

Commission on Local Government

Estimate of Local Fiscal Impact

2022 General Assembly Session

Bill: HB 961

Special Session:

Patron: Roem

Date: 1/24/2022

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Cemeteries; registration; publication prior to sale. Requires every locality to adopt an ordinance setting forth a register of identified cemeteries, graveyards, or other places of burial located on private property not belonging to any memorial or monumental association. The bill provides that the official local register shall include an official map and that both the register and map shall be available on the locality's website, if one exists. The bill also provides that the governing body shall publish a notice in a newspaper having general circulation in the locality at least two weeks prior to the sale of any property on such registry, or as soon thereafter as possible, and shall also publish the notice on the locality's website, if one exists.

Executive Summary:

Localities have evaluated a negative fiscal impact ranging from \$0 - \$0.15 million.

Localities reported negative fiscal impacts stemming from initial set up costs for the registry, map, and advertisement costs. Localities' estimates for the total costs of services ranged widely, from a minimal fiscal impact to substantial costs. The greatest source of variance in these estimates was the costs of contracting services and constructing the registry. Several localities noted that if the bill requires them to survey property owners to identify cemeteries on private property, the negative fiscal impact would be substantial. These localities noted that there are many untracked, small, cemeteries in a rural locality, especially if the locality's zoning laws allow for private burial plots on private property with minimal interference, which is common in rural areas.

Some localities reported that the bill would not produce a fiscal impact, as the costs would be administrative only, did not have many cemeteries located in the locality, or could rely on other organizations to help identify and register existing cemeteries.

Local Analysis:

Locality: Amherst

Estimated Fiscal Impact: \$10,000.00

Contract Services will be minimum of \$5,000 to create
Public notices \$400 each

Locality: Augusta County

Estimated Fiscal Impact: \$42,396.00

The Augusta County Genealogy Society has a list that documents over 300 cemeteries in the County. This is the link to the website. <https://ldsgenealogy.com/VA/Augusta-County-Cemetery-Records.htm>

How would the County know when the property a cemetery resides on goes up for sale? Are church cemeteries considered private property? Advertising in the newspaper would be an expense to the locality. If the County is required to keep up with knowing about the sale of every private piece of property (before it is sold and recorded at the the Clerk's office for real estate transfer), a full time staff person would need to be hired.

This bill would be a reliance on government to do what the private sector is already doing.

\$41,896 Full time staff to monitor potential sales of properties to identify those with cemeteries, update website
\$500 Notice to paper (estimate 2 per year)

~~~~~  
**Locality:** City of Alexandria..

**Estimated Fiscal Impact:** \$3,000.00

The City of Alexandria estimates that the only additional cost would be the newspaper publication, estimated at \$1,000-\$3,000 depending on the newspaper and the length of the ad.

~~~~~  
Locality: City of Danville

Estimated Fiscal Impact: \$10,000.00

The impact of this bill would be the staff time creating the online registry and the cost for printing notices in publication. The notice for the transfer of property containing a private cemetery would also needed to be added to the workflow.

~~~~~  
**Locality:** City of Harrisonburg

**Estimated Fiscal Impact:** \$0.00

This would likely not have a big impact on us since we probably don't have a lot of cemeteries covered by this. But its not clear who is responsible for coming up with a list (I assume us) and we would have to establish a process to add or delete properties. Most importantly, if these are private properties we won't necessarily know they are going to be sold, so how do we publish a notice two weeks before the sale.

~~~~~  
Locality: City of Manassas

Estimated Fiscal Impact: \$1,000.00

The fiscal impact of this bill is minimal. It requires the creation of a register and map that do not currently exist.

~~~~~  
**Locality:** City of Roanoke

**Estimated Fiscal Impact:** \$25,000.00

This would be difficult to manage and staffing time would be a major component to the cost but advertising would be included as well. It's difficult to project the time required because honestly the tasks are impossible to administer. We're not sure how staff would get listing or sale information 2 weeks prior to the offering. We are assuming \$20,000 staff time and \$5,000 for advertising.

~~~~~

Locality: City of Winchester

Estimated Fiscal Impact: \$3,000.00

We do not have many, so the costs are administrative in nature.

Locality: County of Bland

Estimated Fiscal Impact: \$50,000.00

This bill places the obligation of keeping up with private cemeteries on the locality and notifying the public of the transaction between private parties on a land sale. It is unknown how many private cemeteries there are in Bland County, especially since they are on private property. Due to rural location, with limited county administrative staff, additional staff or consulting services will be needed to obtain that information. In addition, the bill provides that the governing body shall publish a notice two weeks prior to the sale. What authority does a locality have to stop the sale of private property between parties if the the parties do not notify the locality of a pending sale?

