

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 1312 (Richardson) – As Amended June 18, 2026

SENATE VOTE: 38-0

SUBJECT: Cemeteries.

SUMMARY: Establishes a process for an endowment care cemetery to be declared abandoned by, and have its title transferred to, a local government, which shall be responsible for ongoing care and management of the cemetery unless that responsibility is transferred to another entity. Specifically, **this bill:**

- 1) Authorizes the Cemetery and Funeral Bureau (Bureau) to establish an advisory committee to assist the Bureau in engaging consumers and licensees in its regulatory activities. If the Bureau establishes an advisory committee, the advisory committee shall include at least one member of the following groups:
 - a) Licensed representatives of the death care industry.
 - b) Members of the public.
 - c) Representatives of local governments.
- 2) Revises the timeline for a cemetery authority to file an annual written report to the Bureau regarding its properties under endowment care to require that written report to be filed every three or five years.
- 3) Specifies that, in addition to any other remedies provides by law, upon a finding by a court of competent jurisdiction that a certificate of authority of a cemetery for which a certificate of authority is required has lapsed or has been suspended, surrendered, abandoned, or revoked, the court shall do all of the following with respect to the cemetery:
 - a) Name the bureau conservator to conserve the endowment care fund and special care fund.
 - b) Take actions as it deems appropriate pursuant to existing law.
 - c) Authorize interments for decedents who have a right of interment through a preneed contract.
 - d) Take actions as it deems appropriate to ensure the continued care, maintenance, and embellishment of the property.
 - e) Pursue the transfer of the entirety or portions of the property ownership to one or more nonprofit, business, or governmental entities.
- 4) Allows the Bureau to establish abbreviated requirements for the operation and maintenance of the property or portions of the property as it deems appropriate for its planned use and in recognition of the limited financial viability of the property.

- 5) Specifies that the new owner to which the property is transferred and any individual serving as a temporary manager shall not be liable for the debts, obligations, taxes, fines, or judgements of the previous owner.
- 6) Specifies that for the purposes of 3) through 5), above, a certificate of authority is abandoned if the court determines that for an extended and unreasonable period of time one or more of the following has occurred and that the health, safety, comfort, or welfare of the public is threatened or endangered:
 - a) Unresponsiveness to the public.
 - b) Inability of the community to access and visit the property.
 - c) Failure to perform authorized interments.
 - d) Nonpayment of property taxes.
 - e) Serious violation of the maintenance standards.
 - f) A city or county declaration of abandonment, as specified.
 - g) Unavailability of special care endowment care funds for the purposes set forth in existing law.
- 7) Defines for the purposes of 8) through 22), below:
 - a) “Abandoned endowment care cemetery” to mean a cemetery that was formerly licensed, as specified, maintained an endowment care fund, and is declared abandoned by a city or county, as specified.
 - b) “Endowment care fund” to mean an endowment care fund described in existing law.
- 8) Provides that a city, county, or city and county may, by resolution of its governing board, formally declare the abandonment of a cemetery if specified notice is given and the following circumstances apply:
 - a) The city, county, or city and county may declare a cemetery abandoned if all of the following circumstances have occurred:
 - i) The certificate of authority of the cemetery has been canceled, surrendered, abandoned, or revoked for at least one year.
 - ii) The Bureau has conserved the endowment care fund.
 - iii) In addition to i) and ii), above, at least one of the following circumstances are met:
 - (1) The Bureau has imposed citations or disciplinary actions for maintenance deficiencies or mismanagement of the endowment care fund of the cemetery.
 - (2) Local authorities have imposed citations or notices.

