

VIRGINIA HISTORICAL AFRICAN AMERICAN CEMETERY AND GRAVES FUND

2022-2023 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.”

§10.1-2211.3 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.”

§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.”

A *historical African American cemetery* is defined as a “cemetery that was established prior to January 1, 1948, 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 representing the resting places of African Americans buried in the qualifying cemetery prior to January 1, 1948, 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, §§ 57-48 through 57-69 of the *Code of Virginia* (Form 102), or proof of exemption from the registration requirements of § 57-49 (Form 100-C).
2. A "Person" meeting the definition found in § 1-230 of the *Code of Virginia* ("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") and that provides the following documentation:
 - a. A copy of the deed confirming ownership of the cemetery; and
 - b. Proof of current registration with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia's Charitable Solicitation of Contributions Law, §§ 57-48 through 57-69 of the *Code of Virginia* (Form 102) or proof of exemption from the registration requirements of § 57-49 (Form 100-C).
 3. Any locality that owns a historical African American cemetery as defined in § 10.1-2211.2 and that provides the following documentation:
 - a. A copy of the deed confirming ownership of the cemetery; or
 - b. 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 (mowing, weed and vine removal, pruning, etc.):
2. Caring for existing markers, memorials, and monuments to the memory of African Americans (careful cleaning, repair, resetting);
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. Many such trees/shrubs may be historic features integral to the cultural landscape and worthy of preservation. However, if not properly maintained, they can damage grave markers, fencing, and other historic features. Mature trees may fall during storms or 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. Pruning trees and shrubs adjacent to grave markers allows air circulation and light penetration. A treatment plan for cemetery vegetation should address trees, shrubs, vines, and "volunteer" growth.

Mowing is one of the most time-consuming and costly maintenance tasks for cemetery owners and caretakers. If not done carefully, it is also one of the most potentially destructive maintenance activities. Historic cemeteries were not designed for today's large riding lawn mowers, and mowing between tight spots with a large mower deck is destined to cause damage. When at all possible, DHR recommends using a smaller push mower between particularly sensitive features

and outfitting riding mower decks with protective bumpers (these can be anything from firehose padding to pipe insulation to foam pool noodles). Additional damage can be caused by riding over low stones or coping, especially when the blade height is set low. If rolling over these features is unavoidable, DHR recommends adjusting the mower blade height to avoid them.

Use of string trimmers is also potentially destructive, especially when the line comes into contact with softer 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. Whenever possible, hand trimming should be considered around the most significant, fragile features.

Herbicides are sometimes used around the base of headstones and other 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 and additional biological growth.

If fertilizer is applied to grass or ornamental plants, DHR recommends choosing a natural organic fertilizer to minimize salt content for the reasons stated above. Following any chemical application, rinsing away residue from grave markers, etc., with water using a low-pressure hose or pump-spray bottle 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.

Preserving/Caring For Grave Markers, Memorials, and Monuments

Reviewing the National Park Service's Preservation Brief 48, entitled *Preserving Grave Markers in Historic Cemeteries*, is essential reading. 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), as well as particular issues that should be considered with historic grave markers. www.nps.gov/tps/how-to-preserve/briefs/48-preserving-grave-markers.htm

DHR highly recommends that you contact us whenever grave marker preservation projects are undertaken. Our staff have decades of experience in conservation, materials identification, cemetery maintenance, and archaeology, and can provide technical advice on best practices. DHR does not promote or encourage the use of chemicals, bleaches, commercially available cleaners, or power-washing when caring for funerary markers.

Erection of Replacement Markers, Memorials, and Monuments

Small modern markers that lie flat on the ground weigh around 130-150 pounds, and may be relatively easily installed by cemetery caretakers. Please note that the average upright headstone weighs anywhere from 250-300 pounds, and many older stones are quite fragile. The Department

recommends that larger or upright monuments be installed by a qualified monument company to avoid damage to the stone and injury to personnel. Note: care should be taken to avoid excavation of more than a few inches as historic 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). Reviewing the National Park Service's Preservation Brief 48 is encouraged.

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 or fencing identified through archaeological investigation**
- **Excavation/ground disturbance (other than that required for approved installation or resetting of monuments)**
- **Employee salaries**
- **Equipment purchase**
- **Drainage/erosion mitigation**
- **Ground Penetrating Radar (GPR) not pre-approved by DHR**

All applicants are strongly encouraged to contact DHR prior to beginning any project to ensure that it complies with these funding restrictions. Funding requests for ineligible projects may be denied at DHR's sole discretion.

APPLICATION

New applicants for the disbursement of funds must complete the *Virginia Historical African American Cemetery and Graves Fund Application* and submit it and all required documentation as outlined in the application. Applicants must also sign and return DHR's *Cemetery Routine Maintenance Agreement* and *Cemetery Acknowledgement of Reporting Requirements*. Please contact DHR with any questions.

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. A signed *Cemetery Routine Maintenance Agreement* and *Cemetery Acknowledgement of Reporting Requirements* must be on file prior to any funds being disbursed.

Any person or organization requesting disbursement must be registered with the eVA Customer Care portal in order to receive payment. Please contact evacustomercare@dgs.virginia.gov or (866) 289-7367.

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); and
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.

Please Submit Applications, Disbursement Requests, and Documentation To:

Joanna Wilson Green
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2801 Kensington Avenue
Richmond, Virginia 23221
joanna.wilson@dhr.virginia.gov

Questions? Please contact Joanna at 804-482-6098 or
joanna.wilson@dhr.virginia.gov

We look forward to working with you!