

Testimony of Elly Colmers Cowan
Director of Advocacy, Preservation Maryland

Before the
House Health and Government Operations Committee
March 10, 2020

Pertaining To: HB1512, Historic African American Cemeteries Preservation Fund
Favorable with Amendments

On behalf of the staff and Board of Directors of Preservation Maryland and our thousands of statewide supporters, I thank you for the opportunity to provide testimony on the value of history and preservation in Maryland.

Preservation Maryland is the statewide voice for historic preservation that works to protect the best of Maryland. Since 1931, we have worked tirelessly to protect the places, stories and communities in Maryland that matter.

HB1512 would create a grant fund within the Maryland Department of Planning to support the preservation of historic African American Cemeteries.

Maryland is home to an abundance of historic African American cemeteries. Historic cemeteries, like historic buildings, provide critical connections between our past and future. Cemeteries quite literally contain the physical remnants—human remains—of our past. Cemeteries are evocative and powerful places that speak to descendants and casual visitors equally.

Unfortunately, these vital resources are at risk. Some of the most sacred African American sites in Maryland are in impending danger due to environmental factors, as well as the passage of time. Cemeteries face resource specific threats including lack of funding for maintenance and conservation, but cemetery specific projects often go unfunded by other preservation grant programs. Indeed, there is a severe lack of funding for cemetery preservation, maintenance, and restoration despite demonstrated need.

That is why we support HB1512 with a few suggested amendments that we believe would help make this program even more effective.

INCREASE THE POTENTIAL IMPACT

As written, the definition of a “Historic African American Cemetery” is one that was established between 1800 and 1900. This time period unfortunately leaves out burial grounds of enslaved communities and cemeteries that were established during the Jim Crow era. Broadening the definition of qualified cemeteries to include those that are **“OF HISTORIC SIGNIFICANCE TO THE**

AFRICAN AMERICAN EXPERIENCE IN MARYLAND” would ensure that no historic African American cemeteries are excluded from the program.

The work that goes into the preservation of a cemetery is varied. It can range from mowing to erection of missing markers to historical research and digitization of records. Unfortunately, many of the necessary preservation activities that organizations looking to preserve an historic African American cemetery may need to do would not be eligible for this grant fund as it is written currently. Therefore, we suggest widening the activities eligible for funding through the program to include the full range of cemetery preservation needs. This can be accomplished by changing the definition of what a qualified organization can apply for a grant from the Fund to be used for **“A PROJECT THAT WILL ADVANCE THE IDENTIFICATION, PRESERVATION, OR MAINTENANCE OF AN HISTORIC AFRICAN AMERICAN CEMETERY”**.

Additionally, as the bill is currently written, it is possible that non-profits who are not primarily involved in cemetery preservation but are undertaking a cemetery preservation project would be excluded from accessing the fund, as would 501 (c) 13 organizations, nonprofits companies that operate and maintain cemeteries, who are precisely the organizations that have this grant program would serve most. To correct this unintentional oversight, we recommend that the definition of eligible applicants be broadened to **“A BUSINESS ENTITY, NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION”** to ensure that the funding can go to the organizations who are working hard to preserve historic cemeteries.

STREAMLINE THE PROGRAM TO MAKE IT MORE EFFICIENT

The Maryland Historical Trust in the Department of Planning works in partnership with the Maryland Commission on African American History and Culture to administer the current African American Heritage Preservation Program Grants for Capital Projects. We would suggest that the Historic African American Cemetery Preservation Fund and grant program created by HB1512 also be jointly administered by the Maryland Historical Trust and the Maryland Commission on African American History and Culture, which would leverage and build upon MHT’s existing partnership with MCAAHC.

The current proposed funding mechanism is based off of the number of graves in a given cemetery and the average cost of maintenance per grave. This would be a cumbersome process for the Department of Planning that would be hamstrung by the fact that three variables required to make the calculation are not available: the complete number and location of all historic African American cemeteries in the State, the number of graves and markers within those cemeteries, and the average annual cost to maintain a grave or marker. We would suggest that this calculation method be struck and replaced with language that an appropriation will be made to the grant program, which is how the African American Heritage Preservation Program Grants program is currently funded.

SUPPORT WITH AMENDMENTS

It is essential that Maryland works to protect, preserve, and restore our historic African American cemeteries. By establishing a preservation grant fund to assist these vital and threatened resources, HB1512 would go a long way to making sure that these ties to our past are preserved for the future. Preservation Maryland supports HB1512 and suggests the adoption of a few simple clarifying and technical amendments (included on the following page) which would go a long way to making the Historic African American Grant Fund a great success.

SUGGESTED AMENDMENTS FOR HB1512

On page 2, after line 11, insert “(2) “COMMISSION” MEANS THE MARYLAND COMMISSION ON AFRICAN AMERICAN HISTORY AND CULTURE”; in line 12, strike “(2)” and substitute “(3)”; in line 13, strike “(3)” and substitute “(4)”; in line 15, strike “(4)” and substitute “(5)”; and in line 18, strike “(5)” and substitute “(6)”.

On page 2, strike beginning with “WAS” in line 16 down through “STATE” in line 17 and substitute “THAT IS OF HISTORIC SIGNIFICANCE TO THE AFRICAN AMERICAN EXPERIENCE IN MARYLAND”.

On page 2, strike beginning with “:” in line 18 down through “CEMETERY” in line 23 and substitute “A BUSINESS ENTITY, NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION”.

On page 2, after line 23, insert “(6) “SECRETARY” MEANS THE SECRETARY OF PLANNING.”

On page 2, in line 28, after “FUND” insert “IN PARTNERSHIP WITH THE COMMISSION”.

On page 3, strike beginning with “:” in line 13 down through “MONUMENTS” in line 17 and substitute “A PROJECT THAT WILL ADVANCE THE IDENTIFICATION, PRESERVATION, OR MAINTENANCE OF AN HISTORIC AFRICAN AMERICAN CEMETERY”.

On page 3, in line 27, strike “(1)”; strike beginning with “EQUAL” in line 28 down through “STATE” on page 4 in line 5.

On page 4, after line 5, insert “(J) THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”