

PDF RBS SB 233 Testimony January 26, 2026.pdf

Uploaded by: candy warden

Position: FAV

Candy Warden, President

Rosa Bonheur Society, Inc.

10240 Harvest Fields Drive

Woodstock, MD 22163

January 26, 2026

SB 233 Testimony: FAVORABLE

Sponsor: Senator Salling,

My name is Candy Warden, President of the Rosa Bonheur Society, Inc. (RBS). RBS is a volunteer, nonprofit group formed to protect the Rosa Bonheur Memorial Park (RBMP), which is a human and pet cemetery with thousands of burials. The people with loved ones resting at our cemetery span across all the counties of Maryland.

Why is SB 233 Important?

Cemeteries are frequently targeted by owners and developers who view them and the concerned families, descendant communities, non-profit organizations, and community groups without respect as they have historically had little, if any, legal recourse to proposed plans. SB 233 would permit legal action to be brought that would provide judgment of appropriateness or inappropriateness of the sale, transfer, or alternate use of a cemetery. With this legislation the wanton destruction and desecration of cemeteries could be avoided.

A Case in Point

In 1978, the Rosa Bonheur Memorial Park was purchased by developer, William Green. Shortly thereafter Mr. Green founded a second pet cemetery, Green Meadows. Mr. Green continued to sell plots and funerary goods at Green Meadows, but had in reality had sold the cemetery to another developer. In 1981 the Office of Consumer Affairs filed an order against Mr. Green in violation of consumer laws. All charges were dismissed when he paid to move 125 pet's remains from Green Meadows to RBMP.

In 1996, the Office of Consumer Affairs filed civil and criminal charges against Mr. Green for deceptive trade practices and misdemeanor theft. The outcome was that he partially reimbursed RBMP plot owners for memorial services not rendered and received an 18 month suspended sentence, 100 hours of community service, and one year probation.

By 1997, RBMP had gone into receivership and was purchased by developer Gunther Tertel DBA Bonheur Land Co. LLC. At the auction for RBMP the Animal Welfare League and a multitude of plot owners were outbid by Mr. Tertel. Mr. Tertel publically stated in the media that he intended to build various businesses on the RBMP property and subsequently closed RBMP in 2004. RBMP fell into a

severe state of neglect that it has never recovered from. Families were harassed by Mr. Tertel and his representatives trying force them to remove their human and pet remains from the cemetery, so that he could develop it. In 2011, Mr. Tertel died.

From 2012 to approximately 2015 another developer, Don Reuwer, was interested in acquiring the cemetery for development. RBS worked for three years to deter the project he proposed and he eventually backed off.

From approximately 2015 to the present a developer, Mark Levy, has been seeking to develop RBMP. RBS members as per the recommendation of Calvin Ball, currently County Executive, met with Mr. Levy for three years .in an effort to reach an agreement that would protect and preserve the cemetery. At the last meeting with Mr. Levy he finally announced that his plans were to destroy the cemetery by developing on it. The meetings with him to protect and preserve the cemetery had been a ruse all along.

In 2022 and 2023, RBS was contacted twice by funeral entities about disinterring human remains on the behalf of the developer's LLCs. In 2022, Robert Anderson of Meadow Ridge cemetery cancelled a disinterment contract as none of families would agree to removal. In 2023, Ed Sagel (SBD&G Funeral Care) discovered that the situation at RBMP had been misrepresented to him and that the people buried at RBMP did have family members that opposed removal. Consequently, he declined to perform the removals.

In 2023, human graves were desecrated the week before Christmas (2023) with human remains being exhumed and relocated without the permission of families and without the direction of a funeral services professional. Pet graves were also wantonly destroyed that surrounded the human graves.

The families that suffered disinterment(s) have never been notified of the location of their loved ones' remains by the desecrator(s). Are the human remains still extant? Have they been dumped in a mass grave somewhere? Have they been thrown away? Were the remains only partially exhumed or churned into the ground? Only the desecrator(s) know the answers to these questions.

Although families paid significant amounts of money for plots, caskets, vaults, memorial markers, and other services for human and pet burials and received deeds for their plots they have been victimized by their loved ones being violated.

Who is responsible for this desecration and damage? A developer that our group met with for three years in an effort to reach a mutual agreement to protect the cemetery. The developer is hiding behind LLCs, which even the Maryland Office of Cemetery Oversight could not untangle. It has been over two years since these tragic events were perpetrated and the person(s) responsible have not been legally identified; just the LLCs.

