

**SB 1021 - MML - FAV.pdf**

Uploaded by: Bill Jorch

Position: FAV



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

## TESTIMONY

March 11, 2025

**Committee:** Senate Finance Committee

**Bill:** SB 1021 - Business Regulation - Cemeteries - Requirements for Sale or Transfer or Government Acquisition

**Position:** Favorable

**Reason for Position:**

The Maryland Municipal League (MML) supports Senate Bill 1021, 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 SB 1021 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 Senate Bill 1021. For more information, please contact Bill Jorch, Director, Public Policy and Research at [billj@mdmunicipal.org](mailto:billj@mdmunicipal.org). Thank you in advance for your consideration.

**RBS SB 1021 Testimony February 2025.pdf**

Uploaded by: candy warden

Position: FAV

Candy Warden, President

Rosa Bonheur Society, Inc.

10240 Harvest Fields Drive

Woodstock, MD 22163

February 24, 2025

SB 1021 Testimony: FAVORABLE

Sponsor: Delegates C. Jackson and Muse,

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 SB 1021 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 SB 1021**

- 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 SB1021 Sale or Owner Transition of Cemeteries w**

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 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.

# **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.

# **SB1021 -Zinner written testimony.pdf**

Uploaded by: David Zinner

Position: FAV

## SB1021 - 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.

SB1021 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 SB1021

# **SB1021\_DonnaNelson\_FAV**

Uploaded by: Donna Nelson

Position: FAV



# SB1021

March 11, 2025

Position: Favorable

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

Senator Jackson, Senator Muse and members of the committee,

My name is Donna Nelson, and I am representing the descendants associated with the 146-year-old Point of Rocks Colored Cemetery. 1879 in Frederick County Maryland.

I am providing a written testimony today in support of SB1021.

I want to express my heartfelt thoughts regarding the importance of the bill we are discussing today. If this legislation had been in place two years ago when I sought information on how we, as descendants, could take ownership of the 164-year-old cemetery purchased by the trustees of the Methodist Episcopal Church of Point of Rocks for just fifty dollars, our journey would have been significantly different.

Through diligent research and with prayers guiding my efforts, I was able to locate the original deed, which confirms that no other parties had taken possession since the cemetery's original purchase. Despite this unmistakable evidence of our ancestral claim, the Office of Cemetery Oversight (OCO) did not have any land or location, only the name of the cemetery. Unfortunately, they were unable to provide us with the guidance or advice we needed to secure ownership, which would have allowed us to access grants and funding for its preservation.

This cemetery has been cared for by generations of our families, but as many of us are now aging, the urgency to protect and preserve this sacred landscape has become even more critical. It took us almost two years to receive an order for a quiet title deed through the courts, and we were finally granted ownership on February 18<sup>th</sup>(see attached).

If this bill had been in place earlier, we, as descendants, would have been authorized to transfer ownership to our community much sooner, ensuring that we could protect and honor our ancestors.

Thank you for considering the importance of this legislation for families and communities like ours in the state of Maryland.



# **SB1021\_DonnaNelson\_Order**

Uploaded by: Donna Nelson

Position: FAV

IN THE CIRCUIT COURT FOR FREDERICK COUNTY

DONNA E. THOMAS NELSON \*  
6306 Grenfell Court \*  
Bowie, Maryland 20720 \*

AND \*

ERIC C. ASHBY-BEY \*  
3915 McDonogh Road \*  
Randallstown, Maryland 21133 \*

CASE NO.: C-10-CV-24-000668

*Plaintiffs* \*

v. \*

ELEANORE M. ASHBY \*  
3611 Belmont Street \*  
Greensboro, North Carolina 27406 \*

AND \*

UNKNOWN HEIRS \*

*Defendants* \*

\* \* \* \* \*

**PROPOSED ORDER**

Upon consideration of the Plaintiffs' Complaint to Quiet Title, it is this 18th day of February, 2025, by the Circuit Court for Frederick County, hereby:

**ORDERED**, that Plaintiffs' Complaint to Quiet Title be and is hereby **GRANTED**. And,

**IT IS FURTHER ORDERED,**

- a. That the Point of Rocks Colored Cemetery 1879 (erected through signage) located in Frederick County, Maryland, listed in the Frederick County Land Records as

