



# Division of Cemeteries

New York State  
Department of State  
**DIVISION OF CEMETERIES**  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231-0001  
Telephone: (518) 474-6226  
www.dos.ny.gov

## Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Dangerous Condition

This application applies only to Not-for-Profit Cemetery Corporations and must be completed in full and signed before a notary public. Funds may be allocated for the above-captioned purposes in accordance with 19 NYCRR §200.11 (statutory authority: Not-for-Profit Corporation Law, §1510-a). The full text of this Cemetery Board Directive appears on the reverse.

|                           |                                     |
|---------------------------|-------------------------------------|
| AMOUNT REQUESTED          | COUNTY IN WHICH CEMETERY IS LOCATED |
| 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 bids submitted by at least *two* contractors for the cost of repairs or removal and replacement.
3. Attach proof that the cemetery corporation has given not less than 60-day notice to the last known owner to repair or remove the monument or marker and that said owner has failed to do so within the time prescribed in that notice.

I, the undersigned, duly authorized, swear or affirm under the penalties of perjury that the above-named cemetery has not been able to obtain sufficient funds from the family of the deceased, that the proposed costs of the repairs or removals and replacements are fair and reasonable and that the above-described monuments and/or markers are so badly out of repair or dilapidated as to create a dangerous condition. I further swear or affirm that the information contained in this application is true and correct. I agree that, upon receipt of monies for the repair or removal of dilapidated or disrepaired monuments that create a dangerous condition, such repairs will be made as quickly as possible and documentation (receipts and statements) of the repairs and removals will be submitted to the Division of Cemeteries within 90 days following completion of work.

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

On this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_  
appeared \_\_\_\_\_  
known to me to be said person.

\_\_\_\_\_  
Notary Public

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# Application for Repair or Removal of Dilapidated or Disrepaired Monuments that Create a Dangerous Condition

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*The following language has been added to the vandalism regulations to establish procedures under which cemetery corporations may apply for funds to repair or replace monuments not owned by the cemetery but which create a dangerous condition because of disrepair.*

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## **19 NYCRR, Part 200**

### **§200.11, Subds. (i)-(k) State Cemetery vandalism restoration, monument repair or removal and administration fund.**

(i) *Application for repair or removal of dilapidated or disrepaired monuments that create a dangerous condition.* (1) An application for payment by the Fund for the repair or removal of monuments or other markers not owned by the cemetery corporation that have become dilapidated or are in disrepair so as to create a dangerous condition shall include the following:

(i) a description of the damaged monuments or markers, including photographs, and a statement that the monuments or markers are so badly out of repair or dilapidated as to create a dangerous condition;

(ii) a copy of bids submitted by at least two contractors for the cost of repairs, or removal and replacement;

(iii) proof that the cemetery corporation has given not less than sixty day notice to the last known owner to repair or remove the monument or other marker and that said owner has failed to do so within the time prescribed in said notice. Such notice shall be addressed to the last known owner or owners and to all persons having or claiming an interest in or to the burial lot on which the monument or marker is located. In the event that the last known owner or owners cannot be found, proof that notice was 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. The notice shall be effective on the date of mailing such notice by registered or certified mail, or the date of the third publication in the newspaper; and

(iv) a notarized statement signed by a cemetery corporation officer that the cemetery corporation 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 or removals and replacements are fair and reasonable.

(2) Within 90 days of receipt of a complete application, the Cemetery Board shall make a determination, based upon the following factors:

(i) whether the monuments or markers are so badly out of repair or dilapidated as to create a dangerous condition;

(ii) whether due notice has been given to the last known owner to repair or remove the monument or other marker and the said owner has failed to do so within the time prescribed in said notice;

(iii) danger to visiting families;

(iv) appropriateness of prior use of payments from the fund;

(v) compliance with Not-for-Profit Corporation Law Article 15 and Cemetery Board rules and regulations;

(vi) priority of application based upon previous allocations; and

(vii) availability of monies within the Fund.

(j) *Use of disbursements for repair or removal of dilapidated or disrepaired monuments that create a dangerous condition.* (1) The cemetery corporation must apply all disbursements made by the Cemetery Board to the repair or removal and replacement of monuments or other markers as described in the application.

(2) Any funds remaining after the repairs or removals and replacements have been performed must be returned to the Cemetery Board for redeposit into the Fund.

(k) *Final report.* Within 90 days of its receipt of disbursements, the cemetery corporation shall make a report to the Cemetery Board setting forth the repairs or removals and replacements made and by whom, the amount of funds expended, and the amount of funds to be returned to the Cemetery Board, if any. If any monuments or other markers have been removed, the report shall include a statement that they have been replaced with a flush bronze or granite marker suitably inscribed if replacement is appropriate for identification purposes. If the repairs and removals 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.