Currently, the developer, Mark Levy, and his associates are seeking to have the Rosa Bonheur Memorial Park rezoned, so that their project Corridor Square, LLC can build a gas station, car wash, grocery, etc. on the cemetery grounds. If this rezoning is approved at least 2000 graves would be destroyed.

On September 18, 2025, a Planning Board hearing was held for Case No. ZB-1130M Corridor Square, LLC. Testimony was submitted by people with loved ones at the cemetery, the Rosa Bonheur Society, Inc., and supporting organizations, such as, The Coalition to Protect MD Burial Sites, Inc. opposing the

rezoning. Corridor Square, LLC's attorney and associates submitted a review of their plans in support of the rezoning. The Planning Board rendered an unfavorable recommendation regarding the proposed rezoning to the Zoning Board.

On October 07, 2025, the Planning Board formally recommended that the Zoning Board Case No. ZB-1130M be denied.

Due to the Planning Board's decision on February 25, 2026 the Hearing Examiner will hear the case since it falls within the authority of the Board of Appeal. The Hearing Examiner will hear and decide variances, conditional uses, nonconforming uses, and appeals of departmental administrative decisions. Decisions of the Hearing Examiner may be appealed to the Board of Appeals.

When this cemetery went into receivership (1997) there was no legislation established for families, descendant groups, non-profits, and community groups to challenge owners and developers that would desecrate and destroy their loved ones' resting places. Since 1978 the people with loved ones at RBMP have suffered: 1) Nineteen years of mismanagement and criminal abuse by William Green, and 2) over twenty nine years of threats by developers. Forty eight years of abuse that could have been ended decades ago if legislation, such as, SB 233 had been enacted. It is not too late to bring closure by honoring the socio-cultural, religious, and ethical beliefs of families, person(s) of interest, and communities by enacting the proposed legislation,

Benefits of SB 233

- Necessary legal judgment would be provided to determine the appropriateness or inappropriateness of sale, transfer, or alternate use of cemeteries.
- A voice would be provided for concerned families, descendant communities, non-profit organizations, and community groups, and support for their diverse social, cultural, ethical, and religious beliefs and how they choose to honor their dead.
- Wanton destruction and desecration of cemeteries would decrease.

Remains interred in a cemetery must at all times be treated with honor, dignity, and respect. These beliefs are normative and widely held by Constituents across Maryland. Cemetery legislation is critical to protect all Maryland gravesites.

Thank you for your kind consideration of this testimony, which is greatly appreciated.

Sincerely,

Candy Warden

Rosa Bonheur Society, Inc. (founded May 2007)

2010 Periwinkle Award Winner, Coalition to Protect Maryland Burial Sites

MCLA .docx.pdf

Uploaded by: David Zinner

Position: FAV



Maryland Cemetery Legislative Advocates (MCLA)

Following the 2024 Maryland General Assembly session, advocates involved with cemeteries began meeting to share information about problems and challenges, review existing laws, and to agree on priorities for legislative changes to propose to the General Assembly. The working group includes individuals active in cemetery preservation, care, and maintenance as well as descendants, genealogists, and nonprofit organizations.

Members of Maryland Cemetery Legislative Advocates are

- David Zinner, chair; consumer member, Office of Cemetery Oversight, coordinator of Preservation and Rehabilitation Initiative for Neglected Cemetery Entities (PRINCE), Howard County
- Candy Warden, Rosa Bonheur Society, Baltimore County
- Elinor Thompson, Genealogist, Historian, Broadneck African American Project, Anne Arundel County
- Josh Silver, Bethesda African American Cemetery Coalition, Montgomery County
- Hope Metzler, President of the Coalition to Protect Maryland Burial Sites
- Tina Simmons, Anne Arundel Genealogical Society, Anne Arundel County
- Katie Myers, President, Howard County Cemetery Preservation Advisory Board
- Eileen McGuckian, Past President of the Coalition to Protect Maryland Burial Sites and President of Montgomery Preservation, Montgomery County
- Yvonne Fisher, Chair of the Maryland Advisory Council for Cemetery Oversight, Baltimore County
- Mark Edwards, Montgomery Preservation, Inc. Montgomery County
- Greg Burton, Baltimore County Genealogical Society
- Jesse Bennet, Mt. Auburn Historic African American cemetery, Baltimore City

In the 2025 legislative session, MCLA was successful in passing a bill to establish a work group to Create the Maryland Inventory of Cemeteries and Burial Sites to study issues related to the establishment and maintenance of a unified State cemetery inventory system. The work group submitted its report to the Governor and the General Assembly.

