



March 3, 2025

TO: Members of the House Economic Matters and Health and Government Operations Committees

SUBJECT: Support HB1354: Business Regulation – Cemeteries – Requirements for Sale or Transfer or Government Acquisition

Good afternoon. 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 3 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 2024 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 2025 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.

This proposed legislation updates the Business Regulation to invoke rights of descendants and to refine the process when a sale is contemplated. It also enables transfer of abandoned cemeteries to local governments, which can then transfer to qualified nonprofit organizations dedicated to preservation and maintenance. It is also important because it deletes Section 5-505 which currently involves the Courts in matters of sale or owner transition of cemeteries. Court involvement in this process is detrimental to descendant communities who have not had a say in the matters of what happens to their burial places if they become abandoned. This bill creates a process in which descendant communities across the state of Maryland have greater involvement in this process.

After clarifying the definition of an abandoned cemetery, this bill goes on to state in Section 5-507, part A "That the State, a County, or a Municipality may acquire an abandoned cemetery, including ownership of any unoccupied lots or burial sites, for the purpose of transferring ownership of the abandoned cemetery to a descendant community organization or a non-profit organization." This is of paramount importance because it gives descendant communities a powerful voice in the process of sale or transfer of a cemetery.

The benefits of enacting this legislation are as follows:

- Empowers descendant communities to make key decisions in regards to sale or transition of ownership of cemeteries
- Creates a process in case of sale the requires the owner to consult with the Office of Cemetery Oversight to implement development of a preservation plan. This specifies that the seller must pay for any costs involved in the process under OCO guidance
- Ensures due diligence with those with interest in the cemetery, especially descendant communities and specifies appropriate notice of a proposed sale.

MCLA, a coalition of descendant communities, historians, non-profits, activist-organizers, strongly urges the Maryland General Assembly's support of this proposed legislation to ensure that descendant communities are truly empowered when it comes to their cemeteries. These areas contain much more than just graves, but are historical sites of conscience.

For these reasons, I request that you support HB1354. Thank you for your consideration of my request.

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