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SENATE JOINT RESOLUTION NO. 319

Offered January 20, 1997

Requesting the Commission on Local Government, in cooperation with the Virginia Department of Agriculture and Consumer Services, Virginia Municipal League, Virginia Association of Counties, and Virginia Cemetery Association to study local government issues related to the upkeep and maintenance of private cemeteries.

Patron—Marye

Referred to the Committee on Rules

WHEREAS, several local governments in the Commonwealth have encountered situations in which local private cemeteries are not maintained to the satisfaction of adjacent landholders and the friends and families of those interred; and

WHEREAS, Chapter 3 of Title 57 of the Code of Virginia governs the administration of cemeteries within the Commonwealth, and specifies therein certain minimum requirements, particularly for burial sites sold with the representation that such burial sites will receive perpetual care; and

WHEREAS, in cases in which the owners of private cemeteries do not adequately provide for maintenance, do not have the resources to provide adequate maintenance, and have few remaining burial sites to sell, some local governments and citizens have found inadequate recourse to enforce the laws pertaining to private cemeteries; and

WHEREAS, when private cemeteries do not comply with such minimum provisions, are abandoned, or are poorly maintained, the local governments in which such cemeteries are located are frequently requested to assume maintenance of such cemeteries; and

WHEREAS, some local governments have found that assuming uncompensated responsibility for abandoned or neglected private cemeteries presents a burden on local taxpayers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commission on Local Government, in cooperation with the Consumer Protection Division of the Department of Agriculture and Consumer Affairs, the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Cemetery Association be requested to study issues pertaining to neglected or abandoned private cemeteries. The study shall consider (i) minimum standards for the maintenance of cemeteries; (ii) the adequacy of perpetual care trust funds for maintenance of private cemeteries after all grave sites have been sold; and (iii) the effectiveness of consumer protection laws to ensure that local governments and the families of those interred in private cemeteries have effective recourse if such cemeteries are not adequately maintained.

The Commission on Local Government shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

INTRODUCED

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