

52 N.J.R. 1849(a)

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RULE ADOPTIONS

Reporter

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RULE ADOPTIONS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS*

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > NEW JERSEY
CEMETERY BOARD

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:44J-5.3 and 14.1

Text

Trust Funds; Applications for Bulk Sales of Interment Spaces or Niches

Proposed: August 19, 2019, at 51 N.J.R. 1349(a).

Adopted: November 14, 2019, by the New Jersey Cemetery Board, William
C. Nichols, President.

Filed: September 2, 2020, as R.2020 d.090, **without change.**

Authority: N.J.S.A. 45:27-4 and P.L. 2015, c. 61.

Effective Date: October 5, 2020.

Expiration Date: April 5, 2025.

Summary of Public Comment and Agency Response:

The official comment period ended October 18, 2019. **No comments
were received.**

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Full text of the adoption follows:

SUBCHAPTER 5. CEMETERY COMPANIES

13:44J-5.3 Trust funds

(a)-(h) (No change.)

(i) Except as set forth in (j) below, membership or religious corporations or unincorporated associations or societies that sell or transfer interment spaces or niches to its members or their families shall transmit to the cemetery company for deposit in the Maintenance and Preservation Fund at least 15 percent of the gross sales price for similar interment spaces or niches established by the cemetery company at the time of the resale or transfer. A credit shall be given for any money previously paid into the Maintenance and Preservation Fund in connection with the interment space or niche.

(j) The deposit to the Maintenance and Preservation Fund pursuant to (i) above shall not be required if:

1. Title to the interment space or niche is not transferred and the interment space or niche was purchased by the membership or religious corporation after December 1, 1971;

2. The membership or religious corporation is organized as a not-for-profit entity and is operated exclusively for religious or charitable purposes provided to members or authorized designees of members; and

3. A fee was paid by the membership or religious corporation for deposit into the Maintenance and Preservation Fund when the interment space or niche was originally purchased.

SUBCHAPTER 14. SALES OF INTERMENT SPACES

13:44J-14.1 Applications for bulk sales of interment spaces or niches

(a)-(c) (No change.)

(d) An application for approval of a bulk sale shall include the following:

1. (No change.)

2. A statement by the cemetery company that:

i.-ii. (No change.)

iii. The cemetery company is aware that, except as provided in N.J.A.C. 13:44J-5.3(j), if the purchaser resells or transfers an interment space or niche in the future, at least 15 percent of the current retail gross sales price of comparable interment spaces or niches must be deposited into the Maintenance and Preservation Fund of the cemetery company, and that a credit shall be given for any money previously paid into the Maintenance and Preservation Fund in connection with the interment space or niche; and

iv. (No change.)

[page=1850] 3. A certified statement by an officer of the membership or religious corporation or unincorporated association or society that provides interment spaces or niches solely for its members and their families that:

i.-iii. (No change.)

iv. If the purchaser transfers or resells any interment space or niche in the future, except as provided in N.J.A.C. 13:44J-5.3(j), it will transmit to the cemetery for deposit into the Maintenance and Preservation Fund of the cemetery company at least 15 percent of the current retail gross sales price of comparable interment spaces or niches and that the purchaser shall receive a credit for any money previously paid into the Maintenance and Preservation Fund in connection with the interment space or niche;

v.-viii. (No change.)

4.-5. (No change.)

(e) (No change.)