

**PDF RBS SB 234 Testimony January 26, 2026.pdf**

Uploaded by: candy warden

Position: FAV

Candy Warden, President

Rosa Bonheur Society, Inc.

10240 Harvest Fields Drive

Woodstock, MD 22163

January 26, 2026

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

**SB0234 written testimony.pdf**

Uploaded by: Christine Simmons

Position: FAV

# SENATE BILL 234

C2

6lr1476

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By: **Senator Salling**

Introduced and read first time: January 15, 2026

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Abandoned Cemeteries – Acquisition and Disposition**

3 FOR the purpose of authorizing a governmental unit to acquire property on which an  
4 abandoned cemetery is located under certain circumstances and for a certain  
5 purpose; requiring a governmental unit that acquires property under this Act to  
6 make a certain effort to contact certain persons for a certain purpose; authorizing a  
7 person or organization to bring an action to request the court to transfer property  
8 acquired under this Act to the person or organization; and generally relating to  
9 abandoned cemeteries.

10 BY repealing and reenacting, without amendments,  
11 Article – Business Regulation  
12 Section 5–805(a)(1) and (2)  
13 Annotated Code of Maryland  
14 (2024 Replacement Volume and 2025 Supplement)

15 BY adding to  
16 Article – Business Regulation  
17 Section 5–806  
18 Annotated Code of Maryland  
19 (2024 Replacement Volume and 2025 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Real Property  
22 Section 14–121(a)(1) and (3)  
23 Annotated Code of Maryland  
24 (2023 Replacement Volume and 2025 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Business Regulation**

5–805.

(a) (1) In this section the following words have the meanings indicated.

(2) “Abandoned cemetery” means a cemetery for which:

(i) 1. the organization established to engage in the operation of the cemetery has been terminated, has been subject to administrative dissolution by the State, or has otherwise ceased to exist; and

2. title has not been conveyed;

(ii) there is no property owner listed in the records of the State Department of Assessments and Taxation;

(iii) the property has been condemned; or

(iv) no person who is legally responsible for the property can be found and legal ownership of the property cannot be determined.

**5–806.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “ABANDONED CEMETERY” HAS THE MEANING STATED IN § 5–805 OF THIS SUBTITLE.**

**(3) “CULTURAL AFFILIATION” HAS THE MEANING STATED IN § 14–121 OF THE REAL PROPERTY ARTICLE.**

**(4) “DESCENDANT COMMUNITY ORGANIZATION” MEANS AN ORGANIZATION WHOSE MEMBERS HAVE ANCESTORS WHO ARE INTERRED IN A PARTICULAR CEMETERY OR WHO HAVE A CULTURAL AFFILIATION OR A RACIAL OR ETHNIC AFFINITY WITH THE DECEASED PERSONS INTERRED IN A PARTICULAR CEMETERY.**

**(B) (1) A GOVERNMENTAL UNIT MAY, BY CONDEMNATION, ACQUIRE PROPERTY ON WHICH AN ABANDONED CEMETERY IS LOCATED WITH THE INTENT TO TRANSFER THE PROPERTY TO:**

**(I) THE DESCENDANTS OF THE DECEASED PERSONS INTERRED IN THE CEMETERY;**

1 (II) A DESCENDANT COMMUNITY ORGANIZATION; OR

2 (III) A NONPROFIT ORGANIZATION.

3 (2) A GOVERNMENTAL UNIT USING CONDEMNATION PROCEEDINGS  
4 TO ACQUIRE PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL  
5 CONDUCT THE CONDEMNATION IN ACCORDANCE WITH MARYLAND RULE 12-204.

6 (C) (1) A GOVERNMENTAL UNIT THAT ACQUIRES PROPERTY ON WHICH  
7 AN ABANDONED CEMETERY IS LOCATED UNDER SUBSECTION (B) OF THIS SECTION  
8 SHALL MAKE TIMELY AND REASONABLE EFFORTS AFTER ACQUISITION TO CONTACT  
9 DESCENDANTS OF THE DECEASED PERSONS INTERRED IN THE ABANDONED  
10 CEMETERY IN ORDER TO IDENTIFY DESCENDANTS, A DESCENDANT COMMUNITY  
11 ORGANIZATION, OR A NONPROFIT ORGANIZATION TO WHICH THE PROPERTY MAY BE  
12 TRANSFERRED.

13 (2) A PERSON OR ORGANIZATION LISTED UNDER SUBSECTION (B)(1)  
14 OF THIS SECTION MAY BRING AN ACTION REQUESTING THE COURT TO TRANSFER  
15 PROPERTY ACQUIRED BY A GOVERNMENTAL UNIT UNDER THIS SECTION TO THE  
16 PERSON OR ORGANIZATION.

17 (D) ANY DESCENDANT, DESCENDANT COMMUNITY ORGANIZATION, OR  
18 NONPROFIT ORGANIZATION THAT ACQUIRES PROPERTY UNDER SUBSECTION (B) OF  
19 THIS SECTION SHALL MAINTAIN AND PRESERVE THE ABANDONED CEMETERY ON  
20 THE PROPERTY.

