



March 3, 2025

The Honorable, C. T. Wilson, Chair
House Economic Matters Committee
230 Taylor House Office Building
Annapolis, Maryland 21401

Favorable w Amendments: HB 1354 – Cemetery Sales Requirements

Dear Chair, Wilson and Committee Members:

The NAIOP Maryland Chapters represent approximately 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to request your favorable with amendments report on HB 1354.

HB 1354 requires notice and approval prior to the sale of a permitted commercial cemetery for a use other than a cemetery. While we can see the purpose in applying these steps to a permitted cemetery company prior to sale, we do not believe the bill is sufficiently clear that the bill does not apply to privately owned burial plots.

We have attached a markup of the bill with proposed amendments intended to clarify that the bill applies only only to cemeteries operated by a cemetery company regulated under Title 5 of the Business Regulation Article.

With these changes, we believe potential confusion can be avoided about the applicability of the bill to the transfer of property that contains burial plots that are not licensed commercial cemeteries.

For these reasons, NAIOP respectfully requests your favorable with amendments report on HB 1354.

Sincerely,

Tom Ballentine, Vice President for Policy
NAIOP – Maryland Chapters, *The Association for Commercial Real Estate*

cc: Economic Matters Committee Members
Nick Manis – Manis, Canning Assoc.

HOUSE BILL 1354

C2

5lr2093
CF 5lr2094

By: **Delegate Simmons**

Introduced and read first time: February 7, 2025

Assigned to: Economic Matters and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Cemeteries – Requirements for Sale or Transfer or**
3 **Government Acquisition**

4 FOR the purpose of prohibiting certain owners of a cemetery from selling or transferring
5 the cemetery without the approval of the Director of the Office of Cemetery
6 Oversight; authorizing a governmental unit to acquire an abandoned cemetery under
7 certain circumstances; establishing certain requirements for the sale, transfer, or
8 government acquisition of a cemetery; and generally relating to the sale, transfer, or
9 acquisition of cemeteries.

10 BY repealing
11 Article – Business Regulation
12 Section 5–505
13 Annotated Code of Maryland
14 (2024 Replacement Volume)

15 BY adding to
16 Article – Business Regulation
17 Section 5–505 and 5–507
18 Annotated Code of Maryland
19 (2024 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Business Regulation**

23 [5–505.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

hb1354

(a) An action may be brought in accordance with the Maryland Rules and a court may pass a judgment for sale of a burial ground for another purpose if:

(1) the ground has been dedicated and used for burial;

(2) burial lots have been sold in the burial ground and deeds executed or certificates issued to buyers of the lots;

(3) the ground has ceased to be used for burial; and

(4) it is desirable to dispose of the burial ground for another purpose.

(b) If the court is satisfied that it is expedient or would be in the interest of the parties to sell the burial ground, the court:

(1) may pass a judgment for the sale of the burial ground on the terms and notice the court sets;

(2) shall order that as much of the proceeds of the sale as necessary be used to pay the expenses of removing any human remains in the burial ground, buying burial lots in another burial ground, and reburying the remains; and

(3) shall distribute the remaining proceeds of the sale among the parties according to their interests.

(c) A judgment for the sale of a burial ground passes to the buyer of the burial ground the title to the burial ground free of the claims of:

(1) the owners of the burial ground; and

(2) the holders of burial lots.]

5-505.

(A) THIS SECTION APPLIES TO A PERMANENT CEMETERY THAT IS OPERATED BY A CEMETERY OWNER.

(B) IN THIS SECTION, “CEMETERY OWNER” MEANS:

(1) A REGISTERED CEMETERIAN;

(2) A PERMIT HOLDER UNDER SUBTITLE 4 OF THIS TITLE; OR

(3) AN OWNER OF A CEMETERY THAT IS EXEMPT FROM THE REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE.

(B) (C) (1) A REGISTERED CEMETERIAN OR PERMIT HOLDER MAY NOT

SELL

30 OR TRANSFER A CEMETERY, IN WHOLE OR IN PART, TO ANOTHER PERSON FOR A USE
31 OTHER THAN AS A CEMETERY WITHOUT THE APPROVAL OF THE DIRECTOR.

1 (2) THE OWNER OF A CEMETERY THAT IS EXEMPT FROM THE
2 REGISTRATION AND PERMITTING REQUIREMENTS UNDER § 5-102 OF THIS TITLE
3 MAY NOT SELL OR TRANSFER THE CEMETERY, IN WHOLE OR IN PART, TO ANOTHER
4 PERSON WITHOUT THE APPROVAL OF THE DIRECTOR.