A second bill that passed was to set up an Abandoned and Neglected Cemetery Fund. Regulations to implement that bill are being finalized.

For 2026 the MCLA is submitting two bills - one to establish a process to acquire ownership of abandoned cemeteries and turn over their care to a non-profit organization. A second bill will give descendants of those buried in a cemetery a voice when the cemetery owner intends to sell the cemetery for another use.

David Zinner, Coordinator, MCLA - 410-733-3700 - davidzinner26@gmail.com

SB233_SB234_DonnaNelson_FAV

Uploaded by: Donna Nelson

Position: FAV

January 27, 2026

To the Members of the Maryland General Assembly,

My name is Donna Nelson, Co-Owner of the Point of Rocks Colored Cemetery 1879 in Frederick County. I am writing in dedicated support of Senate Bills SB233 and SB234, which address the transfer, sale, and alternate use of abandoned cemeteries in Maryland.

The issue of abandoned cemeteries is profound and calls for immediate attention. The proposed bills require that any government or business buying an abandoned cemetery must take the pivotal step of reaching out to the descendants of those interested. This provision ensures that descendants, community organizations, or non-profit entities are recognized and empowered to protect the sacred resting places of their ancestors. Furthermore, if a business or government entity acquires ownership, they must help the reinterment of remains, ensuring respectful treatment of the deceased.

My family's experience demonstrates the need for this legislation. When we pursued ownership of our cemetery, we faced significant challenges due to fragmented records and unclear legal status. Through dedication and perseverance, we were able to secure ownership through "Quiet Title" in February 2025. These bills would have made that process much easier and ensured protection for other families in similar situations.

Passing SB233 and SB234 will ensure Maryland's sacred grounds are treated with respect and descendants can actively preserve their heritage. I urge you to support these vital bills and help honor our ancestors and communities.

Thank you for your time and consideration.

Respectfully,

Donna Nelson

6306 Grenfell Court

Bowie, Maryland, 20702

#301 437-0843

MPI 1-29-2026 to Finance SB 0233 .pdf

Uploaded by: Eileen McGuckian

Position: FAV

MONTGOMERY

PRESERVATION

Post Office Box 4661
Rockville, MD 20849-4661

Web: www.montgomerypreservation.org
Email: mpi@montgomerypreservation.org

Senate Finance Committee Hearing on SB 0233 Jan. 29, 2026 FAVORABLE

I am writing on behalf of Montgomery Preservation, a county-wide nonprofit that has for decades worked with local groups and the Coalition to Protect Maryland Burial Sites to advocate for the betterment of cemeteries and needed changes in state law. In 2021-2, I served on the committee charged by House & Senate Joint Chairmen to survey citizens and study historic African American cemeteries in Maryland and recommend strategies to improve their current situations and their futures. This report noted that many properties in every county meet the definitions of Abandoned or Neglected, some because owners are unknown or missing and others that suffer from neglect.

Some good Maryland laws have been enacted since then -- combining forces for a State-wide list and defining the term Abandoned, also creating a fund for the future. The Cemetery Inventory Database workgroup delivered its report to the General Assembly on December 1, 2025; it contains excellent recommendations for implementation. This year we bring other urgent needs to your attention, with suggestions for solving persistent problems.

I am here with fellow advocates to ask your support for proposals that will have a beneficial effect on all Maryland cemeteries. SB 0233 describes what should happen when cemeteries are sold, transferred, or the property turned to another use, all of which happen often. This bill provides a voice to descendants and others who respect those who came before us.

SB 0233 and an accompanying bill address priorities that have long been identified and will help descendants, communities, landowners, and local governments to begin resolving pressing issues. Enacting these bills will begin to tackle long-standing problems that exist in every Maryland county and municipality.

In recent years, we've been pleased to observe increased understanding in the General Assembly about the protection and preservation of our State's noteworthy and precious cemeteries. When supported in committee, most cemetery protection proposals have passed unanimously. We hope you will continue this commitment to help to resolve problems that have been building for years and impact all segments and Maryland populations.

Thank you for your consideration.

