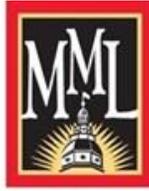


HB 1354 - MML - FAV.pdf

Uploaded by: Bill Jorch

Position: FAV



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 5, 2025

Committee: House Economic Matters Committee

Bill: HB 1354 - Business Regulation - Cemeteries - Requirements for Sale or Transfer or Government Acquisition

Position: Favorable

Reason for Position:

The Maryland Municipal League (MML) supports House Bill 1354, which grants municipal governments the authority to acquire abandoned cemeteries for the purpose of transferring the property to certain third-party entities. This situation has arisen several times and without the authority granted in this bill, the municipal government was unable to provide assistance.

Due to any number of reasons, cemeteries fall into various states of disrepair thus leaving an unfortunate situation for those laid to rest there as well as blight in the community. There have been several instances where a municipal government was seeking to assist a community non-profit entity to restore an abandoned cemetery but lacked the authority to procure the property and then transfer ownership to the community partner. The provisions of HB 1354 would allow for such a procurement and transfer to occur, thus assisting all parties involved.

For these reasons, the Maryland Municipal League respectfully requests a favorable report on House Bill 1354. For more information, please contact Bill Jorch, Director, Public Policy and Research at billj@mdmunicipal.org. Thank you in advance for your consideration.

RBS HB 1354 Testimon 1354.pdf

Uploaded by: candy warden

Position: FAV

Candy Warden, President

Rosa Bonheur Society, Inc.

10240 Harvest Fields Drive

Woodstock, MD 22163

February 24, 2025

HB 1354 Testimony: FAVORABLE

Sponsor: Delegate Simmons,

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

What is an Abandoned Cemetery?

An abandoned cemetery is a burial ground that is no longer being professionally operated or maintained. Abandoned cemeteries are not active in performing new burials and are typically in deteriorated conditions due to lack of upkeep.

Why is HB 1354 Important?

Abandoned cemeteries have no designated ownership, which results in dangerous, unkempt areas that negatively impact families, persons in interest, and communities. Abandoned cemeteries are also frequently targeted by developers who view them and the concerned families, friends groups, and person(s) in interest without respect.

There is no process established for abandoned cemeteries to be acquired by the State, a county, or municipality thereby enabling transfer to families, non-profit, and community groups that will maintain them.

Legislation prohibiting the sale or transfer of cemeteries by owners without the approval of the Office of Cemetery Oversight must be enacted to avoid the desecration and destruction of Maryland cemeteries. It is imperative that guidelines, requirements, and procedures be established that would facilitate sale, transfer, or government acquisition of abandoned cemeteries. Consequently, cemeteries could be protected for those concerned and that legal responsibility for care and maintenance could be assumed.

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 has yet to untangle. It has been over a year since these tragic events were perpetrated and the person(s) responsible have not been legally identified; just the LLCs.

When this cemetery went into receivership (1997) there was no process established for abandoned cemeteries to be acquired by the State, a county, or municipality that would enable transfer to families, non-profit, and community groups that would protect and preserve them. 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 eight years of threats by developers. Forty seven years of abuse that could have been ended decades ago if legislation, such as, HB 1354 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 HB 1354

- Abandoned cemeteries could be acquired by a county, municipality or by the state for transfer to a family, non-profit, or community that would provide maintenance.
- Necessary legal protections would be provided, a voice for families, friends groups, and person(s) in interest, and support for their diverse social, cultural, ethical, and religious beliefs and how they choose to honor their dead.
- Abandoned cemeteries would no longer be dangerous, unkempt areas, but spaces of respect, serenity, and order that would benefit and beautify their communities.

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

5 HB1354 Sale or Owner Transition of Cemeteries t

Uploaded by: Christine Simmons

Position: FAV

HB1354/BS1021 Business Regulation-Cemeteries-Requirements for Sale or Transfer or Government Acquisition-FAV

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

I am on the boards of both the Anne Arundel Genealogical Society and the Coalition to Protect Maryland Burial Sites and a member of the Maryland Cemetery Legislative Advocates. I have been involved with cemeteries for 40 years both researching and consulting. I have visited hundreds of cemeteries. One of the most pressing issues throughout Maryland is lack of known ownership.

There could be an easier process, with oversight, to enable descendants or non-profit groups to acquire ownership. This bill would enable a county or municipality to assume clear title with the intent to then transfer it. The buyer of the cemetery could absorb the costs involved.

Many small cemeteries were established before the surrounding area was developed. The Maryland Department Assessment and Taxation (SDAT) often does not even identify these sites or give them tax identification numbers since cemeteries are not taxable. When no identification can be found, granting ownership to a new owner is not possible.

In another cases, land has been set aside as "reserved" but never given an identification number. The cemetery is badly overgrown and the community wanted to take over ownership but have been unable to obtain ownership. They have since lost interest and it has, once again, become overgrown.

In another instance, a double plot surrounded by development was listed on plats with no identification. The last known burial there was in 1889. The last known "owner" was the developer who died in the early 20th century. A descendant's ancestors are buried in that cemetery and he has been working to obtain title to the property. He's worked with a real estate attorney, had a survey performed, worked with a title abstractor, and contacted his House delegate. All his efforts have failed so far.

