

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

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I am on the boards of 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 and I have visited hundreds of cemeteries. One of the most pressing issues throughout Maryland is lack of known ownership.

An easier process would enable descendants or non-profit groups to acquire ownership. This bill would allow a county or municipality to assume clear title with the intent to then transfer it. The buyer of the cemetery would absorb the costs.

Many small cemeteries were established before the surrounding areas were 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 is not possible.

Here are a few examples of the effect of those issues in Anne Arundel County.

A neighbor living next to a small family cemetery would park her car within the cemetery stating that she had been maintaining it for years and was entitled to park anywhere. The family found out, located documentation of their ownership, and erected a fence around the cemetery.

Similarly, a neighbor who lived next to another small family cemetery would park his heavy-duty work vehicles on the cemetery property. A descendant has been trying to obtain ownership of that cemetery for three years. The county has declared that the ownership is "unknown." The descendant hired a real estate attorney, worked with a title abstractor, and had a survey done, all at his own cost. The county's Planning & Zoning is well aware of the issues at this cemetery but are unable to issue citations or "cease and desist" orders due to lack of ownership. A fence cannot be installed. All those "fixes" require the "owner" to file the complaint or issue permission. The last known "owner" was the community's developer. now surrounding the cemetery. who died in the 1920's.

In one more case, land has been set aside as "reserved" but never given an identification number. The cemetery was badly overgrown and after our cleanup the community wanted to take ownership but have been unable due to the current law. They have since lost interest and it has, once again, become overgrown.

In Maryland, if a cemetery location stays within the same family for multiple generations, 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 years ago. Not knowing who to contact or

even having a common owner's last name causes confusion as to which family member 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 its preservation?

I look forward to your interest in what will happen to these sites in the future and for a favorable outcome for this bill.