21 (E) IF A GOVERNMENTAL UNIT THAT ACQUIRES PROPERTY UNDER  
22 SUBSECTION (B) OF THIS SECTION IS UNABLE TO TRANSFER THE PROPERTY TO A  
23 PERSON DESCRIBED UNDER SUBSECTION (B)(1) OF THIS SECTION WITHIN A  
24 REASONABLE PERIOD OF TIME, THE GOVERNMENTAL UNIT:

25 (1) SHALL MAINTAIN AND PRESERVE THE ABANDONED CEMETERY  
26 LOCATED ON THE PROPERTY; AND

27 (2) MAY FACILITATE THE REINTERMENT OF ANY HUMAN REMAINS OR  
28 PET REMAINS FROM THE CEMETERY ON THE PROPERTY TO AN OPERATIONAL  
29 CEMETERY.

30 **Article – Real Property**

31 14-121.

32 (a) (1) In this section the following words have the meanings indicated.

1                   (3)     “Cultural affiliation” means a relationship of shared group identity that  
2 can be reasonably traced historically between a present–day group, tribe, band, or clan and  
3 an identifiable earlier group.

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2026.

# **SB233\_SB234\_DonnaNelson\_FAV**

Uploaded by: Donna Nelson

Position: FAV

**January 27, 2026**

**To the Members of the Maryland General Assembly,**

My name is Donna Nelson, Co-Owner of the Point of Rocks Colored Cemetery 1879 in Frederick County. I am writing in dedicated support of Senate Bills SB233 and SB234, which address the transfer, sale, and alternate use of abandoned cemeteries in Maryland.

The issue of abandoned cemeteries is profound and calls for immediate attention. The proposed bills require that any government or business buying an abandoned cemetery must take the pivotal step of reaching out to the descendants of those interested. This provision ensures that descendants, community organizations, or non-profit entities are recognized and empowered to protect the sacred resting places of their ancestors. Furthermore, if a business or government entity acquires ownership, they must help the reinterment of remains, ensuring respectful treatment of the deceased.

My family's experience demonstrates the need for this legislation. When we pursued ownership of our cemetery, we faced significant challenges due to fragmented records and unclear legal status. Through dedication and perseverance, we were able to secure ownership through "Quiet Title" in February 2025. These bills would have made that process much easier and ensured protection for other families in similar situations.

Passing SB233 and SB234 will ensure Maryland's sacred grounds are treated with respect and descendants can actively preserve their heritage. I urge you to support these vital bills and help honor our ancestors and communities.

Thank you for your time and consideration.

**Respectfully,**

Donna Nelson

6306 Grenfell Court

Bowie, Maryland, 20702

#301 437-0843

**MPI 1-29-2026 to Finance SB 0234 .pdf**

Uploaded by: Eileen McGuckian

Position: FAV

**Senate Finance Committee SB 0234 Hearing Jan. 29, 2026 FAVORABLE**

I write on behalf of Montgomery Preservation to request your favorable vote on this important bill. It addresses the long-standing problem of Abandoned Cemeteries, a title that describes too many Maryland properties and a high priority. In every corner of our State, over the years, churches closed, the congregation aged out or moved away, and the cemetery was neglected. Burial records were lost and corporate requirements were unattended to. Families sold their farms, and developers did not honor the little enclosures on the hill. Historically, many have been dismissed as unimportant and intentionally mistreated. African American cemeteries are sadly over-represented in these instances.

One of the most common causes of Abandonment is unknown ownership. Without proven, recorded ownership, it is impossible to take steps to resolve problems or to even organize a clean-up, be officially recognized, apply for a grant. I currently serve on the boards of two small historic cemeteries that were terribly neglected for decades; generous attorneys and determined descendants stepped up to sort out ownership and update land and tax records so maintenance and restoration could begin.

SB 0234 provides a mechanism to enable transfer of title of Abandoned cemeteries to Counties and Municipalities for eventual ownership by descendants or non-profit organizations who agree to preserve and maintain them. This law would enable -- not require -- government entities to assist when there is no owner to deal with.

Three examples will illustrate: A cemetery in Washington County was discovered by neighbors and volunteers, who earned admiration but alas with unclear ownership can only go so far. The Friends group is willing and prepared; missing is a pathway -- a legal mechanism -- for this group to take on ownership. Another is in Montgomery County, where government could only slightly assist descendants whose church cemetery was partly paved over by a public road. And another is Forest Hills Memorial Gardens in Clinton, for which SDAT acknowledges no owner.

New England towns are well known for taking responsibility for needy cemeteries. I can report that a few Maryland towns took over ownership and maintenance --- Chesterfield Cemetery in Centreville and Old Berlin Cemetery in Brunswick. Other states have tackled this problem. New York, South Carolina, and Georgia are three that authorize willing counties and municipalities to act where owners are not known or interested. Maryland jurisdictions need this option too!

