

**VIRGINIA HISTORICAL AFRICAN AMERICAN CEMETERY AND
GRAVES FUND**

Program Manual

Administered by the Virginia Department of Historic Resources

Virginia Historical African American Cemetery and Graves Fund Guidelines for Disbursement of Funds

AUTHORITY AND PURPOSE

Chapter 22 Title 10.1 of the Code of Virginia entitled “Historic Resources” created the Virginia Department of Historic Resources (hereinafter referred to as the “Department” or “DHR”) and was enacted to support the preservation and protection of the Commonwealth of Virginia’s significant historic, architectural, archaeological, and cultural resources.

§10.1-2202 of the Code of Virginia authorizes the Director (of DHR) “to manage and administer the Historical African American Cemeteries and Graves Fund as provided in §10.1-2211.3.”

§10.1-2211.2 authorizes the Department to “disburse funds to any qualified organization to fund maintenance and care of additional historical African American graves in the Commonwealth that have been certified by the Department and documented in the Department’s cultural resources database.”

§10.1-2211.2 also states that “any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves shall submit an application to the Department on or before May 30 each year.”

§10.1-2211.3 of the Code of Virginia establishes a non-reverting fund and “shall be used solely for the purposes set out in ... §10.1-2211.2.”

A “Historical African American cemetery” is defined as “a cemetery that was established prior to January 1, 1900, for the interment of African Americans.”

A “qualified organization” is defined as “a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and whose primary purpose is the preservation of historical cemeteries and graves or any person or locality that owns a historical African American cemetery.”

DHR has established the following guidelines and criteria to facilitate the disbursement of monies appropriated by the General Assembly in its annual Budget Bill.

PROGRAM OVERVIEW

Monies provided for under this Code section in the general appropriation act shall be used exclusively for the purpose of maintaining and preserving historical African-American cemeteries by qualifying organizations (hereinafter referred to as “organizations”). Such funds are appropriated on the basis of the number of graves, monuments, and markers in the qualifying cemetery multiplied by the rate of \$5.

The Department determines the average actual cost of routine maintenance of a grave, monument, or marker in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth. If the average cost is determined to be greater than \$5, the annual introduced Budget Bill or budget amendments requesting funding under this Code section will need to reflect the greater amount.

ELIGIBLE ORGANIZATIONS:

1. Charitable corporations, associations, or trusts that provide the following documentation:
 - a. Proof of valid, current tax-exempt status under § 501(c)(3) of the Internal Revenue Code.
 - b. Proof that the preservation of historical cemeteries and graves is a primary purpose of the corporation, association, or trust through submission of the organization's mission statement, work plan, policies, by-laws or other formal documentation; and
 - c. Proof of current registration with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia's Charitable Solicitation of Contributions Law, Sections 57-48 through 57-69 of the Code of Virginia (Form 102) or proof of exemption from the registration requirements of section 57-49 of the Law (Form 100-C).

2. Any "Person" as defined in § 1-230 "includes any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity and any successor, representative, agent, agency, or instrumentality thereof" that owns a historical African American cemetery as defined in 10.1-2211.2 that provides the following documentation:
 - a. A copy of the deed of ownership; and
 - b. Proof of current registration with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia's Charitable Solicitation of Contributions Law, Sections 57-48 through 57-69 of the Code of Virginia (Form 102) or proof of exemption from the registration requirements of section 57-49 of the Law (Form 100-C).

3. Any locality that owns a historical African American cemetery as defined in 10.1-2211.2 that provides that following documentation:

A copy of the deed of ownership; or if the cemetery has been deemed "abandoned" or "neglected" pursuant to §57-36 or §57-39.1 of the *Code of Virginia*, a copy of proof of such determination.

ELIGIBLE/APPROPRIATE USES OF FUNDING

Funds received under this Code section are restricted to the following uses:

1. Vegetation management,
2. Caring for existing markers, memorials, and monuments to the memory of African Americans,
3. The erection of replacement markers, memorials, and monuments to the memory of African Americans, and
4. Hiring an experienced and professional consultant to draft a preservation plan for the cumulative scope of work at the historical African American cemetery.

