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TO: ALL REGULATED CEMETERIES

FROM: DIVISION OF CEMETERIES

RE: GUIDANCE ON APPLICATIONS FOR APPROVAL OF LAND SALES AND PURCHASES

DATE: SEPTEMBER 2, 2026

Cemeteries seeking to purchase or sell land must obtain approval of the New York State Cemetery Board. N-PCL § 1506(a) and 1506(i). The Division is providing this memorandum to guide cemeteries as to what the Division of Cemeteries expects in such applications.

All applications for approval of land purchases and sales should include:

1. A letter or memorandum explaining the transaction and why it is in the cemetery's best interests. That letter should:
    a. Describe the property;
    b. Identify the seller/ purchaser;
    c. State whether the seller/ purchaser is a "related party" vis-à-vis the cemetery or its officers, directors, or key employees;
    d. State whether the seller/purchase is a funeral entity;
2. The purchase agreement for the property;
3. A schedule of income, expenses, and fund balances (Schedule A), found here: https://dos.ny.gov/system/files/documents/2021/10/schedule-a-2136-f.pdf
4. Documentation establishing the fair market value of the property the cemetery is purchasing or selling.
    a. For most transactions, cemeteries should submit one appraisal prepared by a New York State-licensed appraiser. Typically, the sales comparison approach is the appropriate method for such appraisals.
    b. For related party transactions, cemeteries should submit two appraisals prepared by New York State-licensed appraisers.
    c. For very small transactions (land worth less than approximately $10,000), a cemetery may substitute other methods of valuation without first providing the Division with an appraisal.
    d. The foregoing only provides general guidance. There may be other situations where the Division can make a recommendation to the Cemetery Board without appraisals, and there may be other situations where one, or even two, appraisals do not sufficiently establish fair market value.

5. For related party transactions, provide a Division Schedule C along with the supporting documents listed there: https://dos.ny.gov/system/files/documents/2021/10/schedule-c-2079.pdf.
6. A resolution of the cemetery's board or lot owners or minutes of a board or lot owners' meeting showing that the board or lot owners approved the purchase/ sale and the approved price.

For purchases by cemeteries, please also provide:

7. A projection of estimated income and expenses associated with the acquisition and development of the land and future cemetery income and expenses from the land.

For donations of land to cemeteries:

8. The Cemetery Board need not approve cemetery acquisitions of land by donation. However, where a cemetery considers a land donation, the Division will review the transaction to determine whether the cemetery's acquisition of land means that it is assuming financial obligations or relieving the donor of financial obligations that mean that in effect the donor is receiving consideration for the transfer. This is especially true where the donor is a related party. If someone offers to donate land to your cemetery, please contact the Division for guidance.

For sales by cemeteries, please also provide:

9. In cases where all "bodies have been removed" and no lots are owed in the section, state and describe how:
    a. that the sale is "in the public interest,"
    b. the land is not suitable or needed for cemetery purposes; and
    c. the land is "being sold for fair market value."
10. In cases where the land is "not used or [] not physically adaptable for burial purposes," state and describe how the sale will benefit the cemetery corporation and lot owners.
11. State whether the land is subject to certificates of indebtedness or land share certificates. If so, describe how holders of certificates were notified of the proposed sale.
12. A statement that the cemetery will deposit the proceeds of the sale, less "necessary expenses" (i.e., transaction costs) into its permanent maintenance fund, along with a list of "necessary expenses" and their amounts.

For other dispositions of land by cemeteries

13. Unlike the statute for purchases, the statute for sales requires Cemetery Board approval for all sale "or disposition of the fee of all or any part of" a cemetery's "lands dedicated for cemetery use." This includes:
    a. Granting easements (permanent or temporary);
    b. Eminent domain or condemnation contemplated by a governmental entity;
14. Generally, for such dispositions, a cemetery should submit the same information required for sales. Please contact the Division for more specific guidance.