Book TG-10, p. 709, also known as “[a] piece or parcel of land lying and being in the County and State aforesaid, it being a part of the tract of land known as “The Mine Bank Farm,” or be it a part of any other tract whatever. Beginning for said piece or parcel of land as hereby intended to be conveyed at a stone formerly planted in the West margin of the public road leading from Trammelstown to Point of Rocks, said stone being the northeast corner of Public School Lot No. 6, Election District No. 1, and running thence on and with the north side of said school lot, north  $30\frac{3}{4}$  degrees west [10.8] perches to a stone formerly planed the north west corner of said school lot, then north  $59\frac{1}{2}$  degrees east [7.41] perches to a stone now planted, south  $30\frac{3}{4}$  degrees east [10.8] perches to a stone now planted in the west margin of the aforesaid road and thence with the west margin thereof south  $59\frac{1}{2}$  degrees west [7.41] perches to the first mentioned place of beginning, containing eighty square perches of land.” This property was purchased by William Whalen, et al., Trustees of the Point of Rocks “Colored Methodist Episcopal Church” located in Frederick County, Maryland from John H. Smoot and his wife, Julia A. Smoot. The deed to this property was drafted by the Smoots on September 25, 1878. Mr. and Mrs. Smoot granted the property in fee simple to William Whalen, et al. Mr. Whalen, et al. recorded the deed on February 3, 1879.

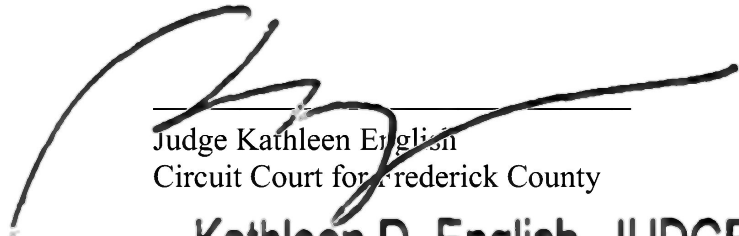
- b. That Plaintiffs, Donna E. Thomas Nelson and Eric Ashby-Bey, are descendants of William Whalen.

- c. That Plaintiffs' possession of the aforementioned property has been actual, open, notorious, exclusive, hostile, under claim of title, or ownership continuous and uninterrupted for over twenty (20) years.
- d. That Plaintiffs have made diligent efforts to maintain, upkeep, and make improvements upon the property, with the assistance of family members for well over twenty (20) years.
- e. That Plaintiffs have worked to preserve the property through many efforts, including but not limited to, joining the Black Cemetery Network, being a member of the Coalition to Protect Maryland Burial Sites, and participating in Phase II of the Frederick County Recovery Identity Project.
- f. That the Defendant, Eleanore M. Ashby, is a family member of the Plaintiffs and has a legal, equitable right, title, estate, lien, interest in or adverse claim to the property. Ms. Ashby cedes her legal interests in the property and agrees to transfer her legal interests to the Plaintiffs, Donna E. Thomas Nelson and Eric Ashby-Bey.
- g. The Plaintiffs made diligent efforts to inform family members of their intent to obtain legal ownership of the property by holding family meetings, searching for descendants of the property owners on the internet by creating a Facebook Group, and informing family members of their intentions at family reunions.
- h. That Plaintiffs are unaware of any other unknown persons that have any legal or equitable right, title, estate, lien, interest or adverse claim to the property or any cloud on the property.

- i. That Plaintiffs filed a Motion for Alternative Service and Affidavit to locate unknown Defendants on September 30, 2024. This Court granted Plaintiffs' Motion on October 6, 2024, and the Sheriff's Office posted the Complaint to Quiet Title and the accompanying exhibits at the courthouse door or on a bulletin board within its immediate vicinity on October 16, 2024. The Sheriff's Office removed the posting on December 23, 2024. No response to the Complaint to Quiet Title has been filed to date.
- j. That Plaintiffs, Donna E. Thomas Nelson and Eric Ashby-Bey, are granted in fee simple as joint tenants with the right of survivorship, the property known as the Point of Rocks Colored Cemetery 1879 (erected through signage) located in Frederick County, Maryland, listed in the Frederick County Land Records as Book TG-10, p. 709, also known as "[a] piece or parcel of land lying and being in the County and State aforesaid, it being a part of the tract of land known as "The Mine Bank Farm," or be it a part of any other tract whatever. Beginning for said piece or parcel of land as hereby intended to be conveyed at a stone formerly planted in the West margin of the public road leading from Trammelstown to Point of Rocks, said stone being the northeast corner of Public School Lot No. 6, Election District No. 1, and running thence on and with the north side of said school lot, north  $30\frac{3}{4}$  degrees west [10.8] perches to a stone formerly planed the north west corner of said school lot, then north  $59\frac{1}{2}$  degrees east [7.41] perches to a stone now planted, south  $30\frac{3}{4}$  degrees east [10.8] perches to a stone now planted in the west margin of the aforesaid road and thence with the west margin

thereof south 59 ½ degrees west [7.41] perches to the first mentioned place of beginning, containing eighty square perches of land.”