Vegetation Management

Carefully monitoring and managing trees and other vegetation is an integral part of a cemetery preventive conservation program. Mature trees and ornamental shrubs can add character, shade, and seasonal color to historic cemeteries. However, if not properly maintained, they can damage grave markers, fencing, and other historic features. Mature trees may fall during storms and drop large limbs that topple grave markers and mangle fencing. Overgrown vegetation creates wet, shaded areas and fosters biological growth that can accelerate deterioration of stone, iron, and wood objects. A treatment plan for cemetery vegetation should address trees, shrubs, vines, and "volunteer" growth.

The pruning of trees and shrubs adjacent to grave markers to allow air circulation and light penetration is appropriate. Many may be historic features integral to the cultural landscape and worthy of preservation. If trees and bushes with deep root systems are considered for removal, the entity to whom the funds were disbursed should contact DHR for advice and onsite direction prior to any such removal or ground disturbance.

Regarding lawn care, historic cemeteries were not designed for today's large riding lawnmowers, yet this is the mower of choice for many cemeteries, as mowing is one of the most time-consuming and costly maintenance tasks generally undertaken. Mowing between tight spots with a large riding mower deck is destined to cause damage. Best practices include using a smaller push mower between particularly sensitive features and outfitting riding mower decks with protective bumpers. Low-cost options include using fire hose padding or a foam swimming noodle. Additional damage is caused by riding over low stones or coping, especially when the blade height is set low. If rolling over these features is unavoidable, many riding mowers have a hand-control adjustment to temporarily raise and lower the blade height.

Improper use of a string-trimmer is also potentially destructive, especially when it comes into contact with soft materials such as marble, limestone, and wood. Using the lightest trim line and angling the trimmer head towards the ground will help reduce damage if the trimmer hits unintended targets. Hand trimming should be considered around the most significant, fragile features.

As a time-saving measure, herbicides are sometimes used around the base of features to remove unwanted grass and weeds. In most cases, use of herbicides for this purpose is not recommended, as salts within the herbicide can wick into the stone (especially soft stones) and cause spalling and deterioration. The removal of vegetation also exposes soil around the base of the grave marker, which, in a heavy rain, can cause soil splashing that may result in staining. If fertilizer is applied, choosing a natural organic fertilizer to minimize salt content for the reasons stated above is a best practice. For any chemical application, rinsing away residue from grave markers, etc., with water using a low-pressure hose or spray bottle to minimize continued contact is important.

Ongoing maintenance of cemetery vegetation is essential to conserve grave markers and fencing. Periodic inspections may warrant removing trees; trimming tree limbs, shrubs, and vines; and removing volunteer vegetation. Annual inspections are necessary to assess the condition of shrubs and vines, and to identify volunteer growth for removal. Mowing and trimming around the hundreds of stone, brick, iron, and wood features found in many cemeteries is a weekly or bi-weekly chore. Lawn care is the most time-consuming, and, if not done carefully, potentially destructive maintenance activity in historic cemeteries.

Preserving/Caring For Grave Markers, Memorials, and Monuments

While cemeteries are often considered to be perpetual, their most prominent feature—the grave markers and monuments—are not. They weather, naturally decay, often are poorly maintained and repaired, and, on occasion, are vandalized. Grave markers, memorials, and monuments are usually noteworthy not only for their inscriptions but also for their craftsmanship. Exceptional markers, memorials, and monuments are considered works of art.

Reviewing the National Park Service's *Preservation Brief 48* entitled *Preserving Grave Markers in Historic Cemeteries* at www.nps.gov/tps/how-to-preserve/briefs/48-preserving-grave-markers.htm is essential reading for any organization intent on preserving markers,

memorials, and monuments in any cemetery. This document focuses on a single aspect of historic cemetery preservation—providing guidance for owners, property managers, administrators, in-house maintenance staff, volunteers, and others who are responsible for or are interested in preserving and protecting grave markers. Besides describing grave marker materials and the risk factors that contribute to their decay, the Preservation Brief provides guidance for assessing their conditions and discusses maintenance programs and various preservation treatments. Also identified are a number of excellent references that address materials used in all grave markers, including several other Preservation Briefs (listed in Additional Reading). This Preservation Brief highlights particular issues that should be considered with historic grave markers. It is highly recommended that DHR be consulted whenever grave marker preservation projects are undertaken in order to provide technical advice on best practices in cemetery marker preservation and maintenance.