In Maryland, if a cemetery location stays within the same family, the owner's name is unchanged on SDAT. If individuals or groups are interested in preserving the cemetery, there is no known contact since the listed "owner" may have died several generations ago. Not knowing a contact or having a common owner's last name causes confusion as to is now responsible for decisions regarding the cemetery. One historic local cemetery has ownership as "The Worthington Family." What if different family members differ about what should happen with the cemetery? Who should be contacted about preserving it?

I look forward to a favorable outcome for this bill.

HB1354 - Requirements for Sale or Transfer or Gove

Uploaded by: David Zinner

Position: FAV

HB1354 - Requirements for Sale or Transfer or Government Acquisition

I'm David Zinner, the coordinator for the Maryland Cemetery Legislative Advocates. You can read more about our group in the accompanying fact sheet.

I have extensive experience with cemeteries in Maryland. I've been a Religious and Consumer Representative at Maryland's State Advisory Council for Cemetery Operation but I am not representing the Advisory Council or the Office of Cemetery Oversight.

We are fortunate in Maryland that our residents have so many cemetery choices. We have religious cemeteries, veteran's cemeteries, commercial cemeteries, pet cemeteries and natural burial cemeteries. We have for profit and non-profit cemeteries. We have family cemeteries and cemeteries of those who were enslaved and never freed in their lifetime.

Regardless of their ownership, or their nature, cemeteries reflect the history of our people. Cemeteries are a sacred space, a space to honor those who have died. A place for contemplation and remembrance for friends and relatives. Cemeteries are our visible inheritance of the past and our future obligation to protect.

HB1354 addresses two of the critical problems facing Maryland cemeteries.

The first problem is the prevalence of abandoned cemeteries in the state. Our quick informal survey has identified at least one abandoned cemetery in every county. And let me be clear, we're not just talking about neglected cemeteries that are unsightly, although this is a major issue with abandoned cemeteries. We're talking about cemeteries where we can't find an owner, where the owner is deceased and there is no one in charge, or

where there is no record of an owner on the SDAT (Maryland's Real Property Database.)

Aside from maintenance of the grounds, when a cemetery is abandoned, current law does not offer a way for a municipality, county or the State to take over the cemetery. There is currently no legal way to do so.

In addition, those that want to care for the cemetery, whether it be work crews from prison or dedicated volunteers, cannot obtain owner permission to work at the cemetery.

This bill addresses this problem by giving counties, municipalities and the State the power, but not the obligation, to legally acquire these abandoned cemeteries and to turn them over to a non-profit that will maintain them. This addresses both the current situation with abandoned cemeteries, as well as the probability that there will be more abandoned cemeteries in the future.

The second part of the bill deals with a sale of a cemetery for another purpose. Here we are talking about a cemetery where the owner is known, but the owner no longer wants to keep the cemetery for its intended purpose – to honor and respect those buried in the cemetery. Instead the owner wants to sell the cemetery to build a commercial establishment, such as a condo, or a shopping center. Those cemeteries look so tempting – big tracts of open land – they are hard to resist.

But selling a cemetery is not like selling a house. Generally, when a house with rental tenants is sold, the tenants have to leave. But if you want to sell a cemetery, you can't ask the residents to leave. They cannot walk away or be evicted.

In addition, when there is a burial at a cemetery, there is usually an understanding, sometimes oral, sometimes written, between the deceased person's loved ones and the cemetery owner that, once buried, the deceased will not be disturbed. So even though the relatives do not "own" the land, they have a critical stake and it is important for them to be consulted, to become part of the process for deciding the fate of the cemetery.

The current law 5-505 leaves approval up to the court, which may, or may not intervene. The current process does not specifically recognize the rights of the families whose loved ones are buried in that cemetery.

Under our bill, the descendants may decide they want to try to purchase the cemetery to preserve it. Or they might agree to have their loved ones disinterred and moved to a new location. What is important is that they have a "seat at the table" and become an integral part of the process.

This bill establishes a fair process for all parties when a cemetery owner wants to sell a cemetery for another purpose.

Please support HB1354

MCLA.pdf

Uploaded by: David Zinner

Position: FAV



MCLA is a new group, formed in July of 2024. We've met weekly to discuss Maryland cemetery laws and how we can bring our real world experience to proposing improvements to those laws. We drafted language for seven bills that are in the legislative process in the House and Senate.

We are not professional lobbyists, nor are we paid for our work in Maryland's cemeteries. We have no paid staff. We don't even have a bank account. What we do have is passion and a belief that cemeteries show respect for the deceased, and that cemeteries are our history and our gift to future generations.

We are twelve Maryland citizens devoted to care, preservation, documentation and protection of all of Maryland's cemeteries. Our MCLA team represents hundreds of years of advocacy and hands-on cemetery care. We are multicultural, spanning ethnicities and religions. Our members have widespread and diverse experience and backgrounds, are bi-partisan, and come from different counties across the State.

MCLA puts a special emphasis on identification, preservation, care and when needed, restoration, of African American cemeteries. Our members are actively working with individual African American cemeteries or sections of cemeteries. We bring incarcerated citizens to learn about cemetery care, and participate in cemetery cleanups. We help identify African American cemeteries for grants.