Last May, after waiting in a long line to join Gov. Moore at bill-signing, our group of advocates reflected how much more citizen supporters and bi-partisan legislators have come to recognize the import of cemetery preservation to Marylanders everywhere.

Our group and many other advocates urge you to approve both bills. They will be welcomed by willing Marylanders who envision a future for these needy sites matched with those who care about them. Thank you for your consideration.

Eileen McGuckian, President  
Montgomery Preservation, Inc.  
11807 Dinwiddie Drive, Rockville, MD 20852  
[phileen3@verizon.net](mailto:phileen3@verizon.net) 301-468-7331

# **EAmt SB0124 testimony in Favor.pdf**

Uploaded by: Emilie Amt

Position: FAV

411 Belview Avenue  
Hagerstown, MD 21742

Jan. 26, 2026

**Testimony on SB0234**  
Business Regulation – Abandoned Cemetery – Acquisition and Disposition

**Position: Favorable**

I'm writing to ask you to approve Senate Bill 234, which would create a way for abandoned cemeteries to be acquired by organizations that will preserve them for posterity.

Our interest relates to the plight of Halfway African American Cemetery (founded in 1897), in Hagerstown, which is owned on paper by a fraternal order that went out of existence in the 1930s or 1940s. With no active owner, the cemetery became derelict, overgrown, and forgotten, even though some 400 people are buried there, including at least fourteen U.S. Army and Navy veterans. Since early 2020, the Friends of Halfway African American Cemetery, a group of descendants, neighbors, and other interested citizens, have been working to clean up and save the cemetery. Since 2022 we've been a 501(c)(3) nonprofit. However, our ability to preserve the cemetery (for example, by repairing broken headstones, or by applying for grant funding) is severely limited by the fact that we don't own the cemetery and can't work with a (non-existent) owner. We've done a great deal already, but without ownership we cannot complete the work or ensure the longterm safety of this special historic place.

Our group has talked with attorneys to try to find a path to ownership, without success. We have also approached the Washington County Commissioners and met in 2023 with the County Attorney. His legal opinion was that under the current condemnation guidelines there was no justification for the County to acquire the cemetery. His advice was that we should try to get a new law passed in Annapolis that would enable the County to help us.

Lack of a legal owner is a common problem with old cemeteries, especially African American ones. This was discussed by the Maryland Commission on African American History & Culture and the Maryland Historical Trust, in their report *Historic African American Cemeteries*, submitted in June 2022 to the Chairmen of the Senate Budget and Taxation Committee and House Appropriations Committee (pp. 18-19). Specifically, recommendation E.3 of the report reads, "Consider enabling legislation permitting local governments to take ownership of abandoned and inactive cemeteries for the purpose of maintenance and protection" (p. 19). SB 234 would be crucial step statewide, and for us an all-important step, in saving cemeteries. I urge you to move it forward.

Sincerely yours,



Emilie Amt, D.Phil.  
Board of Directors, Friends of Halfway African American Cemetery  
Emeritus Professor of History, Hood College

# **SB234\_SponsorAmendment**

Uploaded by: Johnny Ray Salling

Position: FAV



**SB0234/873526/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

29 JAN 26  
11:41:17

BY: Senator Salling  
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 234  
(First Reading File Bill)

On page 2, in line 26, after “(B)” insert “THIS SECTION DOES NOT APPLY TO PROPERTY ACQUIRED BY THE STATE FOR A PURPOSE RELATED TO TRANSPORTATION.”

(C)”.

On page 3, in lines 6, 17, and 21, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in lines 13 and 23, in each instance, strike “(B)(1)” and substitute “(C)(1)”; and in lines 7, 18, and 22, in each instance, strike “(B)” and substitute “(C)”.

# **Senator Salling SB234 Written Testimony.pdf**

Uploaded by: Johnny Ray Salling

Position: FAV

**JOHNNY RAY SALLING**  
*Legislative District 6*  
Baltimore County

Budget and Taxation Committee  
Public Safety, Transportation,  
and Environment Subcommittee



James Senate Office Building  
11 Bladen Street, Room 321  
Annapolis, Maryland 21401  
410-841-3587 · 301-858-3587  
800-492-7122 Ext. 3587  
JohnnyRay.Salling@senate.state.md.us

**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

Senate Finance Committee  
Chair Pamela Beidle  
Vice Chair Antonio Hayes  
3 East Miller Senate Office Building  
Annapolis, Maryland 21401

Thank you for the opportunity to present Senate Bill 234 - Business Regulation - Abandoned Cemeteries - Acquisition and Disposition. This legislation addresses a real and growing problem in Maryland: abandoned cemeteries. Across our state, there are burial grounds that no longer have a legal owner because corporations dissolved, churches closed, or records were lost over time. These cemeteries often fall into disrepair, become targets for vandalism, or are simply forgotten.