5 ~~(C)~~ **(D)** BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY
UNDER
6 THIS SECTION, THE DIRECTOR SHALL:

7 (1) REQUIRE A CEMETERY OWNER TO SUBMIT TO THE DIRECTOR:

8 (I) AN APPLICATION UNDER SUBSECTION (D) OF THIS SECTION;

9 (II) A COMPLETED PRESERVATION PLAN UNDER SUBSECTION
10 (E) OF THIS SECTION; AND

11 (III) SATISFACTORY EVIDENCE OF COMPLETION OF THE PUBLIC
12 NOTICE REQUIREMENTS UNDER SUBSECTION (F) OF THIS SECTION; AND

13 (2) REVIEW AND CONSIDER ANY PUBLIC COMMENTS REGARDING THE
14 CEMETERY IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

15 ~~(D)~~ **(E)** (1) TO REQUEST APPROVAL TO SELL OR TRANSFER A
CEMETERY
16 UNDER SUBSECTION (B) OF THIS SECTION, A CEMETERY OWNER SHALL SUBMIT AN
17 APPLICATION TO THE DIRECTOR ON THE FORM THAT THE DIRECTOR PROVIDES.

18 (2) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN
19 APPLICATION FORM, THE FORM SHALL REQUIRE:

20 (I) THE NAME AND ADDRESS OF EACH CEMETERY OWNER;

21 (II) NOTICE OF THE INTENT TO SELL OR TRANSFER THE
22 CEMETERY, IN WHOLE OR IN PART;

23 (III) A DESCRIPTION OF THE CEMETERY OR PART OF THE
24 CEMETERY INTENDED FOR SALE OR TRANSFER, INCLUDING THE NAME, LOCATION,
25 SIZE, ESTIMATED NUMBER OF HUMAN REMAINS AND PET REMAINS INTERRED IN THE
26 CEMETERY, AND NUMBER OF UNUSED OR UNSOLD BURIAL SITES;

27 (IV) THE NAME AND CONTACT INFORMATION OF ANY POTENTIAL

28 BUYERS OR TRANSFEREES OF THE CEMETERY, IF KNOWN;

1 (V) AN AGREEMENT TO SUBMIT A PRESERVATION PLAN IN
2 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION; AND

3 (VI) A COPY OF THE PUBLIC NOTICE REQUIRED UNDER
4 SUBSECTION (F) OF THIS SECTION.

5 ~~(E)~~ (F) (1) A CEMETERY OWNER SHALL, IN CONSULTATION WITH
THE
6 DIRECTOR, DEVELOP A PRESERVATION PLAN FOR A CEMETERY THAT THE
7 CEMETERY OWNER INTENDS TO SELL OR TRANSFER.

8 (2) IN DEVELOPING THE PRESERVATION PLAN UNDER PARAGRAPH
9 (1) OF THIS SUBSECTION, THE CEMETERY OWNER SHALL ATTEMPT TO IDENTIFY AND
10 CONTACT:

11 (I) ANY DESCENDENT OR DESCENDENT COMMUNITY
12 ORGANIZATION OF AN INDIVIDUAL INTERRED IN THE CEMETERY;

13 (II) ANY INDIVIDUAL OR FAMILY WHO HAS PURCHASED AN
14 UNUSED PLOT IN THE CEMETERY; AND

15 (III) ANY PERSON THAT HAS WORKED TO MAINTAIN THE
16 ABANDONED CEMETERY.

17 ~~(F)~~ (G) (1) BEFORE A CEMETERY OWNER MAY SELL OR
TRANSFER A
18 CEMETERY UNDER THIS SECTION, THE CEMETERY OWNER SHALL PROVIDE PUBLIC
19 NOTICE OF THE CEMETERY OWNER'S INTENT TO SELL OR TRANSFER THE CEMETERY
20 BY:

21 (I) PUBLISHING NOTICE OF THE SALE OR TRANSFER IN A
22 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE CEMETERY IS
23 LOCATED FOR 9 SUCCESSIVE WEEKS;

24 (II) PLACING A WRITTEN NOTICE OF INTENT TO SELL OR
25 TRANSFER IN THE CEMETERY AT A CONSPICUOUS LOCATION IN FULL PUBLIC VIEW
26 FOR NOT LESS THAN 60 DAYS;

27 (III) PROVIDING NOTICE TO LOCAL GENEALOGICAL AND
28 HISTORICAL SOCIETIES; AND

29 (IV) HOLDING A PUBLIC MEETING AT WHICH PUBLIC TESTIMONY
30 MUST BE OFFERED.

