

KNOW YOUR RIGHTS!

YOU HAVE THE RIGHT...

...to be shown the Cemetery Division Regulation or the New York State law, if the cemetery insists that goods or services are required by law.

...to have a lawyer review any contract with the cemetery before signing it.

...to interment (burial, inurnment, entombment) in your grave, crypt or niche under NYS law. The cemetery can only deny this right for non-payment of total purchase price, non-payment of interment price or non-payment of authorized lot tax (a kind of fee which must be authorized by the Cemetery Board).

...to be shown the written, dated approval of the Cemetery Board for any cemetery prices, charges, or rules & regulations (requirements) created by the cemetery.

THE CEMETERY HAS A RIGHT...

...to make only those rules or regulations which are approved in writing by the Cemetery Board.

...under NYS law, to sue to collect \$25 for each infraction of a cemetery rule approved by the Cemetery Board.

LOOK FOR THE FOLLOWING POSTED INFORMATION!

Rules on Interment:

This includes inurnment, burial and entombment (all final resting places for ashes or bodies).

- Types of interments and price ranges in each section of the cemetery.
- Mausoleum interment availability, price ranges and any requirements such as in-crypt trays or bag type enclosures, casket limitations, etc. & diagram of crypt locations.

Note: Insist on seeing written, dated Cemetery Board approval, if the cemetery says that it requires embalming.

- Cemetery rules, if any, on the number of urns per grave and other applicable rules and charges.
- Any required charges such as special services and charges for OPTIONAL care such as annual, seasonal or perpetual care.

Note: If you choose to fund a Perpetual Care Endowment (PCE) obtain written explanation of how the care of graves, monuments (if included) and markers (if included) in the PCE differs from those without it.

Rules on Outer Burial Containers

- A cemetery can only require a concrete vault or concrete grave liner (consumer's choice) & rule applies only to graves purchased after January 1, 1985. Requirement must be waived for religious reasons, subject to a possible backfilling fee

- Price range for liners sold by cemetery, charges for setting.
- Charges for setting liners & vaults purchased elsewhere.

Note: For liners purchased pre-need, funds must be held in trust & upon request, returned plus interest.

Rules on Opening and Closing of Grave, Crypt, Niche, etc.

- Price and rules regarding interment, inurnment, or entombment, including special prices such as for double depth grave, caskets over a certain dimension, etc.

Note: Insist on seeing the written, dated Cemetery Board approval for any requirements or restrictions on the type of burial container, especially "sealer caskets."

- Special rules, fees or optional charges when a family participates in filling the grave.
- Any other charges or requirements at the time of interment such as for "lifting equipment."
- Winter interment rules and charges (thawing ground or storage) of cemetery, if any.

Rules on Plantings

- Families' ability to install plantings, charges for plantings, and maintenance fees if any.

Note: Cemetery has the right to be the sole provider of paid care.

- Any restrictions on types of seasonal flowers, artificial flowers or types of containers for seasonal flowers.

Rules on Monuments and Markers

- Rules on type permitted or required by the cemetery and prices for flat bronze markers sold by cemetery.
- Prices for foundations and setting, when purchased from cemetery and from elsewhere.
- Any other rules and/or charges relative to marking the grave, tomb or columbarium niche.

Note: OPTIONAL perpetual, seasonal or annual care agreements usually do not cover markers or monuments.

Administrative, Optional Charges and Package Prices

- Requirements and charges such as drawing and recording a transfer deed, issuing a duplicate deed, genealogical search, etc.
- Optional goods or services offered by the cemetery, such as holiday blankets, greens (artificial grass) for graveside services
- Package prices, if offered including all costs and any goods or services required.

Rules on Disinterment

- Rules and charges for disinterment, including any variation due to type of interment.

Resale, or Other Transfer of Interment Rights

- Requirements, limitations and charges upon resale, transfer or donation of the grave, tomb or columbarium niche.

Note: Contact the Cemetery Division before attempting to sell graves, etc. The cemetery is not required to buy back such property, but you must offer it to them before it is offered for sale to another buyer.

All Other Rules, Regulations, Charges or Prices

Information Not Required to Be Posted:

- A map of the cemetery showing the lots or plots, avenues, paths, alleys and walks and their respective designations must be available for public inspection.
- Trust Funds: Get explanation of the Permanent Maintenance Fund & Current Maintenance Fund, and the percentage of gross proceeds of sales paid to each fund.
- Vandalism Fund fee of \$5 is required by law and due at interment.

Contact the Cemetery Division if the cemetery has not posted in each cemetery office the Cemetery's Prices, Charges, Rules & Regulations or if a copy of the Prices & Charges is not made available for a small charge:

Richard Fishman, Director
NYS Department of State
Division of Cemeteries
41 State Street
Albany, NY 12231-0001

CEMETERY RULES, PRICES & CHARGES

Cemeteries Regulated by the NYS Cemetery Board Are Required By Law to Post Cemetery Charges, Prices, Rules & Regulations

"Post" means place in a conspicuous location in each cemetery office in a manner that allows you to read it.

A copy of the Prices & Charges must be available to you for a small charge.

The cemetery is not required to supply a copy of its Rules & Regulations except immediately prior to the actual purchase of property.

Keep the original copy of the cemetery rules and regulations, the contract and the deed if you buy property.



Funeral Consumers
Alliance of L.I./NYC

PO Box 701
Greenlawn, NY 11740-0701
(631) 544-0383

Web Site: www.NYFunerals.org
E-mail: info@NYFunerals.org