

STATE OF NEW YORK

496

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to certain duties and responsibilities of cemetery corporations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of section 1504 of the not-for-profit corpo-
2 ration law, as added by chapter 871 of the laws of 1977, subparagraph
3 2-a as amended and subparagraph 2-b as added by chapter 565 of the laws
4 of 1980, subparagraph 4 as added by chapter 557 of the laws of 1985, and
5 subparagraph 5 as renumbered by chapter 557 of the laws of 1985, is
6 amended and a new paragraph (e) is added to read as follows:

7 (c) Powers and duties of the cemetery board. With respect to any
8 cemetery or cemetery corporation, the cemetery board shall have the
9 following duties and powers: (1) To adopt such reasonable rules and
10 regulations as the cemetery board shall deem necessary for the proper
11 administration of this article. (2) To order any cemetery corporation
12 to do such acts as may be necessary to comply with the provisions of
13 this article or any rule or regulation adopted by the cemetery board or
14 to refrain from doing any act in violation thereof. (2-a) To adopt
15 reasonable rules and regulations to exempt those cemetery corporations
16 from the provisions of paragraph (h) of section fifteen hundred ten of
17 this [~~chapter~~] article which because of a limited number of paid employ-
18 ees or appropriate resources are unable to carry out such provisions.
19 (2-b) To adopt reasonable rules and regulations to extend the time peri-
20 od mandated by the provisions of paragraph (h) of section fifteen
21 hundred ten of this [~~chapter~~] article when necessary because compliance
22 by a cemetery corporation within such time period is impossible. (3) To
23 enforce its orders by mandamus or injunction in a summary proceeding or
24 otherwise. In connection with such action or proceeding, the attorney

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 general is authorized to take proof, issue subpoenas and administer
2 oaths in the manner provided in the civil practice law and rules. (4) To
3 impose a civil penalty upon a cemetery corporation not exceeding one
4 thousand dollars, after conducting an adjudicatory hearing pursuant to
5 the provisions of paragraph (e) of this section, and consistent with the
6 provisions of the state administrative procedure act, for a violation of
7 or a failure to comply with any provisions contained in this article or
8 any regulation, directive or order of the board, and without the need to
9 maintain a civil action pursuant to [~~subdivision~~] subparagraph five of
10 this paragraph. (5) To maintain a civil action in the name of the people
11 of the state to recover a judgment for a money penalty imposed under the
12 provisions of this article.

13 (e) Complaint process. Upon receipt of a consumer complaint form, the
14 division of cemeteries shall forward such complaint to the cemetery
15 corporation involved and contact the consumer no later than the close of
16 business on the day following the date on which the complaint was
17 received. The cemetery corporation shall respond to the division of
18 cemeteries within ten business days after receipt of such consumer
19 complaint. If the initial complaint is not resolved by the cemetery
20 corporation, the consumer may request that the complaint be escalated to
21 the cemetery board for investigation and resolution thereof. When a
22 complaint is escalated, the board may take any action it deems neces-
23 sary, consistent with the powers and duties of the cemetery board pursu-
24 ant to paragraph (c) of this section. Upon completion of its investi-
25 gation, the board shall send a written resolution to the consumer.

26 § 2. Subparagraph 1 of paragraph (e-1) of section 1507 of the not-for-
27 profit corporation law, as added by chapter 608 of the laws of 1985, is
28 amended to read as follows:

29 (1) [~~A~~] Any cemetery corporation may, and all cemetery corporations
30 partially or wholly located in a city with a population of one million
31 or more shall, subject to the approval of the cemetery board, establish
32 and maintain a monument maintenance fund. Such a fund is hereby declared
33 to be and shall be held by the cemetery corporation as a trust fund, for
34 the purpose of providing notice if such monuments are damaged or defaced
35 by an act of vandalism and for the restoration of such monuments. Two or
36 more cemetery corporations may establish a joint monument maintenance
37 fund.