1 (2) A PUBLIC NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS
2 SUBSECTION SHALL INCLUDE:

3 (I) THE ADDRESS OF THE CEMETERY;

4 (II) THE ESTIMATED SIZE AND NUMBER OF HUMAN REMAINS OR
5 PET REMAINS INTERRED IN THE CEMETERY;

6 (III) ANY AVAILABLE INFORMATION ABOUT THE CEMETERY
7 FROM THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

8 (IV) IF AVAILABLE, THE NAME OF THE LAST KNOWN OWNER OF
9 THE CEMETERY.

10 ~~(G)~~ (H) BEFORE APPROVING THE SALE OR TRANSFER OF A CEMETERY
UNDER
11 THIS SECTION, THE DIRECTOR SHALL CONSIDER ANY PUBLIC COMMENTS ABOUT
12 THE CEMETERY RECEIVED BY THE CEMETERY OWNER AT A PUBLIC HEARING UNDER
13 SUBSECTION (F)(1)(IV) OF THIS SECTION OR BY THE DIRECTOR, INCLUDING:

14 (1) WHETHER THE CEMETERY OWNER HAS CONSIDERED THE
15 CONCERNS OF THE DESCENDANT COMMUNITY, INCLUDING:

16 (I) REASONS FOR THE PROPOSED SALE OR TRANSFER AND
17 FUTURE PLANS FOR THE PROPERTY;

18 (II) WHETHER THE CURRENT LOCATION OF THE CEMETERY
19 HOLDS ANY CULTURAL OR HISTORICAL SIGNIFICANCE;

20 (III) THE COST OF DISINTERMENT AND REINTERMENT OF THE
21 HUMAN REMAINS OR PET REMAINS IN THE CEMETERY AND WHO SHOULD BEAR THE
22 COST; AND

23 (IV) WHERE ANY HUMAN REMAINS OR PET REMAINS
24 DISINTERRED FROM THE CEMETERY WOULD BE RELOCATED; AND

25 (2) WHETHER THE CEMETERY OWNER RECEIVED OTHER EQUIVALENT
26 OFFERS FOR PURCHASE OF THE CEMETERY THAT MAY BE LESS DISRUPTIVE TO THE
27 CEMETERY.

28 ~~(H)~~ (I) THE DIRECTOR SHALL APPROVE THE SALE OR TRANSFER OF A
29 CEMETERY OR PART OF A CEMETERY UNDER THIS SECTION IF:

(1) THE CEMETERY OWNER SATISFIES ALL THE REQUIREMENTS OF THIS SECTION; AND

(2) THE DIRECTOR DETERMINES THAT IT IS IN THE INTEREST OF ALL THE PARTIES TO SELL OR TRANSFER THE CEMETERY OR PART OF THE CEMETERY.

5-507.

(A) IN THIS SECTION, "ABANDONED CEMETERY" MEANS A CEMETERY OPERATED BY A CEMETERY OWNER AS DEFINED IN SUBTITLE 5-505 OF THIS TITLE FOR WHICH:

(1) LEGAL OWNERSHIP OF THE PROPERTY ON WHICH THE CEMETERY IS LOCATED CANNOT BE DETERMINED. AND;

(2) THE PERSON WITH LEGAL RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF THE CEMETERY CANNOT BE DETERMINED;

(3) THE ENTITY THAT OPERATED THE CEMETERY HAS CEASED TO OPERATE; OR

(4) THE REAL PROPERTY ON WHICH THE CEMETERY IS LOCATED HAS BEEN CONDEMNED.

(B) (1) 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 NONPROFIT ORGANIZATION.

(2) A DESCENDENT COMMUNITY ORGANIZATION OR NONPROFIT ORGANIZATION THAT AGREES TO THE TRANSFER OF TITLE OF A CEMETERY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL AGREE TO PROPERLY MAINTAIN, PRESERVE, AND PROTECT THE CEMETERY.

(C) IF A GOVERNMENTAL ENTITY THAT HAS ACQUIRED AN ABANDONED CEMETERY UNDER SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER OWNERSHIP OF THE ABANDONED CEMETERY WITHIN A REASONABLE PERIOD OF TIME, THE DIRECTOR MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS OR PET REMAINS FROM THE ABANDONED CEMETERY TO AN OPERATIONAL CEMETERY IN A PROFESSIONAL MANNER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.