- (3) Nonpayment of property taxes have resulted in a lien on the cemetery property.
 - (4) Local authorities have performed maintenance on the cemetery property to protect public health, safety, or welfare.
 - (5) There has been limited access or no access to the cemetery property for families or visitors.
 - (6) The owner of the cemetery property has voluntarily abandoned the property. A finding of this circumstance alone shall be sufficient to declare a cemetery abandoned.
- b) Any of the following circumstances may have occurred:
- i) The cemetery has not made any sales for at least one year.
 - ii) There has not been any interments for at least one year.
 - iii) There is little to no remaining inventory or cemetery plots.
- 9) Requires written notice to be provided to the owner of the cemetery property 90 days prior to, and upon, declaration of abandonment.
- 10) Specifies that the written notice to the owner of the cemetery property shall, at a minimum, identify the record owner or possessor of property, set forth the last known address of the record owner or possessor, set forth the date that the city, county, or city and county began the process to declare abandonment, and include a description of the real property subject to abandonment.
- 11) Provides that if the cemetery has been declared abandoned for more than one year, the title of the abandoned endowment care cemetery shall transfer to the city, county, or city and county that declared the cemetery abandoned and shall be recorded with the county.
- 12) Requires the city, county, or city and county to keep a record of and honor all prior and outstanding contracts for burial entered into by the prior cemetery authority.
- 13) Specifies that the city, county, or city and county shall not be liable for any of the following:
- a) Except as provided in 12), above, any debts, obligations, taxes, fines, or judgments of the previous owner.
 - b) Harm, loss, or damages for any actions performed by the prior owner of the cemetery property for a period of three years while the property is returned to a safe condition.
 - c) Failure to provide any missing paperwork or contracts.
- 14) Provides that the city, county, or city and county shall not be required to return the property to the prior owner of the cemetery property.
- 15) Authorizes the city, county, or city and county to transfer the care and management of an abandoned endowment care cemetery to a religious organization, as specified, a public

cemetery, or any private or fraternal burial park, as specified, to be responsible for the care, maintenance, and embellishment the cemetery and working with specified licensees to perform burials for any graves in the cemetery previously sold.

- 16) Provides that the entities described in 15), above, shall keep record of and honor all prior outstanding contracts for burial entered into by the prior cemetery authority.
- 17) Specifies that, except as provided in 16), above, the entity shall not be liable for any debts, obligations, taxes, fines, or judgments of the previous owner.
- 18) Authorizes the city, county, or city and county to transfer the care and management of an abandoned endowment care cemetery to specified licensed cemetery owners.
- 19) Provides that the cemetery owner described in 18), above, shall have a period of five years to become compliant with the minimum maintenance standards described in existing law.
- 20) Authorizes the endowment care fund of an abandoned endowment care cemetery to be disbursed to the person or entity caring for and managing the cemetery to conserve and protect the fund.
- 21) Specifies that, if a licensee or entity does not assume ownership of an abandoned endowment care cemetery, the city, county, or city and county shall have authority over the endowment care fund and shall be responsible for ongoing care, maintenance, and embellishment of the cemetery and performance of any prepaid burial obligations.
- 22) Provides that the person or entity caring for and managing an abandoned endowment care cemetery may initiate a petition to form a public cemetery district or join an existing public cemetery district.

EXISTING LAW:

- 1) Establishes the Cemetery and Funeral Act, which provides for the licensing and oversight of 14 professional categories within the death care industry. [Business and Professions Code (BPC) §§ 7600 *et seq.*]
- 2) Establishes the Cemetery and Funeral Bureau (Bureau) within the Department of Consumer Affairs (DCA) to administer and enforce the Cemetery and Funeral Act. (BPC § 7602)
- 3) Exempts religiously-affiliated cemeteries, public cemeteries, and private or fraternal burial parks not exceeding 10 acres in area and established prior to September 19, 1939 from the Bureau's licensing requirements. (BPC § 7612.2)
- 4) Requires each licensed cemetery authority to file with the Bureau an annual written report with the following information:
 - a) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care by specific periods;
 - b) The amount collected and deposited in both the general and special endowment care funds segregated as to the amounts for crypts, niches, and grave space by specific periods as set forth either on the accrual or cash basis at the option of the cemetery authority;