MCLA members understand the importance of genealogy and actively work to document cemetery records and markers across the State. Our members work with statewide organizations to provide advice to Maryland's cemetery regulator and to educate Maryland citizens about the importance of cemeteries.

Maryland citizens can make a difference when they are actively involved in the legislative process. We are so grateful to our bill sponsors, three Republicans and four Democrats. And we are appreciative of the hearing process that allows us to explain the importance, need and impact of the bills that we initiated. Thank you for supporting legislation this session that will benefit all cemeteries in Maryland.

Testimony in Support of HB1354.pdf

Uploaded by: Gary Simmons

Position: FAV

GARY SIMMONS
Legislative District 12B
Anne Arundel County

Judiciary Committee

Subcommittees

Criminal Law and Procedure

Family and Juvenile Law



The Maryland House of Delegates
6 Bladen Street, Room 152
Annapolis, Maryland 21401
410-841-3581 • 301-858-3581
800-492-7122 Ext. 3581
Gary.Simmons@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 3, 2025

Re: Testimony in Support of HB1354: Requirements for Sale or Transfer or Government Acquisition

Dear Chair, Vice Chair, and Members of Economic Matters and Health and Government Operations,

I am writing to express my strong support for HB1354, a bill I am introducing which provides essential protections for cemeteries by ensuring responsible oversight in their sale, transfer, or acquisition. Cemeteries are more than just plots of land; they are sacred spaces that hold the memories and legacies of our loved ones. As such, we must safeguard them from improper handling and ensure they remain respected and maintained for future generations.

One key provision of this bill is the requirement that cemetery owners obtain approval from the Director of the Office of Cemetery Oversight before selling or transferring a cemetery. This measure ensures that any transaction involving a cemetery is conducted responsibly, carefully considering the cemetery's historical, cultural, and community significance. Without such oversight, there is a risk of neglect, improper land use, or loss of access for families wishing to visit their loved one's final resting places.

Additionally, it is important to mention that in too many cases, abandoned cemeteries fall into disrepair, becoming overgrown, vandalized, or even repurposed without due consideration. By allowing for governmental acquisition under specific circumstances, this bill creates a pathway for preserving and restoring these critical sites, ensuring they receive the care and respect they deserve.

This legislation also establishes precise requirements for any sale, transfer, or acquisition of a cemetery. Such regulations are vital to preventing commercial exploitation, ensuring that cemetery operations remain transparent, and maintaining public trust in how these spaces are managed.

I urge the Committee to support HB1354 and move it forward for passage. This bill is a necessary step in preserving the dignity of our cemeteries, protecting the interests of families and communities, and ensuring responsible oversight of these sacred spaces.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Simmons", written over a horizontal line.

Delegate Gary Simmons

Anne Arundel County, District12B

HB1354_FOSPC_FAV_Johnson.pdf

Uploaded by: Jennifer Johnson

Position: FAV

HB1354

Business Regulation - Cemeteries - Requirements for Sale or Transfer or Government Acquisition

Support FAV

Jennifer Elsie Johnson

Founder Friends of St Peter's Cemetery

Cemetery Address: 1301 Moreland Ave Baltimore Maryland 21216

Email: friendsofstpeterscemetery1851@gmail.com

410-929-2544

Dear Economic Matters Chair, Vice Chair and Committee Members,

Cemeteries are sacred and while sadly we live in a world where sometimes our sacred spaces are not treated properly; however, we as human beings should remain respectful of all sacred spaces including and certainly not limited to cemeteries.

HB1354 allows for an organized process for sale, transfer or government acquisition of a cemetery and for that cemetery to remain the sacred safely protected space.

The one thing constant in life is change. Just because an owner changes does not mean that a burial ground needs to change. This legislation seeks to protect the space and allow the souls buried in the space to not be disturbed. On the odd occasion when a burial ground needs to be moved this process seeks to establish a mechanism by which that move will happen while ensuring respect and dignity in the exhumation, transfer and reburial process.

I ask for your committee's favorable support for HB1354 Business Regulation - Cemeteries - Requirements for Sale or Transfer or Government Acquisition. Thanks for your time and consideration.

Sincerely,

Jennifer Elsie Johnson

Jennifer Elsie Johnson

Founder Friends of St Peter's Cemetery

HB1354, letter to Economic Matters and Health and

Uploaded by: Mark Edwards

Position: FAV



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 that 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.

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

New HB1354 SB1021 Cemetery Sales and Trasfer.pdf

Uploaded by: Yvonne Fisher

Position: FAV

Cemetery Sale and Transfer

HB1354 – SB1021

Testimony of Yvonne Fisher for Judicial Proceedings-
Economic Matters

I am a member of the Maryland Cemetery Legislative Advocates (MCLA). Our group has extensive experience with cemetery issues.

I have also been a member of the Advisory Council for the Office of Cemetery Oversight (ACCO) for 9 years. My testimony today is not as a representative of the council.

Sales and transfers of Cemeteries should have a more strict and procedural process that must be documented and approved by the department of Cemetery Oversight. There are no regulations or legal requirements to assure that this process does not leave room for abuses and illegal use of a cemetery.

