

Candy Warden, President

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10240 Harvest Fields Drive

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SB 234 Testimony: FAVORABLE

Sponsor: Senator Salling,

My name is Candy Warden, President of the Rosa Bonheur Society, Inc. (RBS). RBS is a volunteer, nonprofit group formed to protect the Rosa Bonheur Memorial Park (RBMP), which is a 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 suffer from deteriorated conditions due to lack of upkeep.

### **Why is SB 234 Important?**

Abandoned cemeteries typically have no designated ownership, which results in dangerous, unkempt areas that negatively impact families and communities. Abandoned cemeteries are also frequently targeted by developers who view them and the concerned families, organizations, and community groups without respect or consideration.

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

Legislation permitting the acquisition and disposition of abandoned cemeteries by governmental units must be enacted to avoid the desecration and destruction of Maryland cemeteries. It is imperative that legislation be established that would facilitate governmental acquisition of abandoned cemeteries and subsequent transfer to groups that would have vested interests. Consequently, cemeteries could be protected for those concerned and that legal responsibility for care and maintenance could be assumed.

### **The Problem**

Cemeteries require regular maintenance and repairs, such as, repairing and cleaning memorials, replacing and/or repairing broken fences, filling sunken and eroded areas, lawn mowing, and landscape care. There

are also the effects of vandalism and other wanton destruction, which also need to be addressed. The following are several examples of abandoned cemeteries in various counties:

In Anne Arundel County there are over 40 cemeteries identified as abandoned with most being overgrown with vegetation and many being used as trash dumps and parking lots.

Harford County is home to Johnson-Hill Cemetery where the developer that owns the property denies ownership, so the cemetery has fallen into a state of thorough neglect and most of the headstones have been broken.

In Howard County in a Valley Mede neighborhood (formerly known as “Arcadia Estate”) there is nestled in a wooded area thick with thistle and high grass an abandoned cemetery that has been neglected for years. The stone wall has fallen in, there are smashed headstones, fallen monuments, and open sarcophagi. Ownership is unknown as the developer that built the surrounding homes has moved on.

Abandoned cemeteries may range from a single grave to thousands of graves as in the case of Baltimore County’s Zion Cemetery. When the owner Warren Harmis passed away it was discovered that he had represented the cemetery as belonging to the AME church possibly to avoid paying taxes. The AME church denies ownership. As the cemetery falls into ruin with broken headstones, collapsing burial locations, overgrown grass and weeds, etc. no one knows who owns it.

#### **Benefits of SB 234**

- Abandoned cemeteries could be acquired by the State, counties, or municipalities for transfer to families and descendants, descendant community organizations, non-profit organizations, and other community groups that would provide maintenance.
- Necessary legal protections would be provided, there would be a voice for families, concerned organizations and 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