Right now, Maryland law does not provide a clear legal framework to place these abandoned cemeteries into responsible hands. As a result, families, neighbors, and local governments are often powerless to act, even when they want to protect these sites.

This bill creates a clear and respectful solution by allowing state and local governments to acquire abandoned cemeteries through lawful means, such as donation or purchase. Before any transfer occurs, the bill requires reasonable efforts to identify and notify descendants. Once acquired, ownership may be transferred to descendants, community organizations, or nonprofit groups that are willing and able to care for the cemetery.

The bill also sets clear expectations. New owners must maintain, preserve, and protect the cemetery. If there are disputes or complications, courts can provide oversight. In rare cases where reinterment is necessary, the bill requires that it be done professionally and respectfully. This bill is not about taking property. It is about stewardship. It ensures that burial sites are treated with dignity and placed in the hands of people committed to their long-term care.

By passing this bill, Maryland can prevent neglect, protect human remains, and preserve our shared history. I ask for a favorable committee report.

Sincerely,

Senator Johnny Ray Salling

**SB234, letter to Senate Finance Committee (1-27-26)**

Uploaded by: Mark Edwards

Position: FAV



January 26, 2026

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

**SUBJECT: Support SB234: Business Regulation – Abandoned Cemeteries – Acquisition and Disposition**

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 4 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 2025 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 2026 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.

SB234 would work in tandem with SB233: Business Regulation-Cemeteries- Actions for Sale, Transfer, or Alternate Use. SB234 would authorize state, county, or municipal governments to acquire abandoned cemeteries and transfer ownership to descendants, community organizations, or nonprofit organizations committed to cemetery care and preservation.

Why is this needed? Currently, there are hundreds if not thousands of Maryland cemeteries that have been abandoned due to unknown ownership or dissolved corporate ownership. The impact of this abandonment is easy to see – significant degradation due to neglect and vandalism, often seriously diminishing their historical and cultural value.

The bill provides detailed provisions to achieve its goals. Building upon the “abandoned cemetery” definition in existing law, the bill authorizes acquisition by various lawful actions (gifts, purchase, etc.), and requires outreach to members of descendant communities. New duties of organizations acquiring cemeteries are specified, including how cemeteries would be maintained, preserved, and protected. Court oversight is also specified, should a transfer fail.

By specifying how this transfer would function, the condition of abandoned cemeteries would improve, as damage from abandonment would be reduced or completely eliminated. For human remains that are reinterred, professional oversight would occur. Most importantly, this legislation represents direct action that will result in better protection of our treasured cemeteries, which are so important to maintaining and enhancing our state’s heritage.

**For these reasons, I request that you support SB234.** 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

# **SENATE Dr. Marsha Coleman.pdf**

Uploaded by: Marsha Coleman-Adebayo

Position: FAV

Testimony of Dr. Marsha Coleman  
Member of Bethesda African Cemetery Coalition

TO: Senate Finance Committee  
RE: SB 233 and SB 234

January 30, 2026

Thank you for the opportunity to testify before the Maryland Senate Finance Committee today. My name is Dr. Marsha Coleman, a resident of Bethesda, Maryland and a founding member of the Bethesda African Cemetery Coalition (BACC).

BACC, a coalition of concerned citizens, was organized about 10 years ago to protect and preserve the Moses Cemetery and end the continued desecration of this historic cemetery on River Road in Bethesda MD. Moses Cemetery was organized by White's Tabernacle, a benevolent African American institution, to bury Black people post emancipation. Following the emancipation, a resilient and vibrant African American community was established and built homes and businesses on River Road. They were stone masons and farmers. They funded the Colored Wing in Suburban Hospital and the bunker under the White House. They established the Macedonia Baptist Church in 1920.

Spanning several years from World War II through the 1960s, KKK violence and public sector discrimination displaced the African American community. Many of them had to surrender ownership of their homes and land and fled the community. The cemetery passed into the hands of developers who built apartment building and commercial enterprises on top of Moses African Cemetery. Macedonia Baptist Church, the only black institution that survived the organized displacement continues to bear witness to the atrocity committed against our people on River Road.

Currently, BACC is involved in litigation against Montgomery County's Housing Opportunities Commission (HOC). HOC seeks to sell the Westwood Towers apartments to a developer. The Maryland State Supreme Court affirmed that hundreds of bodies are beneath the apartment complex and its parking lot. The Supreme Court remanded the case to the Circuit Court which is expected to render a decision soon. Meanwhile, BACC sued 1784 Holdings over its construction of a storage facility on an ancient burial ground in the immediate vicinity of the Moses African Cemetery. In the process of the construction funerary objects and possible human remains were excavated, steamed and crushed and dumped in a landfill in Germantown. Possible human remains were transported and stored in a Warehouse in Gainesville, Virginia since 2020.