Eileen McGuckian, President
Montgomery Preservation, Inc.
11807 Dinwiddie Drive, Rockville, MD 20852
301-468-7331
phileen3@verizon.net

SB233_SponsorAmendment

Uploaded by: Johnny Ray Salling

Position: FAV



SB0233/743024/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

29 JAN 26
11:08:16

BY: Senator Salling
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 233

(First Reading File Bill)

On page 6, in line 21, after “WHEN THE” insert “NONGOVERNMENTAL”.

Senator Salling SB233 Written Testimony.pdf

Uploaded by: Johnny Ray Salling

Position: FAV

JOHNNY RAY SALLING
Legislative District 6
Baltimore County

Budget and Taxation Committee
Public Safety, Transportation,
and Environment Subcommittee



James Senate Office Building
11 Bladen Street, Room 321
Annapolis, Maryland 21401
410-841-3587 · 301-858-3587
800-492-7122 Ext. 3587
JohnnyRay.Salling@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Senate Finance Committee
Chair Pamela Beidle
Vice Chair Antonio Hayes
3 East Miller Senate Office Building
Annapolis, Maryland 21401

Thank you for the opportunity to present Senate Bill 233 – Business Regulation - Cemeteries - Actions for Sale, Transfer, or Alternate Use.

Cemeteries are not ordinary pieces of land. They are places of remembrance, history, and deep personal meaning. Yet under current law, there is no clear process to ensure that descendant families or communities have a voice when cemetery land is proposed for sale, transfer, or redevelopment.

This bill fills that gap by requiring that any proposed sale, transfer, or repurposing of cemetery land be reviewed by a court. That review includes input from people with burial rights, descendant community organizations, nonprofit preservation groups, and government entities. This ensures that all affected voices are heard.

The bill gives courts flexibility. A court may approve a proposed transfer, deny it, or require an alternative approach that better protects the cemetery. If a sale is approved, the bill requires that proceeds first be used to cover reinterment costs or cemetery preservation. Any remaining funds must be distributed fairly.

In cases where a sale is inappropriate, the court may approve a transfer of the cemetery to a nonprofit or descendant organization for little or no cost. The court may also help parties negotiate a solution that respects both legal and community interests.

This bill ensures that decisions involving burial grounds are made carefully, transparently, and with respect for the people connected to those sites. At its core, this legislation protects dignity, history, and fairness. I request a favorable committee report.

Sincerely,

Senator Johnny Ray Salling

Silver_SB233_FAV.pdf

Uploaded by: Josh Silver

Position: FAV

Testimony of Josh Silver

Member of Bethesda African Cemetery Coalition

Senate Finance Committee

SB 233 and SB 234

January 29, 2026

Thank you for the opportunity to testify today. My name is Josh Silver and I am a lifelong resident of Bethesda MD. I am a member of the Bethesda African Cemetery Coalition (BACC).

BACC is a coalition of concerned citizens opposed to the desecration of Moses African Cemetery on River Road in Bethesda MD. An African American community during slavery and after the Civil War buried their loved ones in the Moses Cemetery. After the Civil War, a resilient and remarkable African American community resided on River Road. They were stone masons and farmers. They formed the Macedonia Baptist Church which remains in operation today.

Spanning several years from World War II through the 1960s, KKK violence and public sector discrimination displaced the African American community. Many of them had to surrender ownership of their homes and land and fled the River Road area. The cemetery passed into the hands of developers who built apartment buildings and commercial enterprises on top of Moses African Cemetery.

Currently, BACC is involved in litigation against Montgomery County's Housing Opportunities Commission (HOC). HOC seeks to sell the Westwood Towers apartments to a developer. The Maryland State Supreme Court affirmed that hundreds of bodies are beneath the apartment complex and its parking lot. The Supreme Court remanded the case to the Circuit Court which is expected to render a decision soon. Meanwhile, BACC has sued 1784 Holdings over its construction of a light storage facility on another part of Moses. The developer illegally removed remains to a warehouse in Virginia.

In this context, BACC believes that the protections in SB 233 regarding the sale and transfer of cemeteries is vital for the fight against desecration. BACC has had to struggle in the court system for years to convince the courts to hear the case. In contrast, SB 233 would create an expeditious process. It would provide a right of private action for a descendant community and persons of interest to bring a case before the courts. A court of equity would be required to hear the case and render a decision. The court could allow the sale and transfer or prohibit it. It could require a transfer of a cemetery to a descendant community or require negotiation between the parties in the litigation.

SB 233 does not guarantee any outcome but it provides a fair opportunity for all parties to have their day in court. It increases the chances for equitable solutions and the cessation of desecration. It is modeled on the Fair Housing Act and other civil rights laws empowering historically disenfranchised communities to go to court.

