



January 26, 2026

TO: Members of the Senate Finance Committee

SUBJECT: Support SB233: Business Regulation – Cemeteries – Actions for Sale, Transfer, or Alternate Use

My name is Mark Edwards, and I am a member of the Maryland Cemetery Legislative Advocates (MCLA) and a member of the Board of Directors of Montgomery Preservation, Inc. Before I retired 4 years ago, I worked for over 46 years in the heritage preservation and cultural resource management field, including 18 years at the Maryland Historical Trust. I reside in Silver Spring, Montgomery County, Maryland.

Following the 2025 Maryland General Assembly session, advocates involved with cemeteries began meeting to share information about problems and challenges, review existing law, and to agree upon priorities for legislative changes to propose to the 2026 General Assembly. The working group includes individuals active in cemetery preservation, care, and maintenance as well as descendants, genealogists, and nonprofit organizations. These initiatives follow the survey and study requested by the Joint Chairmen and reported to the Maryland General Assembly on June 30, 2022. See the *Report on Historic African American Cemeteries to the Chairmen of the Senate Budget and Taxation Committee and House Appropriations Committee* submitted on June 30, 2022, by the Maryland Commission on African American History & Culture and the Maryland Historical Trust.

In last year's session, MCLA supported SB1021/HB1354 that would have created a mechanism for the sale of a cemetery for another use and a process of transferring ownership of abandoned cemeteries to non-profit organizations. Although this bill passed the Senate, it did not complete the entire legislative review process in the House. MCLA believes that HB1354 failed simply because of time constraints in shepherding a large number of bills through the legislative process towards the end of the legislative session.

The Maryland Supreme Court has held that sale of a cemetery does not require court review. The effect of this is that some cemeteries are sold as if they were a building or an empty lot, without taking into consideration the fact that descendants and plot owners should have a voice in this process.

SB233 calls for the establishment of a more thorough process to guide how certain "persons of interest" would bring an action when the owner of a cemetery proposes the sale, transfer, or alternate use of cemeteries. Specifically, it defines the rights of descendant communities in a new process that offers a balanced approach for the treatment of cemeteries, and provides guidance to courts on how views of multiple interests, especially members of descendant communities, will be taken into account. This legislation provides courts with the authority to weigh and consider interests, review or deny transfers, and safeguard cemetery integrity.

This new process would ensure that the voices of members of descendant communities will be heard and thoughtfully considered when the burial sites of their ancestors are involved in the sale, transfer or alternate use of land on which a cemetery is located. We believe this would be beneficial to all

Marylanders. Input from non-profit organizations with an interest in cemetery preservation would also be part of the court's determination that a sale or transfer of a cemetery is inappropriate.

This process has a number of other benefits to our citizens. Perhaps most importantly, it would maintain the historical and cultural value of cemeteries, and protect burial sites and descendant interests for the future.

In conclusion, all of Maryland's cemeteries, notably African American cemeteries and burial grounds, face erasure, abandonment, and increasing threats from construction and development. SB233 represents an important new mechanism to ensure that the views of many individuals and groups will be considered when an owner of land on which a cemetery is located is being proposed for sale, transfer, or alternate use. I believe our goal as a state should be to do whatever we can to protect, honor, and respect these touchstones to our past in the years ahead. Passage of this legislation would greatly assist in achieving this goal.

For these reasons, I request that you support SB233. Thank you for your consideration of my request.

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