foreign adversaries wrongfully assumes that all such businesses pose a threat to Ohio’s economy and security. On the contrary, prohibiting such businesses from owning real property may very well hurt Ohio’s economy and its workers. Second, whereas other state laws specifically focus on critical infrastructure or agricultural land, H.B. 212 applies to all real property. “Real property” is defined so vaguely in the state of Ohio that it, “real property” could include anything from buildings to bridges. Such broad land coverage is unnecessary to achieve the alleged purposes of the bill—to protect Ohio’s agriculture and military installations from economic and security threats. At any rate, national security concerns are within the federal government’s purview and not up to individual states to legislate upon, and the designation of foreign adversaries upon which H.B. 212 relies was intended to be used only in a federal context.⁴ If enacted, H.B. 212 would not only call into question issues of federal preemption, but it would also further advance a narrative that would have countless harmful consequences for the Chinese American community and other Asian Americans.

⁴ 15 C.F.R. § 7.4(b) (“The Secretary’s determination of foreign adversaries is solely for the purposes of the Executive Order, this rule, and any subsequent rule promulgated pursuant to the Executive Order.”).