- c) A statement showing separately the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the funds;
 - d) A statement showing separately the location, description, and character of the investments in which the special endowment care funds are invested.
 - e) A statement showing the transactions entered into between the corporation or any officer, employee, or stockholder thereof and the trustees of the endowment care funds with respect to those endowment care funds, including dates, amounts of the transactions, and a statement of the reasons for those transactions. (BPC § 7612.6)
- 5) Requires cemetery authorities requesting a change of filing date of the endowment care fund report to file a petition with the Bureau prior to the close of the year. (BPC § 7612.7)
 - 6) Requires the Bureau to conduct a study to obtain information to determine if the endowment care fund levels of each licensee's cemetery are sufficient to cover the cost of future maintenance. (BPC § 7612.11)
 - 7) Requires that the Bureau, on or before March 1, 2026, convene a workgroup composed of interested stakeholders including representatives from the cemetery industry, local government representatives, public cemeteries, and legislative staff, to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for maintenance, irrigation, public works, and burial services for cemeteries located within their boundaries that become abandoned; required the Bureau to submit a report to the Legislature no later than June 1, 2026. (BPC § 7612.12)
 - 8) Requires that 90 days following the cancellation, surrender, or revocation of a certificate of authority, the Bureau shall take title of any endowment care funds of the cemetery authority, take possession of all necessary books, records, property, and assets, and act as conservator over the management of the endowment care funds. (BPC § 7613.11)
 - 9) Declares that upon finding by a court that a cemetery manager of a private cemetery has ceased to perform their duties due to a lapse, suspension, surrender, abandonment or revocation of their license, the court shall appoint a temporary manager to manage the cemetery property. (BPC § 7653.9)
 - 10) Authorizes a cemetery authority to place its cemetery under endowment care and establish, maintain, and operate an endowment care fund. [Health and Safety Code (HSC) § 8725]
 - 11) Requires the principal of all funds for endowment care to be invested and the income only to be used for the care, maintenance, and embellishment of the cemetery in accordance with the provisions of law and the resolutions, bylaws, rules, and regulations or other actions or instruments of the cemetery authority and for no other purpose. (HSC § 8726)
 - 12) Establishes minimum amounts which an endowment care cemetery must deposit into its endowment care fund at the time of, or not later than, completion of the initial sale of interment space in the cemetery. (HSC § 8738)

- 13) Authorizes a city or county that determines an abandoned cemetery threatens or endangers the health, safety, comfort, or welfare of the public to dedicate such abandoned cemetery as a pioneer memorial park and take over maintenance of the cemetery. (HSC §§ 8825 – 8829)

FISCAL EFFECT: This bill is keyed fiscal. Previous fiscal estimations are not relevant.

COMMENTS:

- 1) **Bill Summary.** This bill requires, upon a finding by a court that a certificate of authority of a cemetery has lapsed or has been suspended, surrendered, abandoned, or revoked, the court to take certain actions including pursuing the transfer of the cemetery to one or more nonprofit, business, or governmental entities. This bill also allows the Bureau to establish abbreviated requirements for the operation and maintenance of the cemetery, provides liability protection to the new owner, and defines abandonment if the court determines one or more specified circumstances exist.

This bill allows a city or county to formally declare the abandonment of a cemetery, as specified, if certain circumstances have occurred, including the certificate of authority has been canceled, surrendered, abandoned, or revoked for at least a year, the Bureau or local authorities have imposed citations or disciplinary actions, and nonpayment of property taxes have resulted in a lien on the cemetery property. Written notice must be provided to the owner of the cemetery at least 90 days prior to the declaration of abandonment, as specified.

If the cemetery has been declared abandoned by a city or county as provided in this bill for more than one year, the title of the cemetery transfers to the city or county that declared the cemetery abandoned. This bill also provides liability protections to the city or county. This bill allows the city or county to transfer the care and management of the cemetery to specified entities to be responsible for the care, maintenance, and embellishment of the cemetery.

This bill allows the endowment care fund of the cemetery to be disbursed to the person or entity caring for and managing the cemetery to conserve and protect the fund. Lastly, this bill specifies that the person or entity caring for and managing an abandoned cemetery to initiate a petition to form a public cemetery district or join an existing public cemetery district pursuant to Public Cemetery District Law. This bill is sponsored by the author.

- 2) **Author's Statement.** According to the Author, "This bill is very personal to my constituents and families in my district. Lincoln Memorial Park Cemetery in Carson City that was founded in 1934 has become abandoned by the owner and manager since 2023, due to health care issues.

"Since then the cemetery has been subject to vandalism, theft and desecration of burial plots. There are 187 private cemeteries in the State of California that are subject to abandonment. However, when cemeteries lose owners, they are without protection."