SB 234 is similar but applies in the case of abandoned cemeteries. The owners of these cemeteries have ceased operations for a variety of reasons including bankruptcy. In the case of abandoned cemeteries, a local government can acquire the cemetery for the purpose of transferring it to a descendant community or other persons of interest. If a person of interest believes the local government is not acting in good faith, the bill would allow the person of interest to file a lawsuit. However, the bill in its current form needs to be amended to require a court to render a decision.

BACC wants to maintain Moses as a cemetery and to build a museum and memorial. This would not only benefit the descendant community but would be of immense educational benefit to the wider community. It would teach them the history of a resilient community that suffered violent discrimination but has persevered and wants to share its story of the indomitable human spirit. These bills would provide BACC and similar communities with better opportunities to pursue these sacred missions.

As a Jew, I can attest to the history of desecration and erasure. Let us take steps to preserve and teach history, not erase it. Future atrocities are less likely to occur if we remember. These bills provide an opportunity for restoration and remembrance.

Thanks for the opportunity to testify.

SB233, letter to Senate Finance Committee.pdf

Uploaded by: Mark Edwards

Position: FAV



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.

Mark Edwards
1204 Edgevale Road
Silver Spring, MD 20910
Mark_edwards1@verizon.net
(301) 758-8867

SENATE FINANCE COMMITTEE_ Testimony of Reverend Olu

Uploaded by: Segun Reverend ADEBAYO

Position: FAV

Testimony of Reverend Olusegun Adebayo
Pastor, Macedonia Baptist Church, Bethesda Maryland
Member of Bethesda African Cemetery Coalition

TO: Senate Finance Committee
RE: SB 233 and SB 234

January 30, 2026

I appreciate the opportunity to testify before the Maryland Senate Finance Committee today. My name is Reverend Dr. Olusegun Adebayo, a resident of Bethesda and the pastor of Macedonia Baptist Church, a historic African American church in Bethesda, Maryland. I am also a founding member of the Bethesda African Cemetery Coalition (BACC).

BACC, a coalition of concerned citizens, was organized about 10 years ago to protect and preserve the Moses Cemetery and end the desecration of this burial place on River Road in Bethesda MD. Moses Cemetery was organized by White's Tabernacle, a benevolent African American institution, to bury Black people post emancipation. Following the Civil War, a resilient and vibrant African American community was established and built homes and businesses on River Road. They were stone masons and farmers. They established the Macedonia Baptist Church in 1920.

Spanning several years from World War II through the 1960s, KKK violence and public sector discrimination displaced the African American community. Many of them had to surrender ownership of their homes and land and fled the community. The cemetery passed into the hands of developers who built apartment building and commercial enterprises on top of Moses African Cemetery. Macedonia Baptist Church, the only black institution that survived the organized displacement continues to bear witness to the atrocity committed against our people on River Road.

Currently, BACC is involved in litigation against Montgomery County's Housing Opportunities Commission (HOC). HOC seeks to sell the Westwood Towers apartments to a developer. The Maryland State Supreme Court affirmed that hundreds of bodies are beneath the apartment complex and its parking lot. The Supreme Court remanded the case to the Circuit Court which is expected to render a decision soon. Meanwhile, BACC sued 1784 Holdings over its construction of a storage facility on an ancient burial ground in the immediate vicinity of the Moses African Cemetery. In the process of the construction funerary objects and possible human remains were excavated, steamed and crushed and dumped in a landfill in Germantown. Possible human remains were transported and stored in a Warehouse in Gainesville, Virginia since 2020.

In this context, BACC believes that the protections in SB 233 regarding the sale and transfer of cemeteries is vital for the fight against desecration. BACC has had to struggle in the court system for years to persuade the courts to hear the case. In contrast, SB 233 would create an expeditious process. It would provide a right of private action for a descendant community and persons of interest to bring a case before the courts. A court of equity would be required to hear the case and render a decision. The court could allow the sale and transfer or prohibit it. It could require a

transfer of a cemetery to a descendant community or require negotiation between the parties in the litigation.

SB 233 does not guarantee any outcome but it provides a fair opportunity for all parties to have their day in court. It increases the chances for equitable solutions and the cessation of desecration. It is modeled on the Fair Housing Act and other civil rights laws empowering historically disenfranchised communities to go to court.