**IT IS SO ORDERED.**



\_\_\_\_\_  
Judge Kathleen English  
Circuit Court for Frederick County

**Kathleen D. English, JUDGE**

02/18/2025 3:30:46 PM

Entered: Clerk, Circuit Court for  
Frederick County, MD  
February 19, 2025



# **Testimony SB1021 March 11, 2025 Finance Committee**

Uploaded by: Eileen McGuckian

Position: FAV



Senate Finance Committee    Hearing on SB1021    Hearing Date: March 11, 2025

**CPMBS position: FAV**

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

The Coalition to Protect Maryland Burial Sites is an all-volunteer nonprofit that since 1992 has advocated for improvement in distressful cemetery situations that occur across Maryland and for needed changes in state law. In 2021-2, I served on the committee that was charged by House and Senate Joint Chairmen to survey citizens and study historic African American cemeteries and recommend strategies to bolster current situations. Not surprisingly, the published JCR report encouraged strengthening Maryland law to better protect all cemeteries and assist those groups who strive to improve their futures. A major recommendation in that report was helping to address ownership and title issues for abandoned and neglected cemeteries. [www.cpmbs.org](http://www.cpmbs.org) has a link to the report on our Home Page.

Every Maryland county and municipality has identified vulnerable burial sites within their borders that require protection; African American cemeteries are over-represented in the numbers of abandoned and un-maintained sites today. One of the most common problems of all cemeteries is unknown ownership; without proven, recorded ownership, it is impossible to take steps to resolve problems or even to organize a clean-up, be officially recognized, or apply for a grant. Now is the time to recognize these deplorable situations and pledge to address them, with the assistance of nonprofit organizations and descendant communities.

**CPMBS particularly calls the Committee's attention to Section 5-507 A, B, and C**, which defines conditions under which a cemetery can be labeled "abandoned." Most importantly, it sets out a clear path by which an interested government entity may intervene in a downward spiral through the voluntary process of taking title for a finite time and finding an appropriate new owner to take over this responsibility. Note that this bill ENABLES our State, a County or a Municipality to acquire an abandoned cemetery for this purpose, should it wish to do so; local governments are not required to facilitate this link to new ownership and long-term improved stewardship, but we know some of them will take advantage of this opportunity to resolve local problems.

Passage of SB1021 with this option will respond to a high priority need for many jurisdictions.

In addition, SB1021 provides much-needed assurances to those concerned about neglected cemeteries facing sale for a new use. Descendant communities, lot owners, neighbors, and dedicated nonprofits will all benefit from the proposed increased requirements for public notice, assemblage of information, and a preservation plan.

Thank you for your consideration.

Eileen McGuckian, President  
Coalition to Protect Maryland Burial Sites, Inc.  
phileen3@verizon.net    301-468-7331

# **SB1021 letter to Senate Finance Committee.pdf**

Uploaded by: Mark Edwards

Position: FAV



March 3, 2025

**TO:** Members of the Senate Finance Committee

**SUBJECT: Support SB1021: 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. They are historical sites of conscience.

**For these reasons, I request that you support SB1021.** Thank you for your consideration of my request.

Mark Edwards  
1204 Edgevale Road  
Silver Spring, MD 20910  
[Mark\\_edwards1@verizon.net](mailto:Mark_edwards1@verizon.net)  
(301) 758-8867

# **SB1021 Cemetery Sales and Trasfer.pdf**

Uploaded by: Yvonne Fisher

Position: FAV

# **Cemetery Sale and Transfer**

## **SB1021 – HB1354**

Testimony of Yvonne Fisher

### **Business Regulations**

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.

Case in point, if you purchase a cemetery that has large amount of land that appears to be unused that land will require an ecological or other type of survey to assure that there are no burials there before a structure can erected.