In this context, BACC believes that the protections in SB 233 regarding the sale and transfer of cemeteries is vital for the fight against desecration. BACC has had

to struggle in the court system for years to persuade the courts to hear the case. In contrast, SB 233 would create an expeditious process. It would provide a right of private action for a descendant community and persons of interest to bring a case before the courts. A court of equity would be required to hear the case and render a decision. The court could allow the sale and transfer or prohibit it. It could require a transfer of a cemetery to a descendant community or require negotiation between the parties in the litigation.

SB 233 does not guarantee any outcome but it provides a fair opportunity for all parties to have their day in court. It increases the chances for equitable solutions and the cessation of desecration. It is modeled on the Fair Housing Act and other civil rights laws empowering historically disenfranchised communities to go to court.

SB 234 is similar but applies in the case of abandoned cemeteries. The owners of these cemeteries have ceased operations for a variety of reasons including bankruptcy. In the case of abandoned cemeteries, a local government can acquire the cemetery for the purposes of transferring it to a descendant community or other persons of interest. If a person of interest believes the local government is not acting in good faith, the bill would allow the person of interest to file a lawsuit. However, the bill in its current form needs to be amended to require a court to render a decision.

BACC wants to maintain Moses as a cemetery and to build a museum and memorial. This would not only benefit the descendant community but would be of immense educational benefits to the wider community. It would teach them the history of a resilient community that suffered violent discrimination but has persevered and wants to share its story of the indomitable human spirit. These bills would provide BACC and similar communities better opportunities to pursue these sacred missions.

Thanks for the opportunity to testify.

# **Abandoned 2026.pdf**

Uploaded by: Yvonne Fisher

Position: FAV

# Abandoned

SB234 – Abandoned

This bill fills in more details of the existing law. This bill establishes a process to transfer ownership of an abandoned cemetery to descendants and or non-profit groups.

This bill is needed because sometimes the owner dies and has made no provisions for transfer of ownership.

Abandoned does not mean that the cemetery is **neglected**.

Abandoned is defined as:

- No owner is listed in SDAT
- Property is condemned
- Owner cannot be found
- Ownership cannot be determined
- No title has been conveyed

Once abandonment is established and public notice has been made then the existing court rule 12-204 must be put in place. Public notification must be made in news newspapers, or other general circulations in each county.

This bill requires that Government must make timely and reasonable efforts to contact descendants, and the descendants may bring legal action because of the process.

The propose of this bill is an alternative to allow the transfer to a non-profit, set a sales price and or order a negotiation.

None of these actions supersede the need to protect and preserve the cemetery and maintain respect for the descendants they move through the afore mentioned processes.

There are descendants and loved ones who deserve respect as these functions progress through all the legal and jurisdictional processes. They should never be overlooked as the legal process moves forward.



**MCLA .docx.pdf**

Uploaded by: David Zinner

Position: FWA



## **Maryland Cemetery Legislative Advocates (MCLA)**

Following the 2024 Maryland General Assembly session, advocates involved with cemeteries began meeting to share information about problems and challenges, review existing laws, and to agree on priorities for legislative changes to propose to the General Assembly. The working group includes individuals active in cemetery preservation, care, and maintenance as well as descendants, genealogists, and nonprofit organizations.

### **Members of Maryland Cemetery Legislative Advocates are**

- David Zinner, chair; consumer member, Office of Cemetery Oversight, coordinator of Preservation and Rehabilitation Initiative for Neglected Cemetery Entities (PRINCE), Howard County
- Candy Warden, Rosa Bonheur Society, Baltimore County
- Elinor Thompson, Genealogist, Historian, Broadneck African American Project, Anne Arundel County
- Josh Silver, Bethesda African American Cemetery Coalition, Montgomery County
- Hope Metzler, President of the Coalition to Protect Maryland Burial Sites
- Tina Simmons, Anne Arundel Genealogical Society, Anne Arundel County
- Katie Myers, President, Howard County Cemetery Preservation Advisory Board
- Eileen McGuckian, Past President of the Coalition to Protect Maryland Burial Sites and President of Montgomery Preservation, Montgomery County
- Yvonne Fisher, Chair of the Maryland Advisory Council for Cemetery Oversight, Baltimore County
- Mark Edwards, Montgomery Preservation, Inc. Montgomery County
- Greg Burton, Baltimore County Genealogical Society
- Jesse Bennet, Mt. Auburn Historic African American cemetery, Baltimore City

In the 2025 legislative session, MCLA was successful in passing a bill to establish a work group to Create the Maryland Inventory of Cemeteries and Burial Sites to study issues related to the establishment and maintenance of a unified State cemetery inventory system. The work group submitted its report to the Governor and the General Assembly.

A second bill that passed was to set up an Abandoned and Neglected Cemetery Fund. Regulations to implement that bill are being finalized.

For 2026 the MCLA is submitting two bills - one to establish a process to acquire ownership of abandoned cemeteries and turn over their care to a non-profit organization. A second bill will give descendants of those buried in a cemetery a voice when the cemetery owner intends to sell the cemetery for another use.

