



HISP Cemeteries and Preservation Law

HISP

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This study focuses on examining how laws serve as a mechanism to regulate the impact of development on cemeteries. Development pressure is the greatest threat to cemetery preservation, and the lack of effective regulatory control has left cemeteries vulnerable to a range of negative impacts that are disrespectful to the cultural significance of human remains.

Federal, state, and county laws are

analyzed to explore the full legal framework regarding cemeteries and their protection. Federal level laws have only limited capacities to protect cemeteries, which places a heavier burden on the states and counties. For this analysis, three states – South Carolina, Washington, and Maryland – and four Maryland counties – Montgomery, Prince George’s, Anne Arundel, and Howard – were considered, and their differences were compared

to assess their effectiveness in terms of preserving cemeteries.

Six factors were identified as key to assessing the effectiveness of cemetery laws: (1) the level of scope – preservation, protection, and/or access, (2) if there was priority given to historic cemeteries, (3) if the law was regulatory or advisory in nature, (4) if there was an effective enforcement process, (5) if there was an inventory

required, and (6) if there was provision for a cemetery preservation/oversight board.

Exploring each of these factors helped to assess the strengths and weaknesses of the laws and provided the basis for recommendations for best practices in developing a more cohesive and effective system of cemetery preservation laws.