Locality: County of Mecklenburg

Estimated Fiscal Impact: \$250.00

The cost of this bill would be variable dependent on any requirement of the local government to survey and document such cemeteries. If the register shall only be operated upon information and belief, or as new development applications arise that identify such parcels, and that cemeteries need only be added upon being brought to the government; then, the cost of the register would be minimal. Costs may include time spent on creation of a GIS map if the map is not hand drawn and scanned. Costs would also include ad costs. This estimate includes the expected cost of an ad. If, however, a survey must be conducted, then the cost of the bill will be in the tens of thousands due to the presence of graves on current or prior farmland throughout the county and the need to devote significant time to documentation, particularly if no local historian or genealogy groups exist.

Locality: Montgomery County

Estimated Fiscal Impact: \$1,000.00

The County currently has a cemetery registry and they are mapped as we discover them. As we understand the bill, we do not think those items would have any fiscal impact to the County. The only additional cost to the County would be the requirement to publish a notice in a newspaper. Based on current rates and estimates on the number of notices required per year, we estimate \$1,000 annually.

Locality: Norfolk

Estimated Fiscal Impact: \$100,000.00

Fiscal Impact estimate cost funds personnel and labor for identifying and upkeep of map.

Locality: Prince George County

Estimated Fiscal Impact: \$5,000.00

Prince George County estimates a fiscal impact of approximately \$5,000 to develop such a registry and map (includes staff time and system enhancements). The owners of such properties are under no obligation to provide a notice impending sale to the County, and some property owners would indicate that this could interfere with the sale of their property. Notice of the sale would likely have to be published after the sale.

Locality: Rappahannock County

Estimated Fiscal Impact: \$50,000.00

The Code of Virginia permits private burial plots on private property and allows local zoning to further control the practice if so desired by the local governing body. In rural areas it is very common for owners of property to be buried on their property. In localities where private property burial is permitted by right without any local government permits or permission, there is no sound way for a locality to track, identify, or be aware of the locations of buried remains. Centuries of private interment in rural areas makes this mandate unrealistic to be effective even if locations were "identified".

My community is not officially aware of any "cemeteries, graveyards, or other places of burial" and without a permitting process none would be identified (but many exist). Lastly, should some be identified, the local government has no way to track the sale of private parcels as necessary to place a newspaper notice before or after the sale of a property with burial remains. If the language is somehow adjusted to force some sort of local tracking program going forward, in a rural area it might require a new staff member to track and map. For this reason I have listed \$50,000.

~~~~~  
**Locality:** Town of Blacksburg

**Estimated Fiscal Impact:** \$50,000.00

Consultant to finalize and document a register of private cemeteries. This has been done by volunteer organizations throughout the Town but would need to be coordinated into a comprehensive register.

~~~~~  
Locality: Town of Christiansburg

Estimated Fiscal Impact: \$5,500.00

Staff time would be needed to verify cemeteries, graveyards, and other place of burial and produce the map (we actually have but would need to be verified/checked prior to publication) – estimated at \$5,000. The advertisements would be a few hundred dollars per sale plus staff time (estimated at \$500 total), but I do not know how the locality would know to advertise unless staff was contacted by the private property owner (and I do not see a requirement or penalty for that if they don't). I don't think the sales would occur often, probably less than one per year.

~~~~~  
**Locality:** Town of Leesburg

**Estimated Fiscal Impact:** \$180,000.00

Would require hiring a consultant, creating a GIS map layer, and staff time on OT for research, updating, and publishing to website, and advertising.

~~~~~  
Locality: Town of Luray

Estimated Fiscal Impact: \$25,000.00

Investigation and research of cemeteries would require a part-time position to document and maintain the register.

This is something better suited for the DHCD through a university.

~~~~~  
**Locality:** Town of Marion.

**Estimated Fiscal Impact:** \$500.00

Small impact  
~~~~~

Locality: Town of Scottsville

Estimated Fiscal Impact: \$500.00

duplicate.

Locality: Town of Victoria

Estimated Fiscal Impact: \$25,000.00

The time associated with creating and maintaining a register of cemeteries will exceed the staffing capabilities of small municipalities possibly creating the need for additional staff. The advertising requirement will require extra time to monitor land sales. The cost of the advertising will create more expenses for the locality that there is no revenue source.

Professional and Other Organization

Analysis:

Organization: PDC

Local personnel will need to establish an internal system for maintaining the registry within property records. This is something that could easily be managed by the planning district commission as other regional central databases are maintained and available for local posting online. Estimated costs: Personnel: FTE with experience in reviewing land records, aerial maps and other GIS or related tools (\$45k min); Software and licensing for web access to mapping data: (\$5k estimate for user license and credits with ArcGISOnline or similar platform); newspaper costs (\$2,500 each sale).