- 3) **Private Cemeteries.** The Private Cemeteries Act regulates the ownership, control, and maintenance of private cemeteries in the state. The Bureau, within the DCA, licenses and regulates private entities with a role in the cemetery and funeral industries including funeral establishments, funeral directors, cemetery authorities (which are individuals or companies

that operate cemeteries), and cemetery managers, among several others. In total, the bureau licenses and regulates more than 11,000 licenses in 14 different licensing categories. The bureau monitors licensees for compliance with its regulations and can suspend or revoke licenses in response to a violation. Licensees can also surrender their licenses. When it comes to operating a cemetery, there are typically two licenses involved:

- a) The cemetery manager, who is the person engaged in maintaining, operating, or improving a licensed cemetery, the interring of human remains, and the care, preservation, and embellishment of cemetery property.
 - b) The cemetery authority, which is the entity owning or controlling cemetery lands or property.
- 4) **Endowment Care Cemeteries.** State law requires any cemetery established after September 7, 1955 to be an endowment care cemetery. An endowment care cemetery is one in which a portion of the purchase price of a burial plot contributes to an endowment care fund managed by the cemetery manager to fund operations of the cemetery in perpetuity. Under the existing regulatory structure for endowment care fund distribution, all of the principal of the endowment care fund is required to be invested, and only the income generated from the trust can be used to support the cemetery's care and maintenance, such as cutting grass, grave upkeep, planting and caring for trees, and maintenance of water supply systems, roads, and drainage. The intent of endowment care is to ensure that the maintenance and care of cemetery grounds is continuously met and to help prevent cemeteries from falling into disrepair. The Bureau has the authority to inspect and audit endowment care funds, and cemeteries must report annually the status and conditions of such funds.
- 5) **Abandoned Cemeteries.** When a cemetery no longer has a license to operate because the licenses have been revoked, suspended, or surrendered, and is not transferred to a new manager, it becomes unlicensed and abandoned. The Bureau manages the *endowment* of an abandoned cemetery, and it must honor contracts for burials, but it is not responsible for the care and maintenance of the property itself. The Bureau typically attempts to find a new cemetery manager to take over care, maintenance, and embellishment of the cemetery. However, because these cemeteries are often older with no new spaces to sell, and because of concerns over liability resulting from deferred maintenance, abandoned cemeteries can struggle to land new management. As a result, activities necessary for the care of the cemetery grounds often falls to loved ones of those interred or other volunteers, which often have limited capacity and resources to run the cemeteries. The Bureau can use income from the endowment funds (but not the principal) to pay for care, maintenance, and embellishment of the cemetery, but these funds are insufficient for full upkeep of the property.

In 2025, a court appointed the bureau to oversee the endowment funds for four cemeteries, who also no longer have licensees that operate them but have the potential to be acquired by another manager:

- a) Chapel of the Light in the City of Fresno.
- b) Evergreen Cemetery in the City of Oakland.

- c) Mount Tamalpais Cemetery in the City of San Rafael.
- d) Skyview Memorial Lawn in the City of Vallejo.

To address the issue of abandoned cemeteries, the Legislature established a process that allows a court to appoint a temporary manager for an abandoned cemetery until a new manager has been hired [AB 180 (Bonilla), Chapter 395, Statutes of 2015]. AB 651 (Gipson), Chapter 442, Statutes of 2021, added that, if no manager has been appointed within six months of the cemetery becoming abandoned, the county can opt to manage the cemetery on a temporary basis until the court appoints a manager. If a county does so, it must:

- a) Keep cemetery grounds open for public access.
- b) Trim or mow grass and prune shrubs and trees on cemetery grounds.
- c) Keep public areas of the cemetery grounds and water features clear of trash and debris.
- d) Provide a supply of water to keep cemetery grass and plants as green as possible with consideration of water availability.

The county must be reimbursed for the cost of these activities from the available income in the endowment care fund.

Alternatively, a city or county may address public health, safety, or welfare issues, and perform maintenance in connection with a cemetery within its jurisdiction whose license has been revoked, suspended, or not renewed. Costs for these activities are also eligible for reimbursement from the income generated by the endowment care fund.