Purchasing an existing Cemetery with structures presently on the property should also be required to preform ground penetrating surveys. This should occur to assure that the structure was not built on a part of the original cemetery grounds.

There should be a requirement that the current owner must inform every family of the loved one/s that are interred in their cemetery of any and all proposed sale or transfers of ownership and or construction. This will give

the families time to make inquiries and obtain information about the new proprietors and their proposed changes to the cemetery. If there are any.

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 the changes in the use of the land of the cemetery where they now rest.

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

The industry of burying individuals will continue to evolve, and our laws and regulations must be available for the changes that will be needed

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



# **SB1021 Cemetery Sales and Trasfer.pdf**

Uploaded by: Yvonne Fisher

Position: FAV

# **Cemetery Sale and Transfer**

## **SB1021 – HB1354**

Testimony of Yvonne Fisher

### **Business Regulations**

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.

Case in point, if you purchase a cemetery that has large amount of land that appears to be unused that land will require an ecological or other type of survey to assure that there are no burials there before a structure can erected.

Purchasing an existing Cemetery with structures presently on the property should also be required to preform ground penetrating surveys. This should occur to assure that the structure was not built on a part of the original cemetery grounds.

There should be a requirement that the current owner must inform every family of the loved one/s that are interred in their cemetery of any and all proposed sale or transfers of ownership and or construction. This will give

the families time to make inquiries and obtain information about the new proprietors and their proposed changes to the cemetery. If there are any.

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**Maryland Catholic Conference\_FWA\_SB1021.pdf**

Uploaded by: Jenny Kraska

Position: FWA



March 11, 2025

**SB 1021**

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

**Senate Finance Committee**

**Position: Favorable with Amendment**

The Maryland Catholic Conference requests a Favorable with Amendment report on Senate Bill 1021. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 1021 would prohibit certain owners of a cemetery from selling or transferring the cemetery without the approval of the Director of the Office of Cemetery Oversight. While we support the intent of this legislation to ensure transparency and accountability in cemetery transactions, we urge the Committee to **amend the bill to explicitly exclude bona fide religious, nonprofit cemeteries**, which have historically been and should continue to be outside the jurisdiction of the Office of Cemetery Oversight.

#### **Religious and Nonprofit Cemeteries Are Not Currently Regulated by the State**

Under existing law, religious and nonprofit cemeteries operate independently of the Office of Cemetery Oversight. This distinction acknowledges the unique mission of faith-based and nonprofit cemetery operators, which are often maintained for religious and charitable purposes rather than commercial interests. Including these cemeteries under the proposed regulation would be an unnecessary government intrusion into religious affairs and could set a troubling precedent for state oversight of religious institutions.

#### **Government Intrusion into Religious Affairs**

Many religious traditions consider the care of the deceased and the management of sacred burial grounds to be a fundamental part of their faith practice. Subjecting religious cemeteries to state oversight in matters of sale or transfer would entangle government authority in religious operations, raising serious concerns about religious liberty and autonomy. The First Amendment and longstanding legal precedent affirm that religious organizations should not be subjected to unnecessary state interference in the exercise of their faith-based responsibilities.

**Proposed Amendment**

To ensure that religious and nonprofit cemeteries remain exempt from unnecessary government oversight, I respectfully propose the following amendment:

**"Nothing in this Act shall apply to bona fide religious, nonprofit cemeteries that are currently not regulated by the Office of Cemetery Oversight under § 5–102."**

While ensuring responsible cemetery management is a worthwhile goal, religious and nonprofit cemeteries should not be swept into a regulatory framework that has never applied to them. These institutions have faithfully served their communities for generations without state intervention, and there is no justification for imposing new government oversight where it is neither needed nor appropriate.

For these reasons, I respectfully request a **favorable report with amendment** on SB 1021. Thank you for your time and consideration.

# **SB 1021 Business Regulations-Cemeteries-Requiremen**

Uploaded by: John Dove

Position: INFO

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**MARYLAND DEPARTMENT OF LABOR LETTER OF INFORMATION ON  
SB1021.**

TO: Senate Finance Committee  
FROM: Deborah Rappazzo, Executive Director, Cemetery Oversight  
DATE: March 11, 2025  
BILL: SB 1021 Business Regulations-Cemeteries-Requirements for Sale  
or Transfer or Government Acquisitions

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Senate Bill 1021 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 Senate Bill 1021. 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](mailto:Caroline.Bauk@maryland.gov).