David Zinner, Coordinator, MCLA - 410-733-3700 - davidzinner26@gmail.com

**Silver\_SB234\_FAV with amendment.pdf**

Uploaded by: Josh Silver

Position: FWA

Testimony of Josh Silver

Member of Bethesda African Cemetery Coalition

Senate Finance Committee

SB 233 and SB 234

January 29, 2026

Thank you for the opportunity to testify today. My name is Josh Silver and I am a lifelong resident of Bethesda MD. I am a member of the Bethesda African Cemetery Coalition (BACC).

BACC is a coalition of concerned citizens opposed to the desecration of Moses African Cemetery on River Road in Bethesda MD. An African American community during slavery and after the Civil War buried their loved ones in the Moses Cemetery. After the Civil War, a resilient and remarkable African American community resided on River Road. They were stone masons and farmers. They formed the Macedonia Baptist Church which remains in operation today.

Spanning several years from World War II through the 1960s, KKK violence and public sector discrimination displaced the African American community. Many of them had to surrender ownership of their homes and land and fled the River Road area. The cemetery passed into the hands of developers who built apartment buildings and commercial enterprises on top of Moses African Cemetery.

Currently, BACC is involved in litigation against Montgomery County's Housing Opportunities Commission (HOC). HOC seeks to sell the Westwood Towers apartments to a developer. The Maryland State Supreme Court affirmed that hundreds of bodies are beneath the apartment complex and its parking lot. The Supreme Court remanded the case to the Circuit Court which is expected to render a decision soon. Meanwhile, BACC has sued 1784 Holdings over its construction of a light storage facility on another part of Moses. The developer illegally removed remains to a warehouse in Virginia.

In this context, BACC believes that the protections in SB 233 regarding the sale and transfer of cemeteries is vital for the fight against desecration. BACC has had to struggle in the court system for years to convince the courts to hear the case. In contrast, SB 233 would create an expeditious process. It would provide a right of private action for a descendant community and persons of interest to bring a case before the courts. A court of equity would be required to hear the case and render a decision. The court could allow the sale and transfer or prohibit it. It could require a transfer of a cemetery to a descendant community or require negotiation between the parties in the litigation.

SB 233 does not guarantee any outcome but it provides a fair opportunity for all parties to have their day in court. It increases the chances for equitable solutions and the cessation of desecration. It is modeled on the Fair Housing Act and other civil rights laws empowering historically disenfranchised communities to go to court.

SB 234 is similar but applies in the case of abandoned cemeteries. The owners of these cemeteries have ceased operations for a variety of reasons including bankruptcy. In the case of abandoned cemeteries, a local government can acquire the cemetery for the purpose of transferring it to a descendant community or other persons of interest. If a person of interest believes the local government is not acting in good faith, the bill would allow the person of interest to file a lawsuit. However, the bill in its current form needs to be amended to require a court to render a decision.

BACC wants to maintain Moses as a cemetery and to build a museum and memorial. This would not only benefit the descendant community but would be of immense educational benefit to the wider community. It would teach them the history of a resilient community that suffered violent discrimination but has persevered and wants to share its story of the indomitable human spirit. These bills would provide BACC and similar communities with better opportunities to pursue these sacred missions.

As a Jew, I can attest to the history of desecration and erasure. Let us take steps to preserve and teach history, not erase it. Future atrocities are less likely to occur if we remember. These bills provide an opportunity for restoration and remembrance.

Thanks for the opportunity to testify.

# **SB234\_AgudathIsrael\_UNF**

Uploaded by: Avi Lencz

Position: UNF



## **SENATE FINANCE COMMITTEE**

**JANUARY 29, 2026**

### **SENATE BILL 234**

#### **BUSINESS REGULATION - CEMETERIES - ACTIONS FOR SALE, TRANSFER, OR ALTERNATE USE**

#### **OPPOSE**

Agudath Israel of Maryland, the Mid-Atlantic regional office for Agudath Israel of America, a renowned national Jewish advocacy organization with chapters across the country, speaks on behalf of the Orthodox Jewish communities and religious institutions across Maryland. We write today in opposition to Senate Bill 234.

Senate Bill 234 would authorize certain governmental units to acquire and maintain an abandoned cemetery, and manage the property in a certain manner while requiring them to attempt to contact the descendants of the interred, descendant community organizations of the cemetery, or eligible nonprofits, in order to potentially transfer the property. If such transfer does not occur within a reasonable period, the governmental unit would maintain and preserve the abandoned cemetery but may facilitate reinterment of remains to an active cemetery.

In the Jewish faith, the cemetery is not merely a place in which to store bodies, but a place of deep religious significance. Rather than mere custom, Jewish ritual law governs a myriad of details of burial and cemetery upkeep and includes strong prohibitions on the disturbance of graves or exhumation. The obligations involved in maintaining cemeteries in accordance with every detail of Jewish law is viewed as both a deep religious responsibility and an important responsibility to the dead, who chose to be buried in accordance with Jewish law as well as Jewish custom.