There should be a requirement that an owner must inform every family whose loved one/s are interred in their cemetery of any and all proposed sale or transfers of ownership. This will give the families time to make inquiries and obtain information about the new proprietors.

It is to the benefit of everyone in the State of Maryland to be assured that their loved ones are protected from any form of abuse and neglect that may be a result of a sale or transfer that has not been communicated to them. If there is no legal procedure this could possibly result in situations that would negatively affect the families of those individuals that are interred.

No one thinks about their last resting place on a daily basis, but we do think about our loved ones and their last resting place. Those individuals are not here to protect themselves, so it is imperative that we protect their

last resting place by assuring that there are legal requirements and procedures that will ultimately protect them.

We must assure that there are procedures and processes in place for not only those who have passed away and are now interred in a cemetery but for all of us who someday will be in that position.

In the future there may be a need to look closer to Green Burial Sites. The industry of burying individuals will continue to evolve, and our laws and regulations must be available to assure the wellbeing of the deceased.

We must be the protectors for those who are not able to protect themselves.

Bill Testimony.pdf

Uploaded by: Ari Gutman

Position: FWA

My name is Ari Gutman and I am a member of the Bethesda African Cemetery Coalition in Bethesda, Maryland. I want to start by thanking Delegate Simmons for co-sponsoring this bill and, from my understanding, supporting an amendment to the bill which would empower descendant communities.

Communities like ours have had to deal with the issues expressed in this bill and have years of experience working to protect a cemetery that was once abandoned. As a member of BACC, I believe it is necessary for this bill to include such an amendment which would allow descendant communities, in the case of a sale or disposition of an abandoned cemetery, to go to court if they believe the Director of Cemeteries has made an inadequate decision.

Unless this bill includes such an amendment, I cannot support this bill. Thank you again.

Charles Martin_ Testimony for Amendments on HB 135

Uploaded by: Charles Martin

Position: FWA

Charles Martin

Bethesda African Cemetery Coaliton (BACC)

HB 1354: Testimony for Amendments

1

Thank you for the opportunity to submit testimony on this pressing bill—HB1354, Cemeteries, Requirements for Sale or Transfer or Government Acquisition. I also wish to extend gratitude to the bill's co-sponsor, Delegate Gary Simmons, for introducing multiple bills committed to restoring and protecting cemeteries susceptible to desecration, an act we have seen erase key facets of our history.

HB1354 will play a critical role in keeping the public informed and ensuring descendent communities are central in conversations regarding the future of their ancestral locations. The bill intends to form a process in which cemetery owners planning to sell their property must consult with the public and descendant groups before initiating a sale.

Additionally, the bill asserts that a county could acquire an abandoned burial ground and transfer it to either a descendent community or a nonprofit organization—keeping these sacred spaces in the hands of their rightful owners. If no such community or organization can be found, the county or city would find a separate, established cemetery and re-inter any remains there. The Director of Cemeteries, a state agency, would play a vital role in this process: it would oversee the sale of cemeteries, disposition of abandoned burial sites, and mandate a new disposition if it is determined a prospective sale or disposition was not in the community's interest.

While HB1354 will involve the community, there are not adequate community protections in the bill; some cemetery directors would act fairly, while others may not uphold the public's desires. The necessary safeguard for this bill is judicial oversight, which will enable descendent communities or nonprofit organizations to advocate their case to a larger set of individuals and perspectives. This proposed safeguard has been a key factor in the continuous success of my organization, the Bethesda African Cemetery Coalition (BACC).

I am a student leader of the BACC, a group that has been fighting to stop the desecration of the historic Moses African Cemetery in Bethesda, Maryland for over eight years. I've been a Montgomery County Public School student since kindergarten and am currently a senior at Walt Whitman High School. Despite being in this community for my entire academic life, I've heard very little about the abundance of Black history in the area. I got involved with the BACC after a friend invited me to a meeting several years ago, and the educational, political, and social experiences I've accumulated have been indispensable. The history of such a local sacred space and the stories it holds are not topics found in textbooks; the fight to save the cemetery from desecration is not an action taught in school presentations.

As a student and member of this generation's youth, causes like ours are foundational to building a pro-democratic wave of citizens. We need to understand our local histories if we hope to develop empathy and compassion, traits that contribute to fostering communities rooted in mutual understanding and progress. The state and country's future isn't just dependent on the

Charles Martin

Bethesda African Cemetery Coaliton (BACC)

HB 1354: Testimony for Amendments

2

youth. It is dependent on a youth that can recognize injustice and tirelessly work to amend those instances.

Without judicial oversight, our cause and likely many others would not have been able to empower the youth perspective. The BACC has met with elected officials from all levels and agencies; yet, the responses have ranged from relative indifference to hostility. The ability to take our cause to court has kept our fight and the descendent community's hope alive. Given our experience, we believe that the Director of Cemeteries should not have the last word; that power must lie in the hands of elected jurors who bring a diverse array of beliefs into these issues.

It is our understanding that Delegate Simmons supports an amendment to his bill that would implement judicial oversight and court consideration of a cemetery sale or disposition of an abandoned cemetery when the descendent community believes the Director of Cemeteries has issued an inequitable decision regarding a burial ground. This amendment must be implemented into this bill to ensure the support of the BACC.