SB 234 is similar but applies in the case of abandoned cemeteries. The owners of these cemeteries have ceased operations for a variety of reasons including bankruptcy. In the case of abandoned cemeteries, a local government can acquire the cemetery for the purposes of transferring it to a descendant community or other persons of interest. If a person of interest believes the local government is not acting in good faith, the bill would allow the person of interest to file a lawsuit. However, the bill in its current form needs to be amended to require a court to render a decision.

BACC wants to maintain Moses as a cemetery and to build a museum and memorial. This would not only benefit the descendant community but would be of immense educational benefits to the wider community. It would teach them the history of a resilient community that suffered violent discrimination but has persevered and wants to share its story of the indomitable human spirit. These bills would provide BACC and similar communities better opportunities to pursue these sacred missions.

Thanks for the opportunity to testify.

Sale and Transfer of Cemeteries for alternate use.

Uploaded by: Yvonne Fisher

Position: FAV

Sale and Transfer of Cemeteries for alternate use

SB 233 Testimony of Yvonne Fisher Senate Judicial Proceedings –

The Sale and Transfers of Cemeteries for alternative use must be highly scrutinized to assure the persons bringing the action in accordance with the Maryland Rules.

Actions may be taken by:

Some who owns a burial right, Descendant, Non-profit organization, or government entity. The Government entity must make timely and reasonable efforts to contact descendants.

It is imperative that the “person(s) in interest are”: related by blood, domestic partner, cultural affiliation with the person interred or has an interest in burial site that the States Attorney’s office for the jurisdiction where the burial site is located recognizes after consultation with a burial site advisory board or Maryland Historical Trust.

Descendents may bring action to the courts if the government entity does not act.

If no organization is identified to take over the cemetery, the government entity in that jurisdiction must maintain and preserve or facilitate reinterment of the remains.

It is without question that everyone who has chosen to be entered in a cemetery should be given same respect as someone still here on this earth.

We do not choose to die but we choose where we will be laid to rest. It is our responsibility to respect and preserve our final resting place.

SB233 written testimony.pdf

Uploaded by: Christine Simmons

Position: FWA

SB233- Sale or Transfer of Cemeteries for Another Use

Christine Simmons
521 West Drive
Severna Park, MD 21146
410-978-7167

This bill strengthens Maryland's existing cemetery law by creating a clear, fair process that holds cemetery property owners accountable. It ensures that before a cemetery—or even a portion of one—can be sold or repurposed, descendants have a meaningful voice in the final disposition of their loved ones. And when disputes arise, it gives the courts the authority to resolve them transparently.

I've spent many years researching cemetery issues and consulting with families and communities across Maryland. The problems we often think of as "historic" are still happening today. Cemeteries have been built over. Burials have been dug up and discarded. Families have been left powerless.

We've seen this before. Laurel Hill Cemetery in Baltimore once held thousands of African American burials. A few hundred were actually moved to Carroll County. The rest now lie beneath a strip-mall parking lot. That is the cost of unclear law and lack of oversight.

But this is not just the past repeating itself—it is happening today. At Rosa Bonheur Memorial Park in Howard County, the current property owner has deliberately removed memorials and human remains without notifying lot owners or descendants. Families have tried to reach him with no success. After several Maryland funeral homes refused to participate, he hired an out-of-state company to remove the burials. The state's attorney approved the process with no meaningful oversight. And now, the developer plans to build a carwash and convenience store on the front third of an existing cemetery.

This bill offers a viable solution. It clearly defines who may bring an action, who carries the burden of proof, and what steps must be followed before any cemetery land can be altered or sold. It protects families, it protects history, and it prevents exactly the kind of abuses we are still seeing today.

And progress is possible. Just today, I read that the Friends and Families of the Knoxville African American Cemetery in Frederick County were legally granted title to their cemetery property—only the second time since it was first deeded in 1893. This shows that with the right legal framework, communities can reclaim and protect these sacred places.

This bill provides clarity, accountability, and dignity for the people buried in these cemeteries and for the families who still care deeply about them.

I urge you to vote favorably on this bill with an amendment that in a dispute, the court shall pass the final judgment.

Maryland Catholic Conference_UNFAV_SB233.pdf

Uploaded by: Jenny Kraska

Position: UNF



MARYLAND
CATHOLIC
CONFERENCE

January 29, 2026

SB 233

Business Regulation – Cemeteries – Actions for Sale, Transfer, or Alternate Use

Senate Finance Committee

Position: Unfavorable

The Maryland Catholic Conference (MCC) offers testimony in opposition to Senate Bill 233. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state’s second largest social service provider network, behind only our state government.

