



New York State
DEPARTMENT OF STATE

DIVISION OF CEMETERIES

41 State Street, Suite 1110
Albany, NY 12231-0001

November 2000

No. 6

CEMETERY BULLETIN

Director's Notes —

This will be our last *Bulletin* before the new year, so I would like to wish you all a happy holiday season.

Since our last *Bulletin*, we hosted three informational "road shows," one each in Hauppauge, Syracuse and Buffalo. I am very pleased with the warm reception and the positive feedback we received.

Additional informational sessions are expected to be held starting again in the spring. We hope to reach cemeterians in all areas of the state.

This has been a busy year for legislation and regulation changes. Please read this issue carefully for the latest changes.

As always, we welcome any suggestions for future *Cemetery Bulletin* topics.

Cemetery Bulletin INDEX

1 / July 1998 (*mutual funds; pricing graves; assessment vs. vandalism fees*)

2 / March 1999 (*legislation: prohibition of combinations and management agreements; exclusive right of cemetery corporation to provide annual care*)

3 / September 1999 (*cemetery classifications; new Annual Financial Report requirements for medium-sized cemeteries; legislation: sale of cemetery lands clarified*)

4 / March 2000 (*transfer of burial rights: inalienability, consanguinity and irrevocable designations*)

5 / May 2000 (*Informational Cemetery Board Meeting in Syracuse, June 27, 2000; §201.7 of Title 19 NYCRR, posting of sign at cemetery*)

6 / November 2000 (*vandalism fund expanded; new vandalism payment date; permanent maintenance fund changes; ECI rate for 2000*)

Vandalism Fund Expanded

We are pleased to announce an expansion of the Vandalism Fund to include the repair or removal and replacement of monuments or markers which require correction to alleviate a hazardous condition. This law became effective in early September of this year. Regulations, defining the application process, are currently being designed and will be distributed through this medium when they are approved.

The text appears in its entirety below:

“§1510-a. Repair or removal of monuments

(a) Cemetery corporations may repair or remove any monuments or other markers not owned by the cemetery corporation that have fallen into disrepair or dilapidation so as to create a dangerous condition provided that the cemetery corporation has given not less than sixty days notice by registered or certified mail to the last known owner at that person's last known address to repair or remove the monument or other marker and the said owner has failed to do so within the time provided in said notice.

(b) In the event that the last known owner cannot be found, the notice may be given by publishing the same once each week for three consecutive weeks in a newspaper published or circulated in the county in which the cemetery is located. Such notice shall be addressed to the last known owner and to all persons having or claiming any interest in or to the burial lot on which the monument or other marker is located. The notice shall date from the date of mailing such notice by registered or certified mail, or the date of the third publication in the newspaper.

(c) Any monument or other marker that is removed as provided for in this section shall be replaced with a flush bronze or granite marker suitably inscribed if replacement is appropriate for identification purposes.

(d) Nothing contained herein shall be construed as establishing any right of damages not otherwise provided by law, rule or contract in any person against the cemetery corporation for failure to repair or remedy any condition described or give notice thereof as provided for in this section.”

New Vandalism Payment Date

After many years of semi-annual payments to the vandalism fund at odd times of the year, causing all of us confusion, *it has been changed!* (and I'm excited).
No card will be mailed to you in November.

On August 17, the New York State Cemetery Board adopted new vandalism regulations which clarify many definitions regarding vandalism, payments from the fund, and vandalism notification to the Division. The most significant change is that **all vandalism payments will now be on a yearly basis, due the same time of year as your annual assessment.**

(Continued over)

New vandalism fee date . . .

A vandalism payment notice will be included with the annual report mailing and will cover seven months (June 1, 2000 through December 31, 2000). This payment will be due by March 15, 2001, the exact same due date as your assessment notice. Payments may be sent together, but separate checks are recommended. Please remember that the computation for vandalism payments and assessment payments are different. So please read your annual mailing information carefully. For future years, all notices will be included in the annual mailing and all vandalism payments will be for a calendar year. This will make bookkeeping easier for all of us.

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Permanent Maintenance Fund Law Changed

The section of law pertaining to permanent maintenance fund allocations has been amended effective January 1, 2001. The amendment calls for an addition to the permanent maintenance fund of \$35 for each interment or inurnment the cemetery performs. This is in addition to the 10% of lot sales currently required.

The New York State Cemetery Board will allow every cemetery to increase its interment and inurnment charges by \$35 (or a lesser amount if the cemetery wishes) by returning a simple check-off form which will be mailed out before the end of the year. Cemeteries will have the option of absorbing the \$35 allocation rather than increasing interment prices, *but the \$35 allocation to the permanent maintenance fund is not optional.*

Many cemeteries have no service charges and allow funeral directors to arrange grave-digging services directly. These cemeteries usually collect the \$5 vandalism fee from the funeral director and remit it to the Division of Cemeteries. When the new law becomes effective, these cemeteries should collect \$40 from the funeral director, place \$35 of it in the permanent maintenance fund, and remit \$5 to the Division of Cemeteries at the appropriate time.

We realize that many cemeteries may view this new law as a hardship, but keep in mind that when a cemetery is out of land the only income to maintain the grounds will be the income from the permanent maintenance and perpetual care funds. These trust funds are inadequate in most cemeteries and ways must be found to increase them or many cemeteries will become abandoned.

- ✓ The new ECI rate is 4.3 percent. ✓ The Albany Office has a new FAX number: (518) 473-0876.
- ✓ The May 2000 *Cemetery Bulletin* advised you of the new regulation regarding the posting of a sign. Is your sign posted?

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