I thank you for consideration of my views in this important matter,

Charles Martin

Bannockburn, Bethesda Maryland

HB1354_Silver_FWA.pdf

Uploaded by: Josh Silver

Position: FWA

Testimony of Josh Silver

Cemeteries - Requirements for Sale or Transfer or Government Acquisition (HB1354)

I appreciate the opportunity to submit testimony on this critical matter. I also want to commend Delegate Simmons for his introduction of several bills aimed at preserving historic cemeteries that are vulnerable to desecration. In addition to the bill being considered today, he has introduced bills to provide funding for the preservation of abandoned cemeteries and to promote better information gathering regarding the location and status of these cemeteries in our state.

We commend the intention of HB1354 to ensure that descendant communities are front and center in discussions and decisions regarding the disposition of vulnerable and abandoned cemeteries. We caution, however, that we cannot support this bill unless it safeguards judicial recourse in situations in which descendant communities believe that their cemeteries face the likelihood of desecration.

It is our understanding that Delegate Simmons supports an amendment to his bill that would mandate court consideration of a sale of a cemetery or a disposition of an abandoned cemetery when a descendant community believes that the Director of Cemeteries has rendered an inequitable decision regarding a disposition of a cemetery. This amendment must become part of this bill in order to secure the support of the Bethesda African Cemetery Coalition (BACC).

Background of My Involvement and the BACC

I am a lifelong resident of Bethesda, Maryland. Although I am almost 61 years old, I did not know about the existence of the Moses African Cemetery on River Road near Little Falls Parkway about two miles from my house until three years ago. In other words, I had spent almost 58 years in the community and had no idea that a vibrant African American community with churches, a Rosenwald school, residences, and farms had been displaced through a combination of KKK violence and public sector discrimination.

I did not know that the Moses African Cemetery had existed during slavery and afterwards during the Jim Crow era until the trustees of White's Tabernacle, a burial society, sold the cemetery in 1958 to Dr. Leo Furr who transferred the property to a developer. Subsequently, the development of light industry and multifamily rental properties desecrated the cemetery by literally building right on top of it and resulted in the unearthing and disposal of several bodies. During this time of violent segregation and discrimination, the displaced community could not stop the desecration.

Members of the Macedonia Baptist Church, including the pastor, his wife and Harvey Matthews, a parishioner and member of the descendant community, formed the Bethesda African Cemetery Coalition (BACC) to halt the desecration of the Moses African Cemetery. Their vision involved not just a halt to the desecration but the establishment of a museum and memorial that would be housed in proximity to the cemetery. This memorialization would correct a failure by Montgomery County and its education system that resulted in the county's citizens remaining ignorant of the history of resilient African American communities fighting vicious discrimination. A museum and memorial would educate not only residents but visitors from

around the country and overseas as to the richness of the community that farmed and provided soldiers during wars and construction workers for projects on the United States Mall. Instead of learning about this at age 58, I would have been educated as an elementary school kid in the 1970s if the cemetery had been preserved and memorialized decades ago. How much richer all of us would have been if proper memorialization had occurred decades ago.

While the Moses Cemetery would appear to be an obvious cultural treasure and beneficial for the economic development of Bethesda, elected officials and local public agencies became indifferent and hostile to the BACC's efforts at preservation. The Montgomery County's Housing Opportunities Commission (HOC) acquired the land containing Moses African Cemetery, rebuffed BACC, and has been trying to sell the land and the multifamily rental property to a private developer.

BACC had to resort to the courts to fight this desecration. The journey has been arduous. BACC won in circuit court only to lose in the appellate court. The Maryland Supreme Court then ruled that while Maryland law did not mandate a court settlement, common law allowed the BACC to pursue its case and remanded the case back to the circuit court. It is our understanding that the circuit court is now empowered to render a final decision and consider BACC's demands for equitable relief including the establishment of a museum and memorial. The courts have established unequivocally that at least 200 bodies lie underneath a parking lot serving the Westwood Apartments currently owned by HOC.

Why Court Recourse Must be Mandatory

It is imperative to honor the 200 bodies paved over by a parking lot and stop the desecration of Moses African Cemetery. That is why BACC and its supporters believe that Maryland law must be amended to make mandatory judicial recourse when descendant communities are striving to protect their cemeteries. We cannot rely on the vagaries of common law nor the good graces of local or state government. Marginalized communities are likely to continue suffering erasure and desecration of cemeteries if judicial recourse is not required.

Currently, HB 1354 deletes language that established judicial recourse as an option, not a requirement. It thus takes a significant step backwards in protecting marginalized communities. Instead of the courts, the bill established a process for sale of cemeteries and disposition of abandoned cemeteries that appoints the Director of Cemeteries as the final arbiter. While the Director may render fair and equitable decisions in some cases, there is no guarantee that this will always be the case. The conscientiousness and fairness of directors will vary. Good governance and fair dealing require checks and balances to protect against abusive outcomes. This is where mandatory recourse to the judiciary system is needed to protect the interests of marginalized and victimized communities.

