

# Application for Restoration of Vandalism Damage

NYS Department of State  
**DIVISION OF CEMETERIES**  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231  
(518) 474-6226

This application applies only to Not-for-Profit Cemetery Corporations and must be completed in full. Funds may be allocated for the above-captioned purposes in accordance with 19 NYCRR §200.11 (statutory authority: Not-for-Profit Corporation Law, §1507[h]). This application will not be considered if it can be shown that the cemetery can correct acts of vandalism by means of regular maintenance. The full text of the rules, terms and procedures for funding are on the reverse.

**A report must be made to the Cemetery Board within 30 days of the incident of vandalism.**

AMOUNT REQUESTED	COUNTY IN WHICH CEMETERY IS LOCATED
DATE OF VANDALISM	DATE DIVISION OF CEMETERIES NOTIFIED
CEMETERY NAME	CEMETERY ID NUMBER
NAME OF CEMETERY OFFICIAL	TITLE
STREET ADDRESS	
CITY/TOWN/VILLAGE	ZIP CODE
TELEPHONE NUMBERS:	
Home (     )	Work (     )
E-MAIL ADDRESS	FAX

Has this cemetery previously applied for and received a grant from the Vandalism, Abandonment & Monument Repair Fund? .....  **YES\***  **NO**

\*If **YES**, when? \_\_\_\_\_ Amount Received: \$ \_\_\_\_\_

Was proof of completed work forwarded to the Division of Cemeteries? .....  **YES**  **NO**

\* \* \*

1. Provide a description of each damaged monument and/or marker and enclose referenced photos:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Attach copies of the report filed with the local police or sheriff's department having appropriate jurisdiction.

3. Attach *two* estimates prepared by qualified contractors.

\* \* \*

I, the undersigned, hereby certify that the above-named cemetery association has no other money which is authorized for the purpose of repairs; this cemetery association has attempted to notify lot owners, next of kin or family of the decedents immediately affected on (date) \_\_\_\_\_, have advised or attempted to advise them of insurance benefits that may be available on their homeowner's insurance policy and have been unable to recover any necessary money from that source; and the proposed costs are fair and reasonable.

I further agree that upon receipt of monies to repair said vandalism, such repairs will be made as quickly as possible and documentation (receipts and statements) of the repairs will be submitted to the Cemetery Division within 60 days.

Signature of Cemetery Official: \_\_\_\_\_ Date: \_\_\_\_\_

The following language from the vandalism regulations establish procedures under which cemetery corporations may apply for funds to correct incidents of vandalism.

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## **19 NYCRR, Part 200**

### **§200.11, subs. (a)-(f) State cemetery vandalism restoration, monument repair or removal and administration fund.**

(a) *Definitions.* (1) *Vandalism* means the willful or malicious destruction or defacement of property in a cemetery, including, but not limited to, the toppling of memorial stones, damage to crypts, niches, grave sites, monuments and memorials. (2) *Abandoned cemetery* means a cemetery maintained by a municipality pursuant to law, including but not limited to one maintained by a town pursuant to Town Law §291 or by a county pursuant to County Law §222(5-a), which cemetery was previously owned by a cemetery corporation organized pursuant to the Not-for-Profit Corporation Law or existing by virtue of the Membership Corporation Law, for which there no longer exists any corporate board or body to maintain it, and for which there is no sufficient trust fund or endowment to provide ordinary and necessary care and maintenance. (3) *Regular maintenance* means the ordinary and necessary care and maintenance of a cemetery, including care of crypts, niches, grave sites and monuments and memorials paid for by means of the general fund or special fund or the income applied from the permanent maintenance fund, perpetual care fund, monument maintenance fund, general fund, or a special fund. (4) *Qualifying damage* means damage caused by an act or acts of vandalism that cannot be repaired by means of regular maintenance. (5) *Fund* means the fund created by Not-for-Profit Corporation Law §1507(h) and State Finance Law §97-r.

(b) *Payment of contributions.* On or before March 15th of each year, every cemetery or crematory that has performed an interment or cremation during the preceding calendar year shall submit a check drawn to the order of the Department of State in the total amount of monies collected during said period toward payment to the fund. Such check shall be accompanied by a statement signed by a cemetery officer certifying the number of interments or cremations and the amount transmitted. The contribution shall be five dollars (\$5.00) per interment or cremation. No contribution shall be collected upon the interment of the remains of a deceased person where a contribution was collected upon cremation.

(c) *Initial report of vandalism.* Within 30 days of the discovery of a qualifying act of vandalism, the cemetery shall: (1) report such act to the Division either verbally or in writing, and (2) in the event that damage was done to a crypt, niche, grave site, monument or memorial, provide written notice to the lot owner or next of kin, if the identity and whereabouts of such individual is reasonably ascertainable. Such notice shall include a brief description of the damaged property and a request for funds for its repair. The notice shall also advise the lot owner or next of kin to seek insurance benefits that may be available pursuant to a homeowner's insurance policy. A copy of such notice shall be maintained by the cemetery.

(d) *Application for payment for repair of vandalism damage.* (1) The completed application shall be submitted within six months of the date of discovery of the act of vandalism. (2) A cemetery may, for good cause and within the above-described time period, request a definite extension of time to file a vandalism application. Such request shall be in writing and state the reasons therefor, including the date by which it is anticipated that the application will be filed. (3) The application shall include the following: (i) a description of the qualifying damage, photographs, and the date that the report of damage was filed with the division; (ii) a copy of such other reports filed in accordance with law; (iii) a copy of bids submitted by at least two contractors for the cost of repairs; and (iv) a notarized statement signed by a cemetery officer that the cemetery has no available funds which it is authorized to use for the purpose of the repair; that it has not been able to obtain sufficient funds from the family of the deceased (include copies of letters or newspaper advertisements); and that the proposed costs of the repairs are fair and reasonable. (4) Within 90 days of receipt of a complete application, the Cemetery Board shall make a determination, based upon the following factors: (i) whether there is qualifying damage; (ii) severity of the damage; (iii) whether the vandalism is part of a wave of vandalism; (iv) emotional distress to visiting families; (v) appropriateness of prior use of payments from the fund; (vi) compliance with Not-for-Profit Corporation Law Article 15 and Cemetery Board rules and regulations; (vii) priority of application based upon previous allocations; and (viii) availability of monies within the fund.

(e) *Use of disbursements for vandalism.* (1) The cemetery must apply all disbursements made by the Cemetery Board to the repair of the vandalized property described in the vandalism application. (2) Any funds remaining after the repairs have been performed must be returned to the Cemetery Board for redeposit into the vandalism fund.

(f) *Final report.* Within 90 days of its receipt of disbursements, the cemetery shall make a report to the Cemetery Board setting forth the repairs made and by whom, the amount of funds expended, and the amount of funds to be returned to the Cemetery Board, if any. If the repairs have not been completed, the reason therefor shall be set forth, and the anticipated date for a subsequent, final report shall be disclosed. Such report and any additional report shall be sworn by a cemetery officer.