While we recognize **SB 233’s** intention to address the preservation of burial sites, two aspects raise significant concerns for Catholic institutions and for the religious liberty protections owed to all faith communities. The expanded definition of “cemetery” blurs sacred and commercial space. SB 233 broadens the definition of “*cemetery*” to include **any structure used to conduct business related to cemetery operations**. This expansion may appear technical, but it carries real consequences.

For the Catholic Church, a cemetery is sacred ground, blessed for the reverent care of the dead and for the spiritual needs of the living. By redefining a cemetery to include administrative or commercial structures, the bill risks:

- Diluting the distinction between consecrated burial space and ordinary business property
- Expanding the scope of what may be subject to litigation, transfer, or “alternate use”
- Increasing the likelihood that sacred land becomes entangled in commercial or redevelopment pressures

This shift is inconsistent with the Catholic understanding that burial grounds are permanent sacred places, not commercial assets.

Catholic cemeteries are ministries, not businesses. They are governed by religious doctrine, pastoral practice, and canon law. SB 233 introduces new pathways for outside parties to challenge or influence how a religious cemetery is managed, transferred, or used.

This raises several religious liberty concerns:

- **Judicial review of “alternate uses”** could place courts in the position of evaluating decisions rooted in religious doctrine.
- **Expanded definitions** may subject parish or diocesan cemeteries to regulatory or legal processes designed for commercial operators.
- **Third-party challenges** could interfere with a religious community’s ability to steward its sacred grounds according to its own teachings.

The First Amendment protects the autonomy of religious institutions in matters of internal governance, including the care of their burial grounds. SB 233 risks eroding that autonomy by broadening the circumstances under which religious cemeteries may be drawn into state-supervised processes.

Cemeteries are not interchangeable parcels of land. For Catholics, they are holy places entrusted to our care, deserving of permanence and protection. SB 233’s expanded definition of “cemetery” and its mechanisms for approving alternate uses introduce uncertainty, weaken the sacred character of burial grounds, and create avoidable religious liberty concerns.

The MCC appreciates your consideration and, for these reasons, respectfully requests an unfavorable report on Senate Bill 233.

SB 233 - FIN 01-29-2026 - MdCCA Testimony.pdf

Uploaded by: John Stierhoff

Position: UNF



January 29, 2026

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: SB 233 – Business Regulation – Cemeteries – Actions for Sale, Transfer, or Alternate Use

Dear Chair Beidle:

I am writing on behalf of the Maryland Cemetery and Cremation Association (“MDCCA”) in opposition to Senate Bill 233 out of concern regarding the proposed cumbersome and unrealistic process requirements.

Founded in 1916, the Maryland Cemetery and Cremation Association represents the shared interests and concerns of professionals across the spectrum of Maryland’s “deathcare” industries.

While it is suggested that Senate Bill 233 is a reintroduction of SB 1021 of 2025, it is in fact dramatically different. Among other things, the proposal authorizes specific persons to bring an action when the owner of a property that includes a cemetery proposes the sale, transfer, or alternate use of all or part of a certain cemetery; provides that the owner of the property that includes the cemetery has the burden of proof in any proceeding regarding the disposition of the property and the cemetery; and requires a court to take specific actions.

MDCCA recognizes and supports the issues raised by the proponents of Senate Bill 233 including whether concerns of the descendent community are recognized; the cultural and historical significance of cemetery property; costs associated with the disinterment and reinternment of human remains or pet remains, and who should bear the cost; and issues related to the purchase of an abandoned cemetery, and protecting those cemeteries from commercial development.

However, the new process proposed pursuant to Senate Bill 233 creates an unreasonable burden on the affected cemetery properties. The existing legal rights afforded impacted parties under current law are substituted with an overly cumbersome process, and oversight by the Office of Cemetery Oversight is completely removed.

As you know, the Office of Cemetery Oversight was established in Title 5 of the Business Regulation Article of the Maryland Annotated Code by the Maryland Legislature in August 1997. It was placed under the regulatory authority of the Department of Labor. The Office provides high standards of performance in the deathcare industry; enhances healthy economic competition; promotes consumer confidence in burial goods, products, and services; and provides structure and oversight to the pre-planning arrangements. The Office provides a responsive complaint/resolution process for consumers and operates a fair and effective regulatory enforcement system for cemeteries, monument dealers and sellers of burial goods, and crematories that are subject to its regulatory authority.