Other Elements of HB 1354

Regarding other elements of the bill:

- *Public notice requirements:* I support the robust public notice requirements including the notice of cemetery sales for nine consecutive weeks in a newspaper and a 60-day notice

requirement for placing a prominent sign on the cemetery site. Pending sales should also be listed on the website of the Office of Cemetery Oversight

- *Public hearings:* The bill should be amended to require the Director of Cemetery Oversight or its staff to preside over hearings rather than the property owner selling the cemetery. The impartiality of the selling owner is questionable, and it is off-putting to have the owner preside over a hearing.
- *Define preservation plan:* The definitions section of the bill should define a preservation plan. Elements of the plan should be respectful and professional re-internment when necessary and/or preservation of parts of the cemetery when required. The public should have an opportunity to comment on a draft of the preservation plan.
- *Disposition of abandoned cemetery:* The draft bill encourages localities to find descendant communities or nonprofit organizations that would acquire abandoned cemeteries. After a reasonable period of time, the Director of Cemeteries can arrange for reinternment of remains to a reputable cemetery. The period of time is undefined. It should be at least a year.

Conclusion

In the face of daunting odds, the BACC has fought valiantly and appears to be on the cusp of victory. The struggle has been poignant, searing, and draining. It should not be this hard to preserve a cemetery and the history of a displaced, victimized, but incredibly resilient community. It should not be a struggle but should have been a fair and respectful process of recompense, redress, and memorialization.

Unfortunately, justice, empathy, common sense, or even enlightened self interest that understands the economic development and cultural value of cemetery preservation is not ever-present. To preserve our community's richness and history, judicial recourse must be made mandatory when a descendant community believes that a cemetery would be desecrated or belittled into a small corner of a piece of land.

I am Jewish and cannot tell you how upsetting this desecration is. I empathize because of the history of genocide and displacement of Jews across the centuries. Can we all strive to do better and preserve the richness of our local history – its triumphs as well as its tribulations. Only then will we achieve a better tomorrow full of love and not repeat the injustices and hatreds of yesterday.

Respectfully submitted

Josh Silver

Resident of Merrimack Park, Bethesda, Maryland

BACC Harvey Cemetery Testimony -- Harvey Matthews

Uploaded by: Marsha Coleman-Adebayo

Position: FWA

My name is Harvey Matthews, I am one of the founders of the Bethesda African Cemetery and I am also a Trustee at Macedonia Baptist Church in Bethesda, Maryland. I grew up on River Road and played in Moses African Cemetery as a children. When I was a child, Black children were not allowed to play in the parks so our refuge was playing hid and go seek in Moses Cemetery. I was surprised when Montgomery County officials attempted to deny the existence of Moses Cemetery. But, the reality is that those same politicians have never acknowledge the violence and displacement of my community on River Road.

My community was violently forced to flee from our homes on River Road by the Klu Klux Klan and Montgomery County police in the 1950s and 1960's. All of our intergenerational wealth was stolen by the County and developers. In fact, my home is where the current Whole Foods is located. My father was nearly beaten to death in front of my family by the KKK. The KKK was determined that my father had to turn over our land. He refused, even after the beating. The KKK came back a week later and kidnapped him. It was only after these violence events that my father, fearing that one of us would be killed, that he decided to leave River Road.

When Moses African Cemetery is called an abandoned cemetery that is a reflection of the lack of knowledge of what happened to the Black community. We never abandoned our homes or Moses Cemetery; we were terrorized out of our property.

Because of court battles, Moses African Cemetery has the attention of the international community.

I want to commend the bill's co-sponsor, Delegate Gary Simmons, for his introduction of other bills aimed at preserving and funding the restoration of historic cemeteries that are vulnerable to desecration.

BACC was able to use the judicial process to educate the world about the desecration of Moses Cemetery. This decision around burial grounds must not be left in the hands of the Director of Cemeteries but rather the court system.

Inf fact, my ancestors are being desecrated as we meet today. The desecration is occurring directly across from my church, Macedonia Baptist Church. It is now impossible for me to attend church without starring the ashes of my ancestors in the eyes. The desecration of Moses reminds me of the violence against my family. We need the support of the courts to assist communities, such as the River Road community.

The amendment offered by Delegate Simmons to central to BACC support. We just have access to the courts.

Montgomery County officials have failed us but the Maryland Supreme Court and the Montgomery County Circuit Court have been our refuge. If we had relied on any other institution, our case would have died. The amendments by Delegate Simmons is central to the survival of Black burial grounds.

I thank you for consideration of my views in this important matter.

HB_1354_BACC_Ehrenberg.pdf

Uploaded by: Pamela Ehrenberg

Position: FWA

Testimony on Cemeteries - Requirements for Sale or Transfer or Government Acquisition (HB1354)

Thank you for the opportunity to submit testimony on HB1354, Cemeteries, Requirements for Sale or Transfer or Government Acquisition.

As a member and supporter of the Bethesda African Cemetery (BACC), I commend the intention of HB1354 to ensure that descendant communities are front and center in discussions and decisions regarding the disposition of vulnerable and abandoned cemeteries. However, the bill unfortunately does not have adequate community protections as the language now stands.

BACC has been fighting the desecration of the historic Moses African Cemetery located in Bethesda, Maryland for many years. The Moses African Cemetery is a special and sacred place for our entire community, as it conveys history that is not taught in schools but is nonetheless essential for understanding the inequities that persist throughout Maryland today.

