STATE OF NEW YORK

9468--A

Cal. No. 1228

IN SENATE

March 16, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the not-for-profit corporation law and the estates, powers and trusts law, in relation to perpetual care of cemeteries

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

Section 1. Paragraph (b) of section 1507 of the not-for-profit corporation law is amended by adding a new subparagraph 4 to read as follows:

(4) In those instances where such funds have any executor or executors, or trustee or trustees, under a last will and testament to whom there has heretofore been, or may hereafter be, bequeathed a sum for the perpetual care of any lot, plot or part thereof, such executor or executors, or trustee or trustees shall disclose at least biennially, the balance of funds in any such trust estate to the cemetery association for which such trust is dedicated until such time as the surrogate's court having jurisdiction over such trust estate shall approve an agreement under subparagraph three of this paragraph.

§ 2. Section 8-1.5 of the estates, powers and trusts law, as renumbered by chapter 686 of the laws of 1967, is amended to read as follows:

§ 8-1.5 Trusts for cemetery purposes

Dispositions of property in trust for the purpose of the perpetual care, maintenance, improvement or embellishment of cemeteries or private burial lots in cemeteries, and the roadways, lawns, hedges, walks, fences, monuments, structures and tombs in such cemeteries or on such private burial lots are permitted and shall be deemed to be for charitable and benevolent purposes. Such dispositions are not invalid by reason of any indefiniteness or uncertainty of the persons designated as beneficiaries, nor shall they be invalid as violating any existing rule against perpetuities. Nothing herein contained shall affect any existing authority of the courts to determine the reasonableness of the amount of such disposition. **All such dispositions shall be disclosed to a desig-**

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

LBD15191-02-6

nated cemetery association within sixty days of their establishment. For all existing dispositions not held or administered by a cemetery association, made prior to December thirty-first two thousand twenty-six, such disclosures shall be made to the designated cemetery association by December thirty-first, two thousand twenty-seven. Any cemetery association may act as trustee of and execute any such trust with respect to lots, roadways, lawns, hedges, walks, fences, monuments, structures and tombs both within its own cemetery limits and outside of any cemetery under its control but within the county where such cemetery is located, whether or not such power is included among its corporate powers. **Any trustee of such funds which is not a cemetery association, shall disclose at least biennially, the balance of funds in any such trust to the cemetery association for which such trust is dedicated. Such initial disclosure shall be made within one year of the effective date of the chapter of the laws of two thousand twenty-six which amended this section.**

§ 3. This act shall take effect immediately.