We are concerned that Senate Bill 234 would unintentionally result in violations of the sanctity of the grave, through changes in stewardship and maintenance, through misunderstanding of the requirements of Jewish law and custom, through decisions to transfer buried remains, etc. We therefore respectfully ask the Committee to issue an unfavorable report on Senate Bill 234.

# **Maryland Catholic Conference\_UNFAV\_SB234.pdf**

Uploaded by: Jenny Kraska

Position: UNF



MARYLAND  
CATHOLIC  
CONFERENCE

January 29, 2026

**SB 234**

**Business Regulation –Abandoned Cemeteries – Acquisition and Disposition**

**Senate Finance Committee**

**Position: Unfavorable**

The Maryland Catholic Conference (MCC) offers testimony in opposition to **Senate Bill 234**. 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.

While we appreciate SB 234’s intention to address neglected burial sites, the legislation raises significant concerns for religiously operated cemeteries. **SB 234** allows third parties to initiate legal processes regarding cemeteries deemed “abandoned.” For religious cemeteries, this raises serious religious liberty concerns:

- **Interference with internal religious governance:** Decisions about the care, maintenance, and long-term stewardship of a Catholic cemetery are guided by canon law and pastoral judgment.
- **Risk of state-supervised alteration or transfer:** A court could be placed in the position of evaluating or overriding decisions rooted in religious doctrine.
- **Potential for disputes initiated by individuals with no connection to the faith community:** This undermines the autonomy of religious institutions to care for their sacred spaces.

The First Amendment protects the right of religious communities to manage their own burial grounds without undue state intrusion. SB 234 threatens that autonomy.

Many parishes maintain historic cemeteries with limited financial resources. These cemeteries are not abandoned, they are lovingly preserved within the means available. SB 234 could unintentionally:

- Create new legal vulnerabilities for parishes
- Force religious institutions into costly legal processes
- Pressure dioceses to consolidate or transfer cemeteries to avoid misclassification

This is an unnecessary burden on faith communities that already take their responsibilities seriously.

SB 234's treatment of "abandoned cemeteries" risks sweeping in religious cemeteries that are active in a spiritual and pastoral sense, even if they are quiet or historic. It threatens the sacred character of burial grounds, introduces avoidable religious liberty concerns, and risks state intrusion into the internal governance of faith communities.

For these reasons, the Maryland Catholic Conference respectfully urges the Committee to issue an **unfavorable report** on SB 234.

**SB 234 - FIN 01-29-2026 - MdCCA Testimony.pdf**

Uploaded by: John Stierhoff

Position: UNF



January 29, 2026

The Honorable Pamela Beidle, Chair, Senate Finance Committee  
3 East Miller Senate Office Building, 11 Bladen Street  
Annapolis, Maryland 21401

Re: SB 234 – Business Regulation – Abandoned Cemeteries – Acquisition and Disposition

Dear Chair Beidle:

I am writing on behalf of the Maryland Cemetery and Cremation Association (“MDCCA”) in opposition to Senate Bill 234.

Founded in 1916, the Maryland Cemetery and Cremation Association represents the shared interests and concerns of professionals across the spectrum of Maryland’s “deathcare” industries.

Senate Bill 234 authorizes a governmental unit to acquire property on which an abandoned cemetery is located; requires a governmental unit that acquires property under the Act to make a timely and reasonable effort to contact descendants of the persons interred in the abandoned cemetery; and authorizes a person or organization to bring an action to request the court to transfer property acquired under the Act to that person or organization.

MDCCA recognizes and supports the issues raised by the proponents of Senate Bill 234. However, the proposal includes vague and potentially overly broad categories of organizations and individuals to whom a governmental unit may transfer property. Additionally, the governmental unit allowed to use condemnation proceedings is also undefined, raising serious concerns that the proposal could face constitutional scrutiny.

The process for maintaining and preserving abandoned cemeteries, and the facilitation of the reinterment of any human or pet remains on the property, requires strict regulation and oversight. The Office of Cemetery Oversight, established under the regulatory authority of the State Department of Labor, would be the logical entity to monitor and ensure the appropriate processes are in place. However, the Office is not contemplated to be involved in the statutory scheme proposed in Senate Bill 234.

MDCCA believes that the worthy goals of Senate Bill 234 would be more fully achieved if all interested parties convened during the legislative interim to study the impact and implementation of this proposal.

The Maryland Cemetery and Cremation Association respectfully requests the Senate Finance Committee to study the impact of Senate Bill 234 and we offer our association and lay leaders representing nearly fifty Maryland cemeteries to assist and participate in that study.