If BACC had not taken our case to court, the Moses Cemetery may have been lost forever with residential and commercial development built on top of buried loved ones. That is why we believe that the Director of Cemeteries must not have the last word, as the bill currently allows: we have seen first-hand that there is no guarantee of justice in empowering an unelected agency with final decision-making power.

It is our understanding that Delegate Simmons supports an amendment to his bill that would mandate court consideration of a sale of a cemetery or a disposition of an abandoned cemetery when a descendant community believes that the Director of Cemeteries has rendered an inequitable decision regarding a disposition of a cemetery. This amendment must become part of this bill in order to secure the support of the Bethesda African Cemetery Coalition (BACC).

Thank you so much for your consideration,

Pamela Ehrenberg

BACC member

Testimony for HB 1354 Sale or Transfer or Governme

Uploaded by: Robert Stubblefield

Position: FWA

Testimony for HB 1354 Sale or Transfer or Government Acquisition Of Cemeteries

To The House Economic Matters Committee

House Health and Government Operations Committee

Greetings

My name is Robert Stubblefield and I am a lifelong resident of Maryland, specifically Montgomery County. I am also a lay minister and activist-organizer with groups such as the Bethesda African Cemetery Coalition in Favor of this bill with an amendment. I also want to commend the bill's co-sponsor, Delegate Gary Simmons, for his introduction of other bills aimed at preserving and funding the restoration of historic cemeteries that are vulnerable to desecration.

We commend the intention of HB1354 to ensure that descendant communities are front and center in discussions and decisions regarding the disposition of vulnerable and abandoned cemeteries. HB1354 would establish a process by which cemetery owners wishing to sell their property must solicit the views of the general public and descendant communities before selling their property.

In addition, under the bill, a county or city could acquire an abandoned cemetery and transfer it to a descendant community or a nonprofit organization. If neither the descendant community nor a nonprofit organization could be found, the county or city would find an established cemetery in which any remains would be re-interred. The Director of Cemeteries, a state agency, would oversee the sale of cemeteries or the disposition of abandoned cemeteries. The Director could intervene and mandate another disposition if it found that the proposed sales or dispositions were not in the community's interest.

While involving the community, which is a good step forward, the bill nevertheless does not have adequate community protections as it now stands. Some cemetery directors would be fair and conscientious while others may not safeguard the public's interest.

The Bethesda African Cemetery (BACC) has been fighting the desecration of the historic Moses African Cemetery located in Bethesda, Maryland for over a decade. The Moses African Cemetery is a special and sacred place to me. The founding pastor of Macedonia and dozens of our congregants now lie desecrated and dishonored under a parking lot where cars park on a daily basis and dogs and other animals defecate. This is abhorrent to my faith and a disgrace to humanity. The fact that Moses African Cemetery is being openly desecrated in Maryland should be a deep source of pain for us all.

BACC has engaged elected officials at all levels and various public agencies. The responses have ranged from indifference to hostility. If we had not taken our case to court, the Moses-Macedonia African Cemetery may have been lost forever with residential and commercial development built on top of buried loved ones. That is why we believe that the Director of Cemeteries must not have the last word. There is no guarantee of justice empowering an unelected agency with final decision-making power.

It is our understanding that Delegate Simmons supports an amendment to his bill that would mandate court consideration of a sale of a cemetery or a disposition of an abandoned cemetery when a descendant community believes that the Director of Cemeteries has rendered an inequitable decision regarding a disposition of a cemetery. This amendment must become part of this bill in order to secure the support of the Bethesda African Cemetery Coalition (BACC).

I thank you for consideration of my views in this important matter.

Testimony on Cemeteries -- March 022025.pdf

Uploaded by: Segun Reverend ADEBAYO

Position: FWA

Testimony on Cemeteries - Requirements for Sale or Transfer or Government Acquisition (HB1354)

My name is Rev. (Dr.) Olusegun Adebayo. I am the Pastor of Macedonia Baptist Church, the only remaining institution left of the displaced and once thriving Black community on River Road in Bethesda, Maryland. I appreciate the opportunity to submit testimony on this important bill – HB1354, Cemeteries, Requirements for Sale or Transfer or Government Acquisition. I also want to commend the bill's co-sponsor, Delegate Gary Simmons, for his introduction of other bills aimed at preserving and funding the restoration of historic cemeteries that are vulnerable to desecration.

We commend the intention of HB1354 to ensure that descendant communities are front and center in discussions and decisions regarding the disposition of vulnerable and abandoned cemeteries. HB1354 would establish a process by which cemetery owners wishing to sell their property must solicit the views of the general public and descendant communities before selling their property.

In addition, under the bill, a county or city could acquire an abandoned cemetery and transfer it to a descendant community or a nonprofit organization. If neither the descendant community nor a nonprofit organization could be found, the county or city would find an established cemetery in which any remains would be re-interred. The Director of Cemeteries, a state agency, would oversee the sale of cemeteries or the disposition of abandoned cemeteries. The Director could intervene and mandate another disposition if it found that the proposed sales or dispositions were not in the community's interest.

