



## 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 of Delaware (State) fund established under the Delaware Department of Health and Social Services (DHSS), Division of Public Health (DPH), Delaware Health Statistics Center (DHSC), to assist owners or volunteers of cemeteries, which meet the definition of a distressed cemetery, who do not have the necessary funds to complete work that is needed to improve conditions.
- B. The Delaware Cemetery Board (DCB) was established to promulgate rules and regulations to administer the fund.
  1. The Board 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. The Board conducts four scheduled public meetings per calendar year. Meeting notices are posted on the DCB webpage at <http://dhss.delaware.gov/dhss/dph/hp/DECB.html> and on the State's Public Calendar at <https://publicmeetings.delaware.gov/>.
  3. A DHSC staff member will assist and serve as administrative support to the DCB. The 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 DPH DHSC before they apply for financial assistance.
  1. An owner or volunteer of an abandoned cemetery may register a cemetery.

An abandoned cemetery is a cemetery in which there is no owner on file 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. The 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, mailed to the address below:

Candace Casto  
Division of Public Health  
Delaware Health Statistics Center  
Jesse Cooper Building  
417 Federal Street

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Dover, DE 19901

3. Waiver of Registration Fees: The registration fee is waived for cemeteries located on government land, inactive cemeteries with less than 10 graves, and abandoned cemeteries. However, a registration form must be completed and on file with DPH.
4. A new registration form and payment is required every five years or upon change in ownership of the cemetery.
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” is defined as 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 such as a natural disaster, accident, or public safety issue.
3. The maximum requested amount is \$15,000 per cemetery. An organization can only request the cost of the work needed.
4. The match requirement is 50 percent of the requested amount. Real dollars or the value of volunteer hours may be used 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 for the last three years and a template is available as a guide. Contact the DCB administrative support staff member for the current value of volunteer hours calculated by Independent Sector each year. Examples of the match calculation are as follows.
  - a. No Cash Available - no formula used; just need to document 50% of requested amount by using value of vol. hrs. and/or cemetery expenses.  
Project Cost - \$10,000  
Applicant has No Cash Available  
Requested Amount – \$10,000  
Match is half of requested amount – \$5,000 (match met with documented volunteer hours and/or cemetery expenses valued at \$5,000)

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- b. Some Cash Available (use formula)  
Project Cost - \$10,000  
Applicant has Available Cash – \$2,000  
Requested Amount – \$8,000  
Match is half of requested amount – \$4,000 (match met with \$2,000 cash and \$2,000 documented volunteer hours and/or cemetery expenses)
5. Funds are for proposed projects, not for past expenditures. The Board will consider applications from all types of cemeteries.
6. The application must be submitted to the DCB administrative support staff member at the address above at least two weeks before a scheduled board meeting. The administrative support staff member will provide guidance in completing the application, if needed.
7. The 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 administrative support staff member.
8. The scope of 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.).
9. Applications will expire after 90 days upon receipt by the DHSC. If requested information is not submitted within 90 days, the applicant must re-send a completed application. The following are required to be included 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. A written scope of work for vendors to ensure they are given the same information.
  - d. 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, is properly licensed, and is properly insured with workers compensation and liability insurance coverage in compliance with the State. The Board will determine if a waiver is needed for the requirement of three quotes.
  - e. Small scale map of the cemetery, which will be filed at the Delaware Public Archives.
10. The applicant's signature on the application indicates agreement 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.



11. 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 not used for annual lawn maintenance expenses.
- E. Each application will be reviewed by the Administrative Officer before it is sent to the Board for review. The Administrative Officer will notify the applicant if application package is incomplete or does not meet requirements.
- F. Accepted applications will be added to the next scheduled meeting agenda.
1. The applicant will be notified of the date/time of the board meeting via e-mail or U.S. 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. The administrative support staff member will send a notification of the approval or disapproval to the applicant.
1. If approved, instructions will be given to complete the online supplier registration with the State of Delaware so the funds can be processed through the State's accounting system. The website is at <https://accounting.delaware.gov/suppliers/>.
  2. If disapproved, the notification will include the reason.
  3. Applicants must allow four to six weeks for receipt of payment after notification of the approval.
- H. Closeout report
1. Six months after receipt of the funds (or before if projected completed), the applicant must submit a written report to the Board detailing how the funds were spent.
  2. A template for the closeout report is provided with the award notification.
  3. The 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. **Note: Vendor(s) submitted in the approved application must not change unless written approval from the Board is granted. The request to change vendor(s) must be sent to the DPH Administrative Officer before the change is made and work begins.**
- 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.



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- 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.

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