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HB 1641 (Printer's No. 1925) Analysis

Date: August 29, 2023

**Amending Title 9 (Burial Grounds) of the Pennsylvania Consolidated Statutes –
Providing for Certain Deposit and Registration Exceptions**

Prime Sponsor: Representative Moul

A. Synopsis of Bill

Exempts municipalities from certain deposit and registration requirements for cemetery companies.

B. Summary and Analysis of Bill

This bill amends Section 301 and Section 304, relating to deposit and registration requirements for cemetery companies, respectively, of Title 9 by including “municipal corporations” into the exceptions currently in place for non-profit organizations.

C. Relevant Current Law

Title 9 effectively classifies all individuals and organizations as “cemetery companies” and provides for certain requirements, including, among other things, a requirement to have a \$25,000 permanent lot care fund and a requirement to register as a cemetery company with the State Real Estate Commission; the only organizations expressly exempt from these requirements are those of a religious or fraternal nature.

D. Background of Bill

The Local Government Commission staff received feedback from the Pennsylvania State Association of Township Supervisors that municipalities were treated as cemetery companies under Title 9 and therefore subject to the abovementioned requirements. Other inquiries received by the Commission illustrated this point and emphasized the need to provide clarity on this subject. This bill is the collaborative result of discussions between the association and Commission staff.

E. Effect of Bill

This bill would include municipalities into the already pre-existing exceptions for religious and fraternal organizations. Municipalities would no longer need to hold a permanent lot care fund of at least \$25,000, nor would they be required to register as a cemetery company with the State Real Estate Commission.

F. Issues, Policy Questions and Stakeholder Feedback

This legislation is supported by the Pennsylvania Municipal League, the Pennsylvania State Association of Township Commissioners, and the Pennsylvania State Association of Township Supervisors.

G. Bill History