Sincerely,

Glenn S. Easton  
President

cc: Members, Senate Finance Committee

# **SB234-Business Regulation-Abandoned Cemeteries-Acq**

Uploaded by: Andrew Fulginiti

Position: INFO



DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Office of the Commissioner  
100 S. Charles Street  
Baltimore, MD 21201

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**MARYLAND DEPARTMENT OF LABOR LETTER OF INFORMATION ON SB234**

TO: Senate Finance  
FROM: Deborah Rappazzo, Executive Director, Cemetery Oversight  
DATE: 01/29/2026

**Re: Letter of Information – SB 234 – Business Regulation – Abandoned Cemeteries – Acquisition and Disposition**

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The Office of Cemetery Oversight (OCO), within the Division of Occupational and Professional Licensing, provides the following information regarding Senate Bill 234.

SB 234 authorizes a governmental unit with condemnation authority to acquire property that contains an abandoned cemetery. With court approval, the bill allows the governmental unit to transfer the property to a person or organization for the purpose related to the cemetery.

The bill establishes a process for the acquisition and disposition of abandoned cemetery property and requires that, if a transfer is not completed, the governmental unit that acquires the property remains responsible for the maintenance of the abandoned property until a transfer takes place.

The Office of Cemetery Oversight does not have the authority to acquire land, and is not given any new authority in this legislation. While OCO does play a role in the oversight of public cemeteries, OCO does not believe that this proposed legislation would directly impact OCO's operations or authority.

The Office of Cemetery Oversight respectfully submits this information for the Committee's consideration in its review of Senate Bill 234.

For questions, please contact Andrew Fulginiti, at **[Andrew.Fulginiti@maryland.gov](mailto:Andrew.Fulginiti@maryland.gov)**

[www.labor.maryland.gov](http://www.labor.maryland.gov)

# **SB0234 - SHA - LOI - Business Regulation - Abandon**

Uploaded by: Nora Corasaniti

Position: INFO

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January 29, 2026

The Honorable Pamela Beidle  
Chair, Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401

***RE: Letter of Information – SB 234 – Business Regulation – Abandoned Cemeteries – Acquisition and Disposition***

Dear Chair Beidle and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 234 but offers the following information for the Committee's consideration.

SB 234 authorizes a governmental unit to acquire property where an abandoned cemetery is located with the intent to transfer the property to the descendants of the deceased persons interred in the cemetery, a descendant community organization, or a nonprofit organization. The governmental unit acquiring the property must make a timely and reasonable effort to contact descendants of persons interred in the abandoned cemetery. If the unit is unable to transfer the property to one of the intended groups specified in the bill, the governmental unit must maintain and preserve the abandoned cemetery located on the property and may facilitate the reinterment of human remains or pet remains to an operational cemetery. SB 234 also creates certain rights and duties for any descendant, descendant community organization, or nonprofit organization that acquires the property.

It is unclear whether SB 234: 1) creates new and limited condemnation authority for a governmental unit to acquire land with a known abandoned cemetery for the sole purpose of obtaining and transferring the cemetery to one of the groups identified in the bill; 2) applies when land with a known abandoned cemetery is acquired for any purpose; or 3) applies when an abandoned cemetery is discovered on land acquired by the governmental unit. However, regardless of the scenario, SB 234 could conflict with SHA's authority to acquire property for transportation-related purposes.

The State Highway Administration (SHA) has authority to acquire property for transportation purposes only. SB 234 mandates actions outside of SHA's authority. The bill requires that a government entity that acquires an abandoned cemetery property by condemnation do so *with the intent* to transfer it to a descendant community. It also mandates that, after acquisition, the government unit must maintain the property if the transfer cannot be completed within a reasonable period of time. Both requirements are beyond the SHA's authority.

From a right of way acquisition standpoint, SHA acquires properties only as needed for transportation purposes and projects. The Administration makes all reasonable attempts to avoid cemeteries and to redesign roadways around any remains or completely shift the road alignment.

If the property has an unknown owner and there is no other way to construct the road, SHA seeks the authority of the State Roads Commission to initiate its eminent domain authority for possession to

The Honorable Pamela Beidle  
Page 2

construct its project. In these cases, comprehensive and stringent legal requirements are triggered, including a suspension of work; mandatory notifications (to descendant communities, tribes and other stakeholders); and treating the site with the utmost dignity and respect, focusing on preservation rather than disinterment (per Section 106 of the National Historic Preservation Act). SHA's Office of Planning and Preliminary Engineering (OPPE) has a Cultural Resources team that specializes in archaeology and directly coordinates with the Maryland Historical Trust, religious institutions, and descendant communities in this process.

The SHA is working with the sponsor on amendment language to ensure that the bill's requirements do not conflict with SHA's authority to acquire property for transportation-related purposes.

The Maryland Department of Transportation respectfully requests the Committee consider this information during their deliberations of Senate Bill 234.

Respectfully submitted,

April Moeller  
Director  
Office of Government Affairs  
Maryland State Highway Administration  
410-210-5780

Matthew Mickler  
Director  
Office of Government Affairs  
Maryland Department of Transportation  
410-865-1090