- 6) **SB 777 of 2025.** SB 777 (Richardson), Chapter 658, Statutes of 2025, revised the timeframe and stakeholder participants for the Bureau to convene a workgroup from July 1, 2027 to March 1, 2026, and to provide a report to the Legislature no later than June 1, 2026. The working group was required to include representatives from the cemetery industry, the California Association of Local Agency Formation Commissions (LAFCOs), the League of California Cities, the California State Association of Counties, the Urban Counties of California, the Rural County Representatives of California, public cemeteries, and legislative staff from the appropriate committees of the Legislature to discuss options for ensuring continued care, maintenance, and embellishment of abandoned cemeteries, including the possibility of requiring counties to assume responsibility for maintenance and burial services for cemeteries located within their boundaries that become abandoned. The report, due on June 1, 2026, was required to discuss the workgroups and its recommendations. Initial iterations of SB 777 would have established a new process whereby local governments assume control of abandoned endowment care cemeteries, funded via a new grant program administered by the Bureau with money collected as part of an increase to every fee under the Bureau's jurisdiction.

The Bureau's workgroup identified three main areas of focus to aid in the continued care of abandoned cemeteries:

- a) Defining abandonment.
- b) Title transfer to a new entity.
- c) Ongoing funding for maintenance, access, and burials for those who have already purchased plots.

The Bureau formally submitted its report to the Legislature on June 1, 2026. In the conclusion of its report, the Bureau acknowledged that “unlicensed and abandoned cemeteries present complex challenges requiring coordination and strong partnerships among the Bureau, local authorities, and communities statewide.” The Bureau’s report included a number of recommendations, which were developed in coordination with its workgroup. In its conclusion, the Bureau recommended:

- a) Advancing prevention strategies in partnership with licensees, local governments, and the Legislature to reduce the risk of cemetery abandonment.
 - b) Continuing to conserve and protect the endowment care trust funds and pursue legislative authority to allow income disbursement to qualified entities, such as non-profits.
 - c) Revisions to the law to authorize local governmental entities to formally declare abandonment.
 - d) Releasing the endowment care trust fund to the local authority if no licensee or nonprofit assumes ownership, making the local entity responsible for ongoing care and prepaid burial obligations.
- 7) **Recent Examples.** According to the Bureau’s 2024 Sunset Review Report, “A recent example of the devastation this situation can cause is the cancellation of the license and abandonment of Lincoln Memorial Park Cemetery (unlicensed), in Carson, California. In August 2023, the Bureau began receiving information from the public that the cemetery had closed its gates. The Bureau immediately began investigating the issue and confirmed on August 8, 2023, that the cemetery manager and cemetery authority was no longer maintaining the cemetery and after contact by the Bureau requested cancellation of their licenses.

“...Neither the City of Carson nor Los Angeles County were able to assist in providing ongoing care to the abandoned cemetery. Since then, the Bureau has conserved the endowment care fund, has assisted licensees with information and approval of an interment since the abandonment, and has diligently worked to find a temporary manager for the property.”

Beginning in 2022, the Bureau began taking enforcement actions against the owner of an Mt. Tamalpais cemetery in San Rafael for failing to adequately maintain the property and properly manage its endowment care trust. It was subsequently determined that millions of dollars from the trust had been diverted into inappropriate investments and personal expenses rather than cemetery care and maintenance. In 2025, the Bureau revoked the cemetery’s license and issued cease-and-desist orders to stop conducting cemetery operations.

Additionally, the Bureau seized over \$50 million in endowment care funds that are reserved for the care and maintenance of the four cemeteries under the control of the cemetery owner.

According to Marin County, “The County of Marin has been grappling firsthand with the consequences of an abandoned private endowment care cemetery at Mt. Tamalpais Cemetery in San Rafael. Mt. Tamalpais is a 150-year-old cemetery that remains an active burial site for families with pre-purchased plots. Following years of financial mismanagement, operational failures, and neglect, the Cemetery and Funeral Bureau revoked the cemetery's license in 2025 and assumed control of its endowment care fund. Despite these actions, the cemetery remains in a state of severe deterioration, with overgrown vegetation, damaged gravesites, public safety concerns, and little to no ongoing maintenance. Unlike other abandoned cemeteries in the state, Mt. Tamalpais continues to conduct burials while lacking a licensed cemetery operator, creating a uniquely challenging situation for families and regulators alike.

