



ELIGIBILITY FOR MPCD BURIAL RIGHTS California Health and Safety Code

As of 1-15-19

CODE TEXT

HEALTH AND SAFETY CODE - HSC

DIVISION 8. CEMETERIES [8100 - 9703]

(Division 8 enacted by Stats. 1939, Ch. 60.)

PART 4. PUBLIC CEMETERY DISTRICTS [9000 - 9093]

(Part 4 repealed and added by Stats. 2003, Ch. 57, Sec. 5.)

CHAPTER 5. Interments [9060 - 9069]

(Chapter 5 added by Stats. 2003, Ch. 57, Sec. 5.)

9060.

- (a) A district shall limit interment in a cemetery owned by the district to interment in the ground, in columbariums, and in mausoleums, as provided in this part.
- (b) A district shall limit interments to:
- (1) Persons who are residents of the district.
 - (2) Persons who are former residents of the district and who acquired interment rights while they were residents of the district.
 - (3) Persons who pay property taxes on property located in the district.
 - (4) Persons who formerly paid property taxes on property located in the district and who acquired interment rights while they paid those property taxes.
 - (5) Eligible nonresidents of the district, as provided in this chapter.
 - (6) Persons who are family members of any person described in this subdivision.
- (Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)*

9061.

- (a) A district may inter a person who is not a resident of the district or a person who does not pay property taxes on property located in the district in a cemetery owned by the district if all of the following apply:
- (1) The district has an endowment care fund that requires at least the minimum payment set pursuant to Section 9065.
 - (2) The district requires the payment of a nonresident fee set pursuant to Section 9068. A board of trustees may adopt a written policy that permits waiving the payment of the nonresident fee for a nonresident who had purchased an interment right while a resident or a taxpayer.
 - (3) The person meets the conditions listed in one or more of subdivisions (b) through (e).



(b) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if the person is a family member of a person who is already interred in a cemetery owned by the district or is a family member of a person who has acquired interment rights in a cemetery owned by a district.

(c) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person was a resident of the district or paid property taxes on property located in the district for continuous period of at least five years, a portion of which time period shall have occurred within the 10 years immediately before the person's death.

(2) The district receives a written request for the interment of the person from a person who is a resident of the district or who pays property taxes on property located within the district, and the person submitting the written request is not a trustee, officer, or employee of the district and is not a funeral director or an employee of a funeral director.

(3) The board of trustees determines that the cemetery has adequate space for the foreseeable future.

(d) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person was a resident of this state at the time of death.

(2) There is no private cemetery within a straight-line radius of 15 miles of the person's residence.

(3) There is no private cemetery nearer to the person's residence than the nearest cemetery owned by the district.

(4) The distances shall be measured in a straight line from the person's residence to the nearest private cemetery and the nearest cemetery owned by the district.

(e) A person is an eligible nonresident pursuant to paragraph (5) of subdivision (b) of Section 9060 if all of the following apply:

(1) The person died while either:

(A) Serving in the Armed Forces or the active militia, or

(B) In the line of duty as a peace officer or firefighter.

(2) The board of trustees determines that the cemetery has adequate space for the foreseeable future.

(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)

9062.

Notwithstanding Section 9060, the board of trustees may contract with any county in which the district is located to inter persons for whose interment the county is responsible pursuant to Chapter 10 (commencing with Section 27460) of Division 2 of Title 3 of the Government Code or Chapter 3 (commencing with Section 7100) of Part 1 of Division 7 of this code, if all of the following apply:

(a) The board of trustees determines that the cemetery has adequate space for the foreseeable future.

(b) The district has an endowment care fund that requires at least the minimum payment set pursuant to Section 9065.

(c) The contract requires the county to pay the costs of the interment, including a payment to the district's endowment care fund.

(Added by Stats. 2003, Ch. 57, Sec. 5. Effective January 1, 2004.)