Erection of Replacement Markers, Memorials, and Monuments

Small modern markers that lie flat on the ground may be relatively easily installed by cemetery caretakers. The Department recommends that larger or upright monuments be installed by a monument company to avoid injury. **Note:** care should be taken to avoid excavation of more than a few inches as the depth of historic interments is notoriously unpredictable. Graves may be as shallow as 1.5 feet below modern ground surface.

Preservation Planning

Given that cemeteries represent both burial grounds and cultural landscapes, often containing a wide range of natural and manmade elements, caretaker organizations can find long-term maintenance a challenge. Hiring an experienced professional to draft a preservation plan for a historic cemetery is highly recommended for any organization that is responsible for maintaining a cemetery. A useful preservation plan, at a minimum, should consist of the following components: a Mission Statement; an Inventory and Documentation of Cemetery Resources (gravestones and other markers, walls and fencing, landscaping and landscape elements, etc.); a Condition Assessment of Identified Resources, and a Maintenance and Treatment Plan (to include a priority schedule of maintenance and treatment based on severity of threat and budget). Again, reviewing the National Park Service's *Preservation Brief 48* entitled *Preserving Grave Markers in Historic Cemeteries* at www.nps.gov/tps/how-to-preserve/briefs/48-preserving-grave-markers.htm is essential reading for any organization intent on creating a preservation plan for a historic cemetery.

INELIGIBLE/INAPPROPRIATE USE OF FUNDS INCLUDES BUT ARE NOT LIMITED TO:

- **Tree removal**
- **New construction**
- **New markers, memorials, or monuments**
- **New fencing that does not replace existing fencing**
- **Excavation (other than that required for installation or resetting of monuments)**
- **Employee salaries**
- **Equipment purchase**
- **Drainage/erosion mitigation**
- **Ground Penetrating Radar (GPR) not pre-approved by DHR**

REQUESTS FOR FUNDS

All requests for funds appropriated for the care of historical African American cemeteries and graves shall be made through the Virginia Department of Historic Resources.

New applicants for the disbursement of funds must complete the *Virginia Historical African American Cemetery and Graves Fund Application* and submit the required documentation as outlined in the application.

In addition to the application and accompanying documentation required, applicants must also sign and return DHR's *Cemetery Routine Maintenance Agreement* and *Cemetery Acknowledgement of Reporting Requirements* documents prior to any funds being disbursed.

ANNUAL REPORTING

An officer of the organization or locality having received funds shall after July 1 of each year submit to the Director a certified statement that the funds appropriated during the preceding fiscal year were or will be expended for the purposes set forth in § 10.1-2211.2 and in this manual. The "certified statement" shall include the following:

1. a completed *Reconciliation of Expenses Form* detailing the disbursement of funds including payees, dates, amounts, and, when necessary, descriptions of expenditures. The reconciliation should follow the reporting format provided and detail disbursements made in the prior state fiscal year (July 1-June 30).
2. a signed, dated, and attested letter from the fund recipient to the VDHR confirming the validity and accuracy of the reconciliation.

All certified statements and accompanying documentation as outlined above shall be received by the VDHR within 90 days after July 1st of each year. After review of the documentation, if more detailed information is required, that information must be provided to DHR's Grants Manager.

Any organization that fails to comply with any of the requirements set forth in § 10.1-2211.2 or in this manual shall not be eligible to receive additional funding for any subsequent fiscal year until the organization agrees to fully comply with all of the aforementioned requirements.

Submit Disbursement Requests and Documentation To:

David A. Edwards
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540-868-7030

For questions contact David Edwards at 540-868-7030 or by email at:
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