“The impacts on the community have been profound. This spring, Marin County received more than 200 letters from residents, family members, and community stakeholders expressing frustration, grief, and concern regarding the ongoing condition of the cemetery and the absence of a clear path toward a permanent solution. Families have described difficulty locating loved ones' graves, canceled burial services, deteriorating conditions, and the emotional toll of watching a place of remembrance fall into disrepair. The situation has also required local government intervention to address wildfire risks and other public safety concerns associated with the neglected property.

8) **Policy Considerations.** The Committee may wish to consider the following:

- a) **Should there be More Focus on Prevention?** Abandoned endowment care cemeteries can become public nuisances and challenging or dismaying for family members that want to visit their loved ones. Under current law, a court can appoint a temporary manager or a county can choose to take over maintenance, but because it's optional, it's unclear if any county has done so, leaving the bureau to manage the funds and volunteers to try to keep the cemetery going. The Bureau's 2024 sunset review report noted that 43 of the 192 licensed cemeteries in the state have an underfunded endowment care fund with limited spaces to sell. Local agencies will likely face the same fiscal challenges that discourage private cemetery managers from taking over abandoned cemeteries. The SB 777 report asserts that, “Local governments are neither designed nor resourced to provide ongoing upkeep for privately owned property. Clear statutory direction is needed to avoid unintended fiscal burdens on counties and to ensure private owners remain accountable for maintenance obligations.”

The Bureau's SB 777 report also states that, “...once a license has been cancelled, surrendered or revoked, the Bureau's authority becomes limited to solely protecting the cemetery's endowment care trust fund until another licensed operator takes over.” The report continues that, “The Bureau believes that the legislative intent behind requiring Bureau conservatorship was to ensure that ECFs [endowment care funds] remain protected and properly managed during periods when there is no licensed operator. Once a cemetery license is cancelled, surrendered or revoked, the Bureau's authority otherwise ceases, leaving the trust fund vulnerable to mismanagement without intervention.

“The Bureau is the only entity with regulatory oversight and authority over ECFs, therefore conservatorship ensures continuity, preserves the integrity of trust, and protects the public interest until a new licensee is approved and full regulatory oversight can be restored.”

The report further discusses prevention and states that the workgroup recommended measures to prevent abandonment and promote early intervention and lists the recommended prevention options, including:

- i) Require the Bureau’s endowment care sufficiency study to align with Sunset Review Cycle and implement recommended rates promptly.
- ii) Create disincentives for abandonment, such as loss of title, continued liability for unpaid property taxes, and potential loss of other Bureau license types.
- iii) Establish a notification system to alert qualified operators, nonprofits, and local government when a cemetery is declared abandoned or on the verge of abandonment.
- iv) Allow the Bureau limited authority to adjust endowment care minimum deposit rates within a statutory range.
- v) The Bureau should review its endowment care laws as they may need updating.

Despite the discussion in the report regarding prevention, a number of the above recommendations are not addressed in this bill. According to a coalition of county organizations, “Further, a meaningful long-term solution regarding abandoned cemeteries should focus not only on transferring responsibility after a cemetery has failed, but also on preventing abandonment in the first place. The report misses an opportunity to fully examine upstream reforms, including tools to identify financially distressed cemeteries earlier, additional Bureau authorities and resources, and other strategies that could help prevent cemeteries from becoming abandoned and avoid shifting long-term liabilities onto local governments and taxpayers.”

Given these concerns raised by the counties, the committee may wish to consider if more focus on preventing the abandonment of a cemetery is needed.

- b) **Who can Choose?** This bill, as currently drafted, clearly allows for a city or county to declare the abandonment of a cemetery. However, once a city or county declares abandonment, it can transfer care and management of the cemetery to a number of different entities, including, a religious organization, a public cemetery, or any private or fraternal burial park. What is less clear is if these organizations are required to be responsible for care, maintenance, and embellishment of the cemetery in perpetuity without first agreeing to the transfer from the city or county.

