

VIRGINIA HISTORICAL AFRICAN AMERICAN CEMETERY AND GRAVES FUND

2024-2025 Program Manual



Administered by the Virginia Department of Historic Resources
2801 Kensington Avenue, Richmond VA 20221
www.dhr.virginia.gov

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 (revised 2022) authorizes the Department to provide funding for cemetery maintenance at the current rate of \$5 per eligible grave for those cemeteries codified in this Section, and 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; any person or locality that owns a historical African American cemetery; or any locality whose purpose for applying for funding pursuant to this section is to maintain a neglected historical African American cemetery, or a portion thereof, that is located within its jurisdictional bounds.”

Graves that meet the following conditions will be considered eligible for funding:

1. Individuals born prior to 1900 (regardless of death date);
2. Individuals born on or after January 1, 1900, and interred prior to 1948.

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 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 applicants. Such funds are appropriated based on the number of eligible graves, monuments, and/or markers representing the resting places of African Americans buried 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 Services (VDACS) 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). Please note that churches are exempt from registration.
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 VDACS or proof of exemption (see above).
3. Any locality that applies specifically for funds to support maintenance of a neglected African American cemetery, or portion thereof, and provides the following documentation:
 - a. Confirmation that the cemetery is within the locality's jurisdictional boundaries.

ELIGIBLE/APPROPRIATE USES OF FUNDING

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

- Vegetation management (mowing, weed and vine removal, pruning, etc.):
- Caring for existing markers, memorials, and monuments to the memory of African Americans (careful cleaning, repair, resetting);
- Installation of replacement markers, memorials, and monuments to the memory of African Americans, and
- Hiring an experienced and professional consultant to create a preservation plan for the historical African American cemetery, which may include Ground Penetrating Radar (GPR) survey when pre-approved by DHR.

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, and many may be historic features worthy of preservation. If not properly maintained, however, 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 and trimming or removing other growth adjacent to grave markers allows air circulation and light penetration. A treatment plan for cemetery vegetation should address trees, shrubs, vines, and unwanted or "volunteer" growth. The following common maintenance activities should be considered when planning projects that will use state funds:

Mowing is one of the most time-consuming and costly maintenance tasks for cemetery owners and caretakers and is also one of the most potentially destructive. 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 pipe insulation to foam pool noodles). Additional damage can be caused by riding over low stones or coping. If rolling over these features is unavoidable, the mower blade height should be adjusted to avoid them.

String trimming 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.

Herbicide use in cemeteries is not generally recommended, as salts within the herbicide can wick into the stone and cause deterioration. The die-back of vegetation also exposes soil around the bases of grave markers which can result in soil splashing, staining, and additional biological growth. When the use of herbicides is necessary DHR recommends applying by hand to unwanted growth and avoiding broadcast spray or application whenever possible.

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 trimming or removing trees, trimming shrubs and vines, and removing unwanted vegetation. Annual inspections are necessary to assess the condition of plantings and to identify volunteer growth for removal.

[Caring for Grave Markers, Memorials, and Monuments](#)

DHR strongly recommends that all applicants review the National Park Service's Preservation Brief 48: *Preserving Grave Markers in Historic Cemeteries*. 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. The document also provides several excellent references that address both general and specific issues associated with care and preservation of grave markers. The brief may be found online at: <https://www.nps.gov/orgs/1739/upload/preservation-brief-48-grave-markers.pdf>

Please contact DHR 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, and will not approve funding for such applications.*

Replacement Markers, Memorials, and Monuments

Funds may be used to purchase and site replacements for existing markers that are damaged beyond repair, as well as memorials for currently unmarked graves. The size and material type of the preferred marker should dictate whether professional installation is necessary. Metal stake markers and wooden crosses require very little ground disturbance and can be installed by caretakers. Small modern markers that lie flat on the ground weigh around 130-150 pounds and may be relatively easily installed by cemetery caretakers as well. Professional assistance should be obtained before attempting to remove an existing marker or installing large upright markers. *Please note that the average upright headstone weighs anywhere from 250-300 pounds.* 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. 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, long-term maintenance can be a challenge. Hiring an experienced professional to draft a preservation plan for a historic cemetery is highly recommended for any organization responsible for maintaining a cemetery. At minimum a useful preservation plan 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 (to include both the cemetery as a whole and individual markers and other features), 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.

Ground Penetrating Radar (GPR) can be a useful tool in the search for unmarked graves, but its effectiveness is directly influenced by both the location and condition of a given cemetery and the training and experience of the equipment operator. To obtain grant funds to support this activity the applicant must provide DHR with a scope of work and budget for this activity and receive the Department's prior approval. DHR can provide contact information for reliable Virginia operators upon request.



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

- Removal of standing trees
- New construction
- New markers, memorials, or monuments other than those for currently unmarked graves
- New fencing that does not replace existing fencing or fencing identified through archaeological investigation
- Excavation/ground disturbance (other than that approved by DHR pursuant to installation or resetting of monuments or replacement of fencing)
- Employee salaries
- Equipment purchase
- Drainage/erosion mitigation
- Ground Penetrating Radar (GPR) unless 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* and provide a completed Virginia Form W-9. Application materials may be found on the DHR website at <https://www.dhr.virginia.gov/programs/cemetery-preservation/>. All forms are provided as fillable PDFs. If you require a form in Word format or prefer to receive an information packet and application by mail, please contact DHR.

Please contact the Virginia Department of Agriculture and Consumer Services (VDACS) for necessary forms and to speak with a representative regarding any questions you have about your registration or exemption therefrom: <https://www.vdacs.virginia.gov/services-forms.shtml>.

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* and a current, accurate Virginia Form W-9 must be on file prior to any funds being disbursed.

Regarding completion of the required Form W-9, If you or your organization do not have a Federal identification number (EIN) or do not know your number please contact the Internal Revenue Service directly. Unless we have a previous form on file DHR will not have this information.

ANNUAL REPORTING

After July 1 of each year all successful applicants must 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.

For those who received grant funds between July 1, 2023 and June 31, 2024, your reporting period begins July 1, 2024. All certified statements and accompanying documentation as outlined above must be received by the VDHR no earlier than July 1 and no later than September 30 following receipt of funds. 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 until the required documentation has been received and approved by DHR.

Please submit grant applications and all other documentation to:

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

Please contact Joanna at 804-482-6098
or joanna.wilson@dhr.virginia.gov with any questions.

We look forward to working with you!