38 § 3. Paragraph (a) of section 1510 of the not-for-profit corporation
39 law, as amended by chapter 20 of the laws of 2021, is amended to read as
40 follows:

41 (a) Posting and distribution of rules, regulations, charges and pric-
42 es. The rules, regulations, charges, and prices of goods, lots, plots or
43 parts thereof, including the corporation's regulations of the spacing
44 between plots, lots, or parts thereof, shall be suitably printed and
45 shall be conspicuously posted by the corporation in each of its offices,
46 if any, and conspicuously displayed on any website the corporation main-
47 tains or through which it conducts business. A printed copy of charges
48 and prices of goods, lots, plots or parts thereof shall be made avail-
49 able upon request by any person for up to the actual price of the print-
50 ing of the copy. For each day in which the corporation fails to post or
51 display the rules, regulations, charges and prices, including the corpo-
52 ration's regulations of the spacing between plots, lots, or parts there-
53 of, the corporation shall be subject to a penalty of twenty-five dollars
54 which may be recovered in a civil action by the cemetery board. For each
55 instance in which the corporation fails to make available a copy of the
56 prices of goods, lots, plots, or parts thereof, including the corpo-

1 ration's regulations of the spacing between plots, lots, or parts there-
2 of, to a person who requests such copy, the corporation shall be subject
3 to a penalty of twenty-five dollars which may be recovered in a civil
4 action by the cemetery board. The cemetery board may waive the payment
5 of the penalty or any part thereof.

6 § 4. Paragraph (b) of section 1513 of the not-for-profit corporation
7 law, as added by chapter 871 of the laws of 1977, is amended to read as
8 follows:

9 (b) Prices for burial rights and instruments of conveyance. (1) The
10 directors must fix and determine the prices of the burial lots, plots or
11 parts thereof, and keep a plainly printed copy of the schedules of such
12 prices conspicuously posted in each of the offices of the corporation,
13 open at all reasonable times to inspection, and shall file a schedule of
14 such prices in the office of the cemetery board. (2) Unless its certif-
15 icate of incorporation or by-laws otherwise provide, and subject to its
16 rules and regulations, the corporation shall sell and convey to any
17 person the use of the lots, plots or parts thereof designated on the map
18 filed in the office of the corporation, on payment of the prices so
19 fixed and determined, but need not sell and convey more than one lot,
20 plot or part thereof to any one person. Conveyances of lots, plots and
21 parts thereof shall be signed by the president or vice-president and
22 treasurer or assistant treasurer of the corporation. A written contract
23 for the sale or use of a lot, plot or part thereof shall have attached
24 thereto and made a part thereof a copy of the rules and regulations of
25 the cemetery corporation or such parts of such rules and regulations as
26 relate to the size and placement of monuments, restrictions on plot
27 usage, warranties, obligations of the cemetery corporation and financial
28 obligations, dimensions of spacing between lots, plots, or parts thereof
29 as per the corporation's rules and regulations, and duties of the lot
30 owner. If a lot, plot or part thereof is sold without a written
31 contract, the corporation shall, before any part of the purchase price
32 is paid by the purchaser, deliver to the purchaser a copy of the rules
33 and regulations or such parts thereof as would be required to be
34 attached to a written contract. Nothing in this subdivision shall
35 prevent the subsequent amendment of such rules and regulations to
36 increase the charges for services rendered by the corporation or in
37 other particulars by or with the consent of the cemetery board under
38 section fifteen hundred nine of this article. (3) A cemetery corporation
39 that shall sell a lot, plot or part thereof, in excess of the price
40 shown on the schedule filed in the office of the cemetery board, and any
41 person acting for or on behalf of the cemetery corporation in connection
42 with such sale, shall each forfeit to the people of the state of New
43 York a sum equivalent to three times the excess amount so paid. Such
44 penalty may be recovered in a civil action by the cemetery board. (4)
45 The instrument of conveyance of any burial lot, plot or part thereof
46 shall include the actual amount paid therefor and a description showing
47 the dimensions of the property conveyed, and the plot number, section
48 and block number as they appear on the cemetery map. Such instrument
49 shall also include the dimensions of spacing between plots, lots, or
50 parts thereof as determined by the corporation's rules and regulations.

51 § 5. This act shall take effect on the thirtieth day after it shall
52 have become a law.