Maryland Cemetery & Cremation Association
c/o Garden of Remembrance Memorial Park
14321 Comus Road ♦ Clarksburg, Maryland 21871 ♦ (301) 428-3000 ♦ info@MDCCA.org



The primary objective for the Office is to register and monitor Maryland's sole proprietorships, individuals, partnerships, corporations and limited liability companies operating cemeteries, as well as businesses providing burial goods and services to consumers, including monuments and memorials. The Office also regulates and provides registration for crematories under its jurisdiction in the state.

Responsibilities of the Office include the investigation and mediation of consumer complaints involving registrants and permit holders. To protect Maryland citizens from unfair and unscrupulous practices, the office determines and enforces the ethical standards related to the operation of cemeteries and those related to the provision of burial goods and services within the state.

The MDCCA recognizes that the Office of Cemetery Oversight is a small, special-funded unit, with a small staff. Nevertheless, Senate Bill 233 seeks to undermine the oversight that has successfully been achieved over the last 30 years.

It is important to note that under existing law, religious and nonprofit cemeteries operate independently of the Office of Cemetery Oversight, a distinction that acknowledges the unique mission of faith-based and nonprofit cemetery operators, which are often maintained for religious and charitable purposes rather than commercial interests. Including these cemeteries under the proposal could set a troubling precedent for state oversight of religious institutions.

Additionally, subjecting religious cemeteries to state oversight in matters of sale or transfer would raise First Amendment concerns about religious liberty and autonomy.

Senate Bill 233 would appear to allow the taking of private property without any guardrails or guidelines. Definitions are vague, and often overly broad. These definitions give little guidance to the property owner, or to the owners of burial lots sold in the burial ground.

MDCCA believes that the goals of Senate Bill 233 would be more fully achieved if all interested parties convened during the legislative interim to study the impact and implementation of this proposal.

The Maryland Cemetery and Cremation Association respectfully requests the Senate Finance Committee to study the impact of Senate Bill 233 and we offer our association and lay leaders representing nearly fifty Maryland cemeteries to assist and participate in that study.

Sincerely,

Glenn S. Easton
President

cc: Members, Senate Finance Committee

SB 233 Business Regulation-Cemeteries-Actions for

Uploaded by: Andrew Fulginiti

Position: INFO

MARYLAND DEPARTMENT OF LABOR LETTER OF INFORMATION ON SB233

TO: Senate Finance
FROM: Deborah Rappazzo, Executive Director, Cemetery Oversight
DATE: 01/29/2026

Re: Letter of Information – SB 233 Business Regulation-Cemeteries-Actions for Sale, Transfer, or Alternate Use

The Office of Cemetery Oversight (OCO), within the Division of Occupational and Professional Licensing, provides the following information regarding Senate Bill 233.

SB 233 would authorize certain persons to bring an action when the owner of property that includes a cemetery proposes the sale, transfer, or alternate use of all or part of the cemetery in a manner that does not conform with continued cemetery operations. The bill requires court review and authorizes the court to approve, prohibit, or order an alternative disposition of the cemetery.

The bill is intended to provide additional protections for cemetery properties by establishing a judicial process to review proposed sales, transfers, or alternate uses.

SB 233 provides for notice to, and involvement of, multiple categories of persons authorized to bring an action, including persons with burial rights, descendant community organizations, nonprofit organizations, governmental units, and a “person in interest” as defined in § 14–121 of the Real Property Article. However, while “person in interest” is defined elsewhere in statute, the bill does not define or use the term “interested party,” which may create ambiguity regarding who is entitled to notice under the bill.

The requirement for court approval may delay property transactions involving cemeteries and may increase legal costs for cemetery owners and prospective purchasers.

In circumstances where a cemetery owner lacks the resources to continue maintenance, the expense and duration of litigation may impede the transfer of ownership, potentially increasing the risk of neglect or abandonment.



DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OFFICE OF THE COMMISSIONER
100 S. Charles Street
Baltimore, MD 21201

While OCO does play a role in the oversight of public cemeteries, OCO does not believe this proposed legislation would not directly impact OCO's operations or authority.

The Office of Cemetery Oversight respectfully submits this information for the Committee's consideration in its review of Senate Bill 233.

For questions, please contact Andrew Fulginiti, at **Andrew.Fulginiti@maryland.gov**