Concerns have been raised by the California Special Districts Association, who represent public cemetery districts, that this bill would require a cemetery district to shoulder the significant burden of taking over an abandoned cemetery without its affirmative consent and threaten to upset the financial viability of a cemetery district. Given these concerns, the Committee may wish to consider if this bill should explicitly require consent from a

cemetery district prior to the transfer of responsibility of the cemetery from a city or county.

- 9) **Committee Amendments.** In response to policy consideration b), above, the Committee may wish to amend this bill as follows:

HSC 8833: (a)(1) Subject to paragraph (2), the city, county, or city and county may transfer the care and management of an abandoned endowment care cemetery to an entity described in Section 7612.2 of the Business and Professions Code to be responsible for the care, maintenance, and embellishment the cemetery and working with licensees under the Cemetery and Funeral Act (Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code) to perform burials for any graves in the cemetery previously sold.

(2) The city, county, or city and county may transfer the care and management of an abandoned endowment care cemetery to a public cemetery that is owned and operated by a public cemetery district only if the board of trustees of the public cemetery district has first passed a resolution declaring its consent to accept responsibility for the care and management of an abandoned endowment care cemetery.

- 10) **Arguments in Support.** According to Marin County, “SB 1312 provides a possible path. The bill establishes a process for a local government to formally declare abandonment and encourage responsible long-term stewardship by nonprofit organizations and licensed cemetery operators. The bill's liability protections, authority to utilize endowment care funds, and compliance flexibility for successor operators are particularly important tools that may finally make it feasible for responsible entities to assume stewardship of distressed cemetery properties.

“The County is especially supportive of the bill's recognition that successful transitions often require incentives for successor organizations. A nonprofit organization or licensed cemetery operator considering the assumption of responsibility for a severely distressed cemetery should not be expected to inherit decades of accumulated liabilities, nor should they be required to immediately bring a neglected property into full regulatory compliance. The framework established in SB 1312 appropriately balances accountability with practicality and creates meaningful opportunities for communities to secure long-term stewardship.

“The County also appreciates that SB 1312 is structured as a permissive (“may”) framework rather than a mandate (“shall”). The bill provides communities with additional tools and options by authorizing local governments to pursue abandonment declarations, ownership transfers, and long-term stewardship arrangements where appropriate, while preserving local discretion. We recognize that circumstances vary significantly across California and that not every community will choose to utilize the processes established by the bill.”

- 11) **Arguments in Opposition.** According to the California Special Districts Association, in a position of oppose unless amended, “California’s public cemetery districts provide residents with cost-effective final disposition services. As local public agencies, public cemetery districts’ funding is subject to Proposition 218 (1996). Proposition 218 requires these districts to obtain two-thirds voter or property owner approval before imposing or raising any new property-related fees, assessments, or general taxes. These revenue-generating measures are prohibited from exceeding the reasonable cost of providing the services offered by the

cemetery district. Therefore, public cemeteries fundamentally operate within a financial environment where their revenues closely match the scale of their current, ongoing operations; any significant new source of expenses could potentially threaten the financial viability of district operations, endangering the accessibility of those services to district residents.

“SB 1312 would create a process whereby a city, county, or city and county can, by majority vote, transfer an abandoned private endowment care cemetery to various entities, including public cemetery districts. Similarly, SB 1312 creates a process whereby a court may intervene in practically the same way. Neither of these processes involve the express, affirmative consent of the public cemetery district to shoulder the significant undertaking involved in taking over an abandoned cemetery. Without taking into consideration the judgment of the public cemetery district, these provisions of SB 1312 threaten to dramatically upset the financial viability of a public cemetery district.

“To address these concerns, we believe that SB 1312 should be amended such that in no case should any entity be able to unilaterally assign stewardship, ownership, responsibility, care, management, maintenance, or embellishment of an abandoned endowment care cemetery without the express, affirmative consent of the public cemetery district.”

12) **Double-Referral.** This bill is double referred to the Business & Professions Committee, where it passed on 17-2 vote on June 23, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

Cemetery and Mortuary Association of California
Marin County

Opposition

California Special Districts Association (unless amended)

Concerns

California State Association of Counties
Rural County Representatives of California
Urban Counties of California

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