

## Guidelines for Distressed Cemetery Fund

Authorization: 29 Del. C., c. 79A - On July 1, 2009, legislation was established that had three objectives: (1) register all Delaware cemeteries; (2) refer complaints about cemeteries from the public to the appropriate agency; and (3) create a Distressed Cemetery Fund that would help improve distressed cemeteries.

- A. The Distressed Cemetery Fund (Fund) is a State fund that was established under the Department of Health and Social Services (DHSS), Division of Public Health (DPH), Delaware Health Statistics Center (DHSC), to assist owners or volunteers of cemeteries who meet the definition of a distressed cemetery and who do not have the necessary funds to complete work that is needed to improve conditions.
- B. Delaware Cemetery Board (DCB) was established to promulgate rules and regulations to administer the fund.
  1. Consists of five members appointed by the Secretary of DHSS; three members are owners/operators of cemeteries and two members are from the public.
  2. Conducts four scheduled public meetings per calendar year that are posted on the DPH, DHSC, DCB's website at <http://dhss.delaware.gov/dhss/dph/hp/DECB.html> and on the State's Public Calendar at <https://publicmeetings.delaware.gov/>.
  3. Assisted by DPH, Delaware Health Statistics Center, staff member who will be the Chief Administrative Officer to the Delaware Cemetery Board. Staff member will maintain the registration and fiscal records for the fund, refer complaints to the appropriate agency, and administer the fund.
- C. Registration - Cemeteries must be registered with the Delaware Division of Public Health, DHSC before they apply for financial assistance.

1. Owner or a volunteer of an abandoned cemetery may register a cemetery.

Abandoned cemetery is a cemetery where there is no owner filed in the Recorder of Deeds office in the county where the cemetery is located. An abandoned cemetery qualifies as a distressed cemetery. A responsible organization or volunteer may register the cemetery and apply for financial assistance. The registration fee will be waived.

2. Registration fee of \$10 is nonrefundable. Check or money order is accepted and is *payable to the State of Delaware*, along with a completed registration form, sent to the address below.

Candace Casto  
Division of Public Health  
Delaware Health Statistics Center  
Jesse Cooper Building  
417 Federal Street  
Dover, DE 19901

3. Waiver of Registration Fees – The registration fee is waived for cemeteries located on government land and may be waived for inactive and abandoned cemeteries. However, a registration form must be completed and on file with the DPH.
4. A new registration form and payment is required every five years or upon change in ownership of the cemetery. A fillable registration form is posted on the DCB's website mentioned above.

5. A Certificate of Registration will be sent to the mailing address listed on the registration form.

#### D. Financial assistance application

1. Eligibility for Distressed Cemetery Funds - A cemetery must meet the definition of a distressed cemetery. Per 29 Del. C. §7902A (6), "Distressed cemetery" means any land or structure used or intended to be used for the interment/entombment of human remains including facilities used for the final disposition of cremated remains whereby the owner lacks sufficient financial resources for the maintenance or preservation of said cemetery as determined by the Board. An abandoned cemetery may qualify as a distressed cemetery if registered with the State by a responsible party/volunteer.
2. A financial assistance application may be submitted every 18 months unless there is a substantial occurrence.
3. Maximum requested amount is \$15,000 per cemetery. An organization can only request the cost of the work needed.
4. Match requirement is 50 percent of the requested amount. The match may be with real dollars and/or volunteer hours, dependent on the organization's financial resources. The Board allows volunteer hours to be used for organizations with little to no financial resources. If an organization has available funds, either in operating, perpetual, or endowment funds, then it is expected that real dollars will be used to pay for part of the project. Volunteer hours must be documented by total hours per project per year and may include projects from the previous three years (volunteer hours multiplied by hourly rate for volunteers). Please check with the Chief Administrative Officer for the current value of volunteer hours calculated by Independent Sector each year.
5. Funds are for proposed projects, not for past expenditures. The Board will consider applications from all types of cemeteries.
6. A fillable application form is posted on the DCB's website mentioned above.
7. Application must be submitted to the Chief Administrative Officer, DHSS, DPH, DHSC, at address above at least two weeks before a scheduled board meeting. The Chief Administrative Officer will provide assistance in completing the application, if needed.
8. Owner's signature must be on the application. If the applicant is not the owner, the owner must send a notarized authorization letter with their approval directly to the DCB Chief Administrative Officer, Delaware Health Statistics Center.
9. Scope of the work needed must be specific (e.g., number of tombstones that need repair, number of trees removed, type of equipment needed, type and size of fence, etc.).
10. Applications will expire after 90 days upon receipt by the DHSC. If requested information is not submitted within 90 days, the applicant must send in a completed application package again. The following are required to be sent along with the completed application.
  - a. Photographs of the area or item needing repairs for which the funds are being requested.
  - b. Updated financial statement of cemetery (most recent income/expense statement, bank statements of all accounts, etc).
  - c. Three vendor quotes on vendor letterhead. Vendors must be given same information to provide comparable quotes. It is the applicant's responsibility to ensure the vendor is qualified to do the requested work. The Board will determine if a waiver is needed for the requirement of three quotes.
  - d. Small scale map of the cemetery which will be filed at the Delaware Public Archives.
11. Applicant's signature on the application agrees to erect a sign with the cemetery name and telephone number if none exists and submit a written closeout report six months after receipt of the funds.
12. The DCB gives primary consideration to projects that address public safety and health concerns and that will assist in controlling future maintenance costs of the cemetery. The Fund is generally not used for annual lawn maintenance expenses.

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- E. Application will be reviewed by the Chief Administrative Officer before it is sent to the Board for review. The Chief Administrative Officer will notify the applicant if application package is incomplete or unacceptable.
- F. Accepted application will be added to the next scheduled meeting agenda.
  - 1. Applicant will be notified of the date/time of the board meeting via e-mail or mail and must be available to answer questions in person during the executive session of the meeting.
  - 2. After the executive session ends, the Board will vote on the application during the public meeting.
- G. Chief Administrative Officer will send a notification of the approval or disapproval to the applicant.
  - 1. If approved, instructions will be given and an IRS W-9 form must be completed online at <https://w9.accounting.delaware.gov/W9form.aspx> before funds are processed in the State's accounting system.
  - 2. If disapproved, the notification will include the reason.
  - 3. Applicants must allow 4-8 weeks for receipt of payment after notification of the approval.
- H. Closeout report
  - 1. After the project is completed or six months after receipt of funds, the applicant must submit a written report to the Board detailing how the funds were spent.
  - 2. Template is provided with award notification.
  - 3. Report must include the details on how funds were spent (e.g., the number of memorials straightened and repaired, number of trees removed, type of equipment purchased, etc.), copies of paid invoices and canceled checks (front and back), along with photographs of the sign and photos of the work completed.
- I. The Delaware Cemetery Board shall have the right to request updates on the expenditures of the funds and to inspect the work in progress.
- J. In the event of an intentional misuse of funds, the applicant and/or the organization may face civil and criminal prosecution.
- K. The Board reserves the right to grant waivers for unusual circumstances. It is the Board's goal to help as many distressed cemeteries as possible.