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**LOCAL GOVERNMENT  
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*Created in 1935*

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**SB 887 (Printer's No. 1053) Analysis**

**Date: August 23, 2023**

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

**Prime Sponsor: Senator Hutchinson**

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**A. Synopsis of Bill**

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

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**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 “municipalities” into the exceptions currently in place for non-profit organizations.

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**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.

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**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

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and emphasized the need to provide clarity on this subject. This bill is the collaborative result of discussions between the association and Commission staff.

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**E. Effect of Bill**

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This bill would include municipalities and counties into the already pre-existing exceptions for religious and fraternal organizations. Municipalities and counties 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.

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**F. Issues, Policy Questions and Stakeholder Feedback**

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

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**G. Bill History**

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