While involving the community, the bill nevertheless does not have adequate community protections as it now stands. Some cemetery directors would be fair and conscientious while others may not safeguard the public's interest.

The Bethesda African Cemetery (BACC) has been fighting the desecration of the historic Moses African Cemetery located in Bethesda, Maryland for over a decade. The Moses African Cemetery is a special and sacred place to me. The founder of our beloved church, Marcedonia and dozens of our congregants now lie desecrated and dishonored under a parking lot where cars park on a daily basis and dogs and other animals defecate. This is abhorrent to my faith and a disgrace to humanity. The fact that Moses African Cemetery is being openly desecrated in Maryland should be a deep source of shame for us all.

BACC has engaged elected officials at all levels and various public agencies. The responses have ranged from indifference to hostility. If we had not taken our case to court, the Moses Cemetery may have been lost forever with residential and commercial development built on top of buried loved ones. That is why we believe that the Director of Cemeteries must not have the last word. There is no guarantee of justice empowering an unelected agency with final decision-making power.

It is our understanding that Delegate Simmons supports an amendment to his bill that would mandate court consideration of a sale of a cemetery or a disposition of an abandoned cemetery when a descendant community believes that the Director of Cemeteries has rendered an inequitable decision regarding a disposition of a cemetery. This amendment must become part of this bill in order to secure the support of the Bethesda African Cemetery Coalition (BACC).

I thank you for consideration of my views in this important matter.

Respectfully,

Reverend Dr. Olusegun Adebayo

Pastor, Macedonia Baptist Church

Bethesda, Maryland

HB 1354 - Cemetery Sales Requirements - NAIOP - FW

Uploaded by: Tom Ballentine

Position: FWA

NAIOP

MARYLAND CHAPTERS



THE ASSOCIATION FOR
COMMERCIAL REAL ESTATE

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

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

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

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

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

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

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

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

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

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

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

19 (1) the owners of the burial ground; and

20 (2) the holders of burial lots.]

21 **5-505.**

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

24 **(B) IN THIS SECTION, "CEMETERY OWNER" MEANS:**

25 (1) A REGISTERED CEMETERIAN;

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

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

29 **(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
6 THE
7 DIRECTOR, DEVELOP A PRESERVATION PLAN FOR A CEMETERY THAT THE
8 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
18 TRANSFER A
19 CEMETERY UNDER THIS SECTION, THE CEMETERY OWNER SHALL PROVIDE PUBLIC
20 NOTICE OF THE CEMETERY OWNER'S INTENT TO SELL OR TRANSFER THE CEMETERY
21 BY:

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

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

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

30 (IV) HOLDING A PUBLIC MEETING AT WHICH PUBLIC TESTIMONY
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**
11 **UNDER**
12 **THIS SECTION, THE DIRECTOR SHALL CONSIDER ANY PUBLIC COMMENTS ABOUT**
13 **THE CEMETERY RECEIVED BY THE CEMETERY OWNER AT A PUBLIC HEARING UNDER**
14 **SUBSECTION (F)(1)(IV) OF THIS SECTION OR BY THE DIRECTOR, INCLUDING:**

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

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

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

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

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

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

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

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

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

5 **5-507.**

6 (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:

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

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

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

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

14 (B) (1) THE STATE, A COUNTY, OR A MUNICIPALITY MAY ACQUIRE AN
15 ABANDONED CEMETERY, INCLUDING OWNERSHIP OF ANY UNOCCUPIED LOTS OR
16 BURIAL SITES, FOR THE PURPOSE OF TRANSFERRING OWNERSHIP OF THE
17 ABANDONED CEMETERY TO A DESCENDANT COMMUNITY ORGANIZATION OR A
18 NONPROFIT ORGANIZATION.

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

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

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

HB 1354, Business Regulations-Cemeteries-Requireme

Uploaded by: John Dove

Position: INFO

**MARYLAND DEPARTMENT OF LABOR LETTER OF INFORMATION ON
HB1354.**

TO: Economic Matters and Health and Government Operations
Committees
FROM: Deborah Rappazzo, Executive Director, Cemetery Oversight
DATE: March 5, 2025
BILL: HB 1354 Business Regulations-Cemeteries-Requirements for Sale
or Transfer or Government Acquisitions

House Bill 1354 prohibits certain owners of a cemetery from selling or transferring the cemetery without the approval of the Director of the Office of Cemetery Oversight (“Office”). In addition, it allows governmental entities, descendent community organizations, and or nonprofit organizations to take ownership of Abandoned Cemeteries. Furthermore, if a governmental entity has acquired an Abandoned Cemetery and is unable to transfer ownership, the Office may facilitate the reinterment of any human remains or pet remains from the cemetery to an operational cemetery.

The Office is a small special funded unit and, when fully staffed, consists of a total of 4 employees (three full-time and one part-time). Therefore, due to the Office’s current staffing structure, additional staff (one full-time clerical person and one full-time investigator) will be required to handle the additional duties to implement House Bill 1354. In addition, because the Office is a special funded unit, the Office’s budget is unable to absorb the additional expenditures this bill requires without a funding mechanism in place to support additional staff and legal expenses.

For questions, please contact Caroline Bauk, at